



Hon Andrew Fraser MP
Member for Mt Coot-tha



**Queensland
Government**

MC06.7032, MC07.204 & MC07.708

**Minister for Local Government,
Planning and Sport**

30 APR 2007

Mr Neil Laurie
Clerk of the Parliament

TableOffice@parliament.qld.gov.au

Dear Neil

Thank you for providing me with a copy of the wording of petition no. 745-06 received by the Queensland Legislative Assembly regarding objections to Maroochy Shire Council's approval of 107 lots and 68 multiple dwelling units at 42 David Low Way, Bli Bli.

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

I note there are matters of State interest involved in the proposed development, evidenced by the statutory involvement in the assessment process by the Department of Main Roads, the Department of Natural Resources and Water (DNRW), the Department of Primary Industries and Fisheries (DPI&F), the Office of Urban Management and the Environmental Protection Agency (EPA) as concurrence agencies under the IPA. Each of these State agencies has assessed the application in accordance with their relevant legislative jurisdiction.

I am advised that conditions attached to the approval by the EPA and DPI&F address issues of interest to the State under their respective jurisdictions and respond to concerns regarding impacts on the Maroochy Wetlands and Fish Habitat.

The Honourable Lindy Nelson-Carr MP, Minister for Environment and Multiculturalism advised that the site contains a significant coastal wetland mapped under the SEQ Regional Coastal Management Plan 2006. The site also contains 'of concern' remnant ecosystems in the northern extreme of the site and supports habitat for endangered, vulnerable and rare species identified by the EPA's Biodiversity Planning Assessment.

The approved development provides for the dedication of the wetland as an environmental park. The approval also provides for a buffer and management plan for the ongoing protection of the wetland.

The 'of concern' remnant regional ecosystems in the northern extreme of the site are subject to requirements of the *Vegetation Management Act 1999* (VMA) as administered by DNRW. The VMA provides adequately for the protection of this ecosystem.

The EPA considers the dedication of the environmental park, subject to appropriate management of the buffer and the other statutory provisions relating to the clearing of the vegetation, adequately address the State interests in relation to environment matters.

Conditions provided by DPI&F will see approximately 9.22 hectares of land dedicated as environmental park and a Fisheries Habitat Enhancement Plan for 1.43 ha of land on the site. DPI&F considers that the conditions of the fisheries development approval will ensure that local fish habitats are protected and maintained for sustainable fisheries, while allowing for some development on the site.

Ministerial call in powers are reserve powers and decisions on their use are not taken lightly. In light of the information provided by the relevant State agencies, the exercise of the reserve power is not warranted in this instance.

I trust this information is of assistance.

Yours sincerely

ANDREW FRASER