

Caroline Plank

From: Save North Lakes Golf Course <savenorthlakes@gmail.com>
Sent: Wednesday, 13 March 2019 1:22 PM
To: State Development
Subject: Save North Lakes Golf Course Inc.
Attachments: Minister SNLGC 080319.pdf

Hi

Please find attached correspondence for the Minister in relation to his meeting with Save North Lakes Golf Course Inc. last week.

Thank you,

Kind Regards

section 47(3)(b)

Save North Lakes Golf Course Inc