

17 November 2020

Contact: Strategic Planning Unit

Honourable Steven Miles MP
Deputy Premier and
Minister for State Development, Infrastructure, Local Government and Planning
GPO Box 611
BRISBANE QLD 4001
treasurer@ministerial.qld.gov.au

Dear Deputy Premier

Firstly, I would like to congratulate you on your new Portfolio and look forward to working closely with you and your Department as Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning.

I write in relation to the State Government's Temporary Local Planning Instrument 02/2020 – Quandamooka Land Aspirations Area (the TLPI).

Following the commencement of the TLPI, Redland City Council (Council), at its General Meeting on 7 October 2020, considered a report (Attachment 1) setting out relevant background information to the release of the TLPI.

I am writing to advise that in response to the report, Council resolved as follows:

1. To note the content of this report.
2. To authorise the Chief Executive Officer to send a copy of the report to the State Government to seek a response from the new government to the issues raised in particular: future public consultation, conflicts with State land use overlays, strategic planning and infrastructure requirements for the island.

While Council is supportive of the Quandamooka People's aspirations, the recent Council report and resolution highlight a number of concerns held by Council. Importantly, Council continue to seek every opportunity to work collaboratively with QYAC and the broader community on the complex issues which are sometimes frustratingly played out in the public domain and not through established channels.

In accordance with the resolution I am writing to provide a copy of the report and to seek a response from the State Government on the report and the following specific matters:

Public consultation

At this stage, the State Government has advised that public consultation on the TLPI zone changes will occur through the formal city plan amendment process. While Council supports public consultation it is concerned that the TLPI gives immediate effect to the rezoning of a number of land parcels. This may potentially result in development applications being lodged prior to any public consultation on the zone changes taking place.

In addition, it is unclear what scope Council may have to consider any properly made submission lodged during the public consultation period following a Ministerial direction to amend Council's planning scheme, since it is understood the land use outcomes are reflective of State Government commitments to the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC).

Council's view is it would be appropriate for the State Government to take the lead role in the public consultation and be responsible for reviewing and addressing all submissions which may be received.

Conflicts with State land use overlays

Many of the sites rezoned by the TLPI are significantly impacted by a range of State Government hazards, values and constraints overlays. The State Government should provide direction and any planning reports that may be available and which address how these conflict may be addressed.

Strategic planning

As expressed in previous correspondence, Council maintains the State Government should commit to undertaking a comprehensive consultation exercise which articulates its strategic plan for Minjerribah and outline how it intends to accommodate the land use aspirations of the Quandamooka People.


Infrastructure requirements

At this stage, it is unclear what work may have been completed by the State Government to ensure new development areas are able to be provided with necessary infrastructure and services.

Council's view is detailed technical analysis will be required to understand infrastructure demand and servicing options and that the provision of infrastructure and services to these areas should be provided at no cost to Council or the broader Redlands Coast community.

I look forward to receiving your response to these matters and invite you to contact me directly or [redacted] Group Manager City Planning and Assessment [redacted] should you, or any of your officers in the department, wish to further discuss these matters or require any further information.

Yours sincerely


Andrew Chesterman
Chief Executive Officer
Redland City Council
Encl.

c.c. Cameron Costello, CEO, QYAC
[redacted] State Planner, Department of State Development, Infrastructure, Local Government and Planning

14.5 NORTH STRADBROKE ISLAND (MINJERRIBAH) TEMPORARY LOCAL PLANNING INSTRUMENT**Objective Reference:** A4909457**Authorising Officer:** Graham Simpson, Acting General Manager Community & Customer Services**Responsible Officer:** Giles Tyler, Acting Group Manager City Planning & Assessment**Report Author:** Dean Butcher, Strategic Planner**Attachments:** Nil**PURPOSE**

To provide Council with the background that informed the recent release of the State Government's Temporary Local Planning Instrument (TLPI) for North Stradbroke Island (Minjerribah).

BACKGROUND

- On 7 April 2011, the *North Stradbroke Island and Protection and Sustainability Act 2011* was passed by the Queensland Government. The legislation confirmed the dates to end mining on North Stradbroke Island (NSI) and enabled the adoption of joint management arrangements for newly created national park.
- Following the adoption of the legislation, Council received correspondence from the State committing to the establishment of a North Stradbroke Island Steering Committee which would include the Minister for the Department of Environment and Resource Management (DERM), Redland City Mayor, nominees from the Quandamooka people as well as nominees from the environment sector, NSI Chamber of Commerce, Sibelco and the broader North Stradbroke Island community. It was indicated that this group would provide a high level leadership and direction on all key aspects of the NSI Strategy.
- The letter also proposed the creation of a Land Use Planning Coordination Group led by the Chief Executive Officer of DERM and Chief Executive Officer of Redland City Council, with appropriate officer representation from DERM, the State Planning Department, Council and Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC). A key task assigned to the group was responsibility for proposed investigations to determine the most appropriate use for land identified as native title land. The State confirmed at this time, it had primary responsibility to complete this task.
- On 4 July 2011, the Federal Court's consent determination recognised Native Title rights and interests on land and waters surrounding NSI. The consent determination was followed by the signing of separate confidential Indigenous Land Use Agreements (ILUAs) between Council and the Quandamooka people and the State and Quandamooka people. Council was not privy to any detailed information contained in the State ILUA.
- To facilitate the necessary investigation and to determine the most appropriate use for land identified as native title land under the consent determination, the State, Council and QYAC entered into a Heads of Agreement (HoA). The HoA committed the parties to work together to undertake the necessary studies, complete detailed planning investigations and make recommendations to the Planning Minister.

- Council actively supported the HoA at the time on the understanding the responsibilities for leading the planning process, funding the investigation, addressing infrastructure requirements and putting in place an appropriate statutory planning instrument to enable QYAC to realise its development aspirations rested with the State Government.
- Council were subsequently provided, on a confidential basis, details of the lands to be investigated in 2012.
- A number of the sites proposed to be investigated were affected by a range of physical constraints, with limited or no infrastructure provision.
- Despite previous assurances for a coordinated 'whole of island' planning exercise, the scope of planning investigations in which Council was involved was scaled back following the election of a new State Government in 2012 to a number of land parcels identified as native title land by the State and QYAC.
- A revised Land Use Planning Committee (LUPC) was reestablished in early 2013 with PSA consulting being engaged by the State to undertake investigations of the identified land parcels.
- Meetings of the LUPC were held in April 2013 and December 2013, with further meetings held between January and June 2014 to discuss the draft planning work.
- Planning investigations by consultant PSA of the land parcels was largely based on a desktop constraints analysis, with basic assessment of servicing capacity.
- In correspondence provided from the Mayor to the Planning Minister in December 2013, Council expressed concerns that the desktop planning exercises did not satisfy the requirements under the HoA.
- In a response dated 9 January 2014, the then Deputy Premier acknowledged Council concerns that the investigations to date were primarily a desktop analysis and did not satisfy the HoA. However, the letter confirmed that the analysis was only the first stage of the planning investigation process and the analysis was necessary to identify the area of land suitable for development to inform future stages of the project.
- At a LUPC meeting in February 2014, State Government officers indicated that in their view the new Redland City Plan may provide an opportunity to reflect QYAC's land use aspirations.
- Council officers indicated that if the Planning Minister did determine that the new planning scheme was the appropriate statutory mechanism to deliver the outcomes of the land parcels, it was likely Council would require formal written directions to incorporate these elements into the planning scheme. Furthermore, in accordance with the HoA, it would be expected that the State should be responsible for managing the engagement process regarding the outcomes of the planning studies.
- Final meetings on the lands under investigation were conducted in mid-2014 where Council were provided with the latest copies of PSA's reports. An updated copy of the planning studies, dated October 2014, was provided to Council later that year but remained at a desk-top level without the detail considered necessary to advance planning changes.
- On 24 November 2014, Council submitted the draft Redland City Plan for State Interest Review. The draft scheme did not include any changes to zoning of any of the land parcels under investigation by the State led planning process.

- Council was given approval to publicly consult on the draft planning scheme on 20 August 2015. No Ministerial Conditions were imposed by the State to give effect to QYAC's land use aspirations for the land parcels under investigation by the State.
- Council publicly consulted on the draft Redland City Plan from 14 September 2015 to 27 November 2015. During the public consultation period, every registered landowner in the City was given a letter informing them about the public consultation period, as well as there being advertisements through channels such as Council's website, the *Redland City Bulletin*, social media channels, etc.
- Council records indicate QYAC did not make a properly made submission during the consultation period regarding potential zone changes.
- On 4 April 2016 the Mayor wrote to the then Deputy Premier seeking an update on the planning investigations undertaken over the land parcels on NSI.
- The Deputy Premier responded in a letter dated 2 December 2016 confirming the planning study took into account existing development constraints and the aspirations of the Quandamooka people. The Deputy Premier also indicated that she had advised QYAC that once they had informed the State about what land parcels the Quandamooka people may have an interest in, the State would be in a position to consider progressing any amendments to state planning instruments that may be required to give effect to these outcomes.
- In the same letter, the Deputy Premier also asked Council to consider what amendments may be required to the planning scheme to give effect to the outcomes of the planning study (October 2014 - including an addendum report of January 2016), which was provided with the letter.
- The Mayor responded to the Deputy Premier's letter on 16 January 2017. The letter noted that the joint State, Council and QYAC steering committee last met in the first half of 2014 when a draft version of the NSI Planning study was tabled and that the copy of the NSI Planning Study provided with the recent letter was the first time 'the complete study', including the January 2016 addendum had been submitted to Council.
- In addition, the Mayor noted that one of the 'Next Steps' identified in Section 7.2 of the Study and similarly referenced in the Deputy Premier's letter requested Council consider what amendments may be required to the Redlands Planning scheme to give effect to the study outcomes. In response, the Mayor stated *'Council has consistently maintained that as the land bank and draw down is based upon a confidential ILUA agreement between the State and QYAC, all responsibility for initiating any amendments to the existing planning framework must rest wholly with the State. Recognising these circumstances, I must reconfirm Council will not pursue changes to its Planning scheme in relation to land bank properties unless given specific direction to do so.'*
- QYAC's recent press release dated 20 September 2020 indicates that during 2016 and 2017, several meetings were held with Council to advocate for the rezoning of land to support the land use aspirations of the Quandamooka People. It should be noted that these meetings were held after the formal consultation period for City Plan had been completed. Accordingly, if Council had at this time made a decision to amend the draft Redland City Plan, it would in accordance with the former Statutory Guideline, *Making and Amending Local Planning Instruments* (MALPI) have necessitated further public consultation to be undertaken.

- On 9 June 2018, the Planning Minister issued final approval for City Plan, including Ministerial Conditions to rezone six (6) properties on NSI that were part of the land parcels under investigation. These allotments were predominantly within the Conservation or Recreation and Open Space zones and were predominantly required to be rezoned to residential. The up zoning of these properties occurred at the Minister's direction with no further opportunity provided for public consultation.
- Council officers were advised in early 2020 that the State was undertaking a state interest review of the lands to be investigated and that Council would be advised of the outcome in the coming months. No discussions were undertaken in regards to how any changes required to the statutory planning provisions would be delivered.
- On 15 September 2020, the State gazetted a Temporary Local Planning Instrument (TLPI), which amends the zoning and other provisions in the City Plan for two (2) years. No public consultation has occurred on the TLPI.
- The Minister has advised of his intention to issue a Ministerial Direction for Redland City Council to amend the Redland City Plan to align with the TLPI. Council were provided with a short timeframe to respond to the proposed notice (28 September 2020).

ISSUES

The State has advised that public consultation on the zone changes, given effect through the TLPI, will occur through the formal major amendment process required to be undertaken by Council. While Council is supportive of the proposed consultation it is concerned that:

- The TLPI gives immediate effect to the rezoning, meaning applications can be lodged prior to the public consultation period taking place, and
- It is unclear what scope Council has to 'consider' properly made submissions made during the public consultation period, since it is understood the land use outcomes are reflective of State Government commitments to QYAC.

In light of these circumstances, it would be appropriate for the State to take an active role in the public consultation and consider taking responsibility to review and comment on all submissions received during this period.

At this time, there are concerns Council will be the assessment manager for applications over lots now included within, for example, a low density residential zone that are significantly impacted by a range of State Government overlays. The State should provide clear direction as to how these conflicts may be addressed.

In addition, to provide clarity and improve community understanding, the State should commit to undertaking a comprehensive community consultation exercise which articulates its strategic plan for Minjerribah and outline how it intends to accommodate the land use aspirations of the Quandamooka people.

