

MIN 57088.04

23 December 2004

Mr N Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition number 400-04 received by the House on 9 November 2004, regarding a proposed development in Montville. The Honourable Desley Boyle MP, Minister for Environment, Local Government, Planning and Women forwarded a copy of the wording of this petition to me for my consideration and direct reply.

Please find attached a copy of my response to the Principal Petitioner, Mr Richard McDonald.

Yours sincerely

(signed)

TERRY MACKENROTH

Encl

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23 December 2004

Mr R McDonald
Principal Petitioner and
President of the Blackall Range Land Use Planning Association
PO Box 27
MAPLETON QLD 4560

Dear Mr McDonald

I have been provided with a copy of the wording of your petition received by the Queensland Legislative Assembly on 9 November 2004, regarding a proposed development in Montville. The petition has identified that the proposed residential and golf course development behind the village of Montville contravenes the Maroochy Plan 2000 and requests the Office of Urban Management (OUM) to use their call in powers in regards to the application.

An application for a 'material change of use' to provide for a mixed use residential and golf course development at Montville was lodged with the Maroochy Shire Council in October 2004. The date of lodgement was prior to the Draft South East Queensland Regional Plan's (the draft plan's) regulatory provisions coming into affect on 27 October 2004. Consequently, the application does not trigger impact assessment referral to the OUM.

Applications for 'material change of use' for projects such as the proposed Links Development at Montville are required to follow a set review process under the *Integrated Planning Act 1997*. The review process depends on a range of factors, including the intended use of the land, the existing zoning and the potential impact of the development.

Under the planning legislation, the assessment manager is responsible to ensure that all relevant issues are adequately considered. For the Montville area, the assessment manager would be the Maroochy Shire Council. In addition, a number of State Government agencies are likely to be involved through their role as a concurrence agency or through requests for third party advice.

I understand that the proposal has been forwarded to the OUM for third party advice. The advice provided by the OUM will reflect an assessment of the application using the intent of the draft plan and its principles and strategies.

With respect to the new call in powers, these powers rest with me as the Minister responsible for regional planning in the SEQ Region (the regional planning Minister), and not the OUM. The *Integrated Planning Act 1997* (IPA) provides for these Ministerial call in powers.

In summary, certain Ministers may call in an application only if the proposal involves a state interest. An application can be called in at any time after the application has been made and before the time that is 10 business days after the end of any appeal period, regardless of an appeal being made. The IPA also enables me as the regional planning Minister, to call in an application that was made before the draft Regulatory Provisions came into effect. However, although the IPA does provide me with call in powers, these reserve powers are for exceptional cases only and the issues need to be fully considered before such action is taken.

I hope this information is of assistance to you.

Yours sincerely

(signed)

TERRY MACKENROTH