



Deputy Premier
Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade

Our ref: MC15/5053

Your ref: 10.4 Petitions

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6 OCT 2015

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
Corner Alice and George Streets
BRISBANE QLD 4000
Email: TableOffice@parliament.qld.gov.au

Dear Mr Laurie *Neil,*

Thank you for your letter of 16 September 2015 about Petition No. 2447-15 received by the Queensland Legislative Assembly concerning the development application by Anscape Pty Ltd for development on Lot 996 on SP129069.

As the Minister for Infrastructure, Local Government and Planning, I am aware of the matters referred to in the petition as outlined below.

Anscape Pty Ltd lodged a development application with the Fraser Coast Regional Council (the Council) for a preliminary approval under section 242 of the *Sustainable Planning Act 2009* (SPA) over Lot 996 on SP129069 and Lot 124 on SP156870 (Council Reference: MCU-141070). The application seeks to vary the effect of the local government planning scheme to establish residential, commercial and recreation uses over the site.

On 8 April 2015, the application was referred to the State Assessment and Referral Agency (SARA), administered by the Department of Infrastructure, Local Government and Planning (DILGP), in relation to development impacting on State transport infrastructure, development in the coastal management district and clearing native vegetation.

Following SARA's assessment against the State Development Assessment Provisions and upon receiving advice on these matters from the Department of Transport and Main Roads, the Department of Environment and Heritage Protection (DEHP) and the Department of Natural Resources and Mines, DILGP provided its SARA concurrence agency response to the application on 29 July 2015.

At this point in time, the applicant has not responded to the information request issued by the Council. Once the response is provided to the Council, the application is then required to undergo public notification for 30 business days. During this time, the petitioners can make a submission to the Council. If the submitters are dissatisfied with the decision, they can appeal the decision to the Planning and Environment Court.

Please also note that a development permit will be required prior to development commencing. This subsequent application will also require referral to SARA, where matters of State interest are identified under the *Sustainable Planning Regulation 2009*.

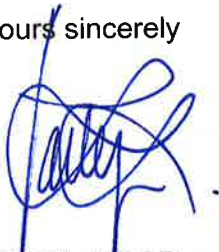
The referral made to the Federal Department of the Environment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (2013/7038) was made in relation to a previous development application on this site for a retirement village, golf course and associated infrastructure and facilities. The referral decision advised that the development was a controlled action requiring assessment against the EPBC Act. Guidelines for a Draft Public Environment Report were subsequently issued. The current development application will also require referral to the Federal Government under the EPBC Act.

On 6 November 2013, DEHP advised that the project will not be assessed using the Environmental Impact Statement process under the *Environmental Protection Act 1994*, and it also advised that the former Department of State Development, Infrastructure and Planning had not received a request for consideration under the *State Development and Public Works Organisation Act 1971*. It further advised the proposed development would be unlikely to meet the requirements under Chapter 9, Part 2 of SPA relating to requirements for Environmental Impact Statements. It is noted that this correspondence refers to the previous application and not the application currently being considered.

I also acknowledge a non conforming petition was provided to the Parliament on 16 October 2013 from Turtle Cove residents and property owners regarding the previous development proposal for the retirement village, golf course and associated infrastructure and facilities.

I realise this matter is important to the petitioners and encourage them to make a submission to the Council during the public consultation period for MCU-141070. They may also raise their concerns directly with the Mayor, Councillor Gerard O'Connell on 1300 79 49 29 or by email at enquiry@frasercoast.qld.gov.au.

Yours sincerely



**JACKIE TRAD MP
DEPUTY PREMIER**

**Minister for Transport, Minister for Infrastructure,
Local Government and Planning and Minister for Trade**