This approach is consistent with the Council resolution from its General Meeting on 6 February 2019 where Council resolved to write to relevant State Government Ministers advocating the need for a more coordinated and informed approach to all land and tenure dealings on North Stradbroke Island; including the community, is appropriately informed of, and engaged with, in regards to all potential land transfers and land use changes on North Stradbroke Island.

STRATEGIC IMPLICATIONS**Legislative Requirements**

There are no legislative requirements in noting the contents of this report. The TLPI was gazetted by the State Government under powers contained within the *Planning Act 2016*.

Risk Management

There are no identified risks in noting the contents of this report.

Financial

There are no financial implications in noting the contents of this report. There is however a financial impact in regards Council assuming planning jurisdiction and responsibility for the land parcels included in the TLPI.

People

There are no implications for people in noting the contents of this report.

Environmental

There are no environmental implications in noting the contents of this report. Council is not currently aware of the range of environmental impacts considered by the State Government in introducing the TLPI.

Social

There are no social implications in noting the contents of this report. Council is not currently aware of the detail of any social impacts considered by the State Government in introducing the TLPI.

Human Rights

There are no human rights implications in noting the contents of this report.

Alignment with Council's Policy and Plans

This report aligns with the Wise Planning and Design outcomes of the 2018-2023 Corporate Plan in providing background to the current TLPI.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
General Counsel and Service Manager – Legal Services	17 September 2020	TLPI noted.

OPTIONS**Option One**

That Council resolves to note the contents of this report.

Option Two

That Council resolves to note the contents of this report with additional recommendations.

OFFICER'S RECOMMENDATION

That Council resolves to note the contents of this report.

COUNCIL RESOLUTION 2020/296

Moved by: Cr Peter Mitchell

Seconded by: Cr Paul Bishop

That Council resolves as follows:

1. To note the content of this report.
2. To authorise the Chief Executive Officer to send a copy of the report to the State Government to seek a response from the new government to the issues raised in particular: future public consultation, conflicts with State land use overlays, strategic planning and infrastructure requirements for the island.

CARRIED 10/0

Crs Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Rowanne McKenzie, Tracey Huges, Adelia Berridge and Paul Bishop voted FOR the motion.

Cr Karen Williams was absent from the meeting.



Redland
CITY COUNCIL

Redland City Council

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29 September 2022

Our Ref: A6990405

Contact: Strategic Planning

Acting State Planner

Department of State Development, Infrastructure, Local Government and Planning

PO Box 15009

CITY EAST QLD 4002

Dear [REDACTED],

I write to advise that Redland City Council at its General Meeting of 14 September 2022 considered a report that summarised the outcomes of the public consultation undertaken for 03/21 – Major Amendment – Minjerribah (Site specific land uses) (the proposed amendment).

After considering the report and the officers' recommendation, Council resolved:

1. To issue a Pause Notice to the Department of State Development, Infrastructure, Local Government and Planning in accordance with Part B, section 2 of the Chief Executive Notice as outlined in Attachment 9.
2. To request the Minister to consider amending the operation of Temporary Local Planning Instrument No. 02 of 2020 - Quandamooka Land Aspirations Area (or its replacement) to incorporate additional provisions that limit the clearing of asset protection buffers until such time as development applications have been lodged and approved on these specific land parcels.
3. To notify all persons who made a submission advising of Council's decision to request a Pause Notice to seek additional information from the State government and undertake further targeted public consultation on the proposed major amendment if the requested information is provided.
4. To invite the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure and senior Departmental State Development, Infrastructure, Local Government and Planning officers to meet with the Mayor and Councilors to discuss background studies and investigations that may be available to address the outstanding matters as identified in the Pause Notice in Attachment 9.

You will note from the above, that after considering all public submissions made to the proposed amendment Council has resolved to pause the proposed amendment and request further information from the Department of State Development, Infrastructure, Local Government and Planning (the department) under Part B, Section 2 of the Chief Executive Notice of 18 March 2022.

Council requests the department review Council's pause notice and provide the requested information (Refer to enclosed Attachment 9 from the Council Report).

The Council General Meeting Report, including the public consultation report and other attachments, can be viewed via the Council meeting minutes and agendas webpage on the Council website at redland.qld.gov.au.

Should you or your officers require any further information please contact Council's Principal Planner, Janice Johnston on (07) 3829 8971 or by email at: Janice.johnston@redland.qld.gov.au.

Yours sincerely



**Acting Service Manager – Strategic Planning
City Planning and Assessment
REDLAND CITY COUNCIL**

Right to Information Release

Pause Notice

03/21 Major Amendment – Minjerribah (Site Specific Land Uses)

This notice is issued by Redland City Council under Part B, Section 2 of the Chief Executive Notice (CE Notice) of 18 March 2022 for the 03/21 – Major Amendment – Minjerribah (Site Specific Land Uses) Amendment.

Council has undertaken steps 7 and 8 within Part C of the CE Notice which involved undertaking public consultation and considering submissions.

This pause notice is issued to allow time for the Department of State Development, Infrastructure, Local Government and Planning (the Department) to provide additional information to Council and the community. Given this information is required to enable the community to make informed and considered submissions, it is considered that public consultation (step 7 of the CE Notice) should be repeated once this further information has been provided by the Department and made publicly available.

Further information required

Through the public consultation process, individual members of the community and community groups have raised significant concerns with the existing Temporary Local Planning Instrument (TLPI) and proposed amendment, with some calling for both documents to be placed on hold while their concerns are addressed.

These concerns are outlined in the public consultation report attached to this pause notice.

As indicated in the public consultation report, Council also has reservations with progressing the amendment without further information. Through the amendment process, no background studies have been provided to support the amendment. Such studies would include:

- Planning studies;
- Infrastructure studies;
- The Minjerribah Township Fire Management Strategy prepared by Ten Rivers;
- The Queensland Fire and Emergency Services individual site assessments;
- Any natural hazard studies relating to flooding and storm tide, landslide, erosion, etc;
- Environment/ecological studies or assessments of the subject lots in the Major Amendment and surrounding areas of impact, including koala study and fauna/flora surveys

Such information is considered critical for both Council and the community in understanding why the 25 lots have been proposed for a change of zone and are suitable for further development. It is noted that many of these sites have significant values and constraints (as identified in both State and local government mapping) which will impact on their ability to be developed in accordance with their new zone category. This is of particular concern to Council given it is Council who will be the assessment manager for applications lodged over these sites. Council holds significant reservations in relation to how the aspirations of the Quandamooka People and the purpose of the TLPI will be achieved without further detail being provided by the Department which addresses how the conflict between future development and the constraints and values of these sites may be addressed.

Particular concerns are held in relation to infrastructure requirements. It is unclear what work has been completed by the Department to ensure the new development areas are able to be provided with necessary infrastructure and services. A detailed technical analysis should be provided which details infrastructure demand and servicing options and that the provision of infrastructure and services to these areas are to be provided at no cost to Council or the broader Redlands Coast community.

Further information is also requested relating to the future tenure of the land. This is required so that Council can determine the financial implications of new development, given the inability to issue rates over State owned land.

Note that these concerns have been outlined in greater detail in the attached General Meeting report.

Timeframe for pause notice

The pause notice has been issued with a timeframe of 90 business days. The intention of this timeframe is to provide 30 business days for the Department to provide the information to Council, and 60 business days for Council to prepare for and undertake public consultation. The amendment process would then restart at step 8 (consideration of submissions).

Note – The CE Notice indicates that this pause notice should identify the date upon which the timeframe will restart. This is not possible given the pause notice will take effect from the day after the notice is given. The date upon which timeframe will restart is 90 business days after the pause notice is given.

Note – Public consultation will only be repeated where the Department provides information which assists in addressing the concerns raised by the community (as outlined in the public consultation report). Where no information is provided by the Department, or Council determines that the information provided does not address the issues raised to date (as outlined in the public consultation report), then public consultation will not be repeated. Instead, Council will reconsider undertaking step 11 of the CE Notice (Council requests adoption of the proposed amendment) during the remaining time under the pause notice.

Other matters

As identified in the attached General Meeting report, changes are proposed to the amendment to correct a drafting error.

Additionally, as identified in the General Meeting report, Council recommends additional changes be incorporated into the amendment to limit the clearing of asset protection buffers until such time as development applications have been lodged and approved on the lots.

It is considered that the two changes should be incorporated into the proposed major amendment prior to further public consultation being undertaken.