



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Our ref: MC18/82

Your ref: A16374407 SP:hjb

11 OCT 2018

Councillor Allan Sutherland
Mayor
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Councillor ~~Sutherland~~ *Allan,*

I refer to the letter from Moreton Bay Regional Council (the council) of 22 December 2017 requesting approval to adopt the proposed Major Amendment No. 1 (the proposed amendment) to the Moreton Bay Regional Council Planning Scheme. I also note that the council provided an amended proposed amendment package on 12 April 2018.

The proposed major amendment to the planning scheme is unprecedented. The major amendment raises significant concerns that impact the legal rights of landowners and its consistency with Queensland planning legislation. As you are aware, I am required to consider various matters when deciding whether an amendment can proceed to be adopted by a local government. This process is in accordance with Step 8 of the Statutory guideline 01/16: Making and amending local planning instruments (MALPI).

In this instance, I am not satisfied that the proposed amendment achieves the purpose of the *Sustainable Planning Act 2009* and does not adversely affect a state interest. The proposed amendment has raised some fundamental legislative issues which I cannot support.

As such, the council may not proceed with the proposed major amendment.

The proposed amendments are complex, and I am advised do not conform with many of the fundamental transparency and good governance provisions established by Queensland legislation. Strong concerns have been expressed by the Department of State Development, Manufacturing, Infrastructure and Planning (the department) to council officers since the proposed amendments were first lodged.

I note the council has a considerable number of appeals before the Planning and Environment Court. Many of these are as a direct consequence of decisions by the councils senior planning officers to refuse code assessable development applications based on the presumption that I would approve the proposed amendment.

Proposed planning scheme amendments should never stifle development opportunities for applicants and your council officers should be considering all applications on their merit, as is stipulated by the *Planning Act 2016*. The council must get back on with the job of providing living and housing options for the community.

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There are many South East Queensland councils facing similar, if not greater, greenfield growth and development pressures as your council. Not one of them have expressed concerns with the current infrastructure planning and charging regime nor have they proposed an alternate framework specifically designed to circumvent the planning legislation. They are all successfully utilising the current framework to manage and accommodate the growth that is coming to the South East Queensland region.

Of the 77 local governments in Queensland, the Moreton Bay Regional Council has been the only one to express concerns about the code assessment provisions under the new Planning Act. These concerns are not shared by the department. Alternate interpretations and advice has been offered by the department on many occasions, however these have been dismissed by your senior planning officers.

I must advise the council that as the Planning Minister I cannot accept legislatively inconsistent decision making in a state that prides itself on transparency and accountability as the mandate of its planning legislation. I therefore would like to make you aware the state has several reserve powers under the *Planning Act 2016*, *Economic Development Queensland Act 2012* and the *State Development and Public Works Organisation Act 1971*, that would allow the state to take over the council's planning responsibilities in instances that the decision affects a state interest.

In his most recent letter dated 11 September 2018, Mr Hitzman raised concerns about matters of 'public interest'. I too am concerned about 'public interest', but more so from the quality of decision making that has been emanating from the council and the potentially unnecessary financial impact these decisions may have on Moreton Bay Regional Council ratepayers.

Finally, a number of concerns have been raised with me and my department in relation to the management and progression of the proposed major amendment by planning officers within the council. Given all of the above, I would encourage the council to undertake an investigation into the abovementioned management and decision-making associated with the proposed amendments and development applications.

If you have any questions about my decision or advice to you, please contact my office on (07) 3719 7200 or email statedevelopment@ministerial.qld.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Cameron Dick', with a horizontal line extending to the right.

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning