



From your Council Representative

Councillor Peter Mitchell

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28 September 2020

Hon Cameron Dick MP
Treasurer
Minister for Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister,

As Division 2 Councillor for North Stradbroke Island (Minjerribah) I provide the following submission in response to your 11 September 2020 letter to Redland City Council regarding the Temporary Local Planning Instrument No 02 of 2020 – Quandamooka Land Aspirations Area (TLPI) and your intention to direct Council to amend the Redland City Plan 2018 to reflect the zonings and respective assessment criteria of the TLPI.

This submission has been written in consultation with Council officers and my fellow Councillors, who all share my commitment to supporting the future of Minjerribah. To that end Council has always believed a collaborative and transparent approach that provides a clear vision for the island is the best way to ensure the community is engaged as part of the island's future and the following submission is based on this commitment.

I acknowledge the issuing of the TLPI and your intended Ministerial Direction are designed to facilitate the land aspirations of the Quandamooka People on Minjerribah as supported by the 2011 Federal Court Native Title determination and subsequent Indigenous Land Use Agreement (ILUA). As mentioned above, I am very supportive of the Quandamooka People's aspirations and the importance of having access to their traditional land to achieve these aspirations. I am equally supportive of the broader island community and their aspirations and this submission is designed to support the future of the community as a whole by making a number of suggestions to help facilitate a transparent and collaborative process.

1. The potential impact of the TLPI and Ministerial Direction on the City Plan Amendment Process

The process of amending Council's City Plan is outlined under Part 4 of the Minister's Guidelines and Rules including the requirement to publicly notify the proposed amendment, giving the community a chance to provide submissions.

Council has previously received Ministerial Conditions to 'upzone' a number of lots on North Stradbroke Island to facilitate the land aspirations of the Quandamooka People. This earlier Ministerial Direction was received after Council had requested approval from the Minister to commence our new City Plan (following public submission of the draft City Plan). The requirement to upzone six lots on the Island was not preceded by a TLPI and as such I question why a TLPI was considered necessary in the most recent rezoning request. The TLPI effectively rezones the 25 properties effective immediately, meaning applications can be made now, despite Council not yet commencing the City Plan amendment process.

I am concerned that the TLPI effectively usurps the amendment process and creates an expectation before the community has had a chance to have its say. I am further concerned that if public submissions raise concerns about the rezoning of these properties, it will create a conflict between the TLPI and Council's requirements under the City Plan Amendment process as outlined in the Minister's Guidelines and Rules.

One potential suggestion to alleviate these concerns would be to not progress applications over any of the identified properties until after the City Plan amendment process has been completed, giving the community the confidence that no development will be undertaken until they have had a chance to have their say through the amendment process.

2. Council position regarding State Government direction/options to facilitating land aspirations

The State Government has previously indicated (at an officer level and via correspondence from Ministers) that Council could facilitate the rezoning of this land via a City Plan amendment process. Council has always maintained that to ensure transparency Council would undertake such an amendment if directed by the Minister (under Division 3 of the Planning Act 2016). In issuing this Ministerial Direction there would be a requirement to publicly advertise it on the State Government's website, providing greater transparency for the community.

Council's position was also reflective of the fact that the subject land is covered under a confidential State Government ILUA, and hence it is incumbent on the State Government to take the necessary action to ensure both transparency with the community and deliver on its commitments as set out in its confidential ILUA with the Quandamooka people.

It is widely believed there are future requests yet to come from the State Government with respect to rezoning other land under the State ILUA and I would encourage the State Government to adopt a more collaborative and transparent process for any future land transfers and commit to working with all parties to achieve this.

3. Concerns about assessment process post city plan amendment

I note your public comments that Council will be the assessor of any applications received on these properties. While it is acknowledged these assessments will be undertaken as required under State Government planning legislation, it is also acknowledged that some of these properties have a number of planning constraints, including flood, storm tide and vegetation overlays. These constraints are reflected by the fact that many of the 25 properties identified in the TLPI are currently included in the conservation zone under Council's City Plan.

5. Infrastructure required to support the island's future

While North Stradbroke Island has a relatively small population, its natural beauty sees the population increase dramatically during peak tourism season. The island's fluctuating population places significant pressure on infrastructure such as waste water treatment facilities, which are already at capacity. The rezoning of land included under the State Government TLPI provides potential new opportunities for tourism, community and residential projects, which will, most likely require upgrades to existing community infrastructure. To support the future of the island by planning for the upgrade of this infrastructure, Council requires a clear understanding and information about what may be planned both on these properties and across the Island more broadly.

Further, delivering infrastructure on a sand island brings with it added complications and added costs. Redland City (including our islands) are currently classified as part of Metropolitan Brisbane, under State Government grant eligibility, which means they are not eligible for State Government regional grants. This fails to recognise the isolation challenges of our islands and Council has consistently advocated for our islands to be classified as regional under State Government grant allocations, which would provide increased funding for the infrastructure needed to support the future of the island. The request for State funding to support the transition of North Stradbroke Island has been made on a number of occasions to the State Government, including in a letter tabled during a North Stradbroke Island Ministerial Forum.

Thank you for considering this submission. If I can be of any further assistance or provide any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, reading 'Peter Mitchell'. The signature is fluid and cursive, with the first name 'Peter' and last name 'Mitchell' clearly distinguishable.

Cr Peter Mitchell
Councillor for Division 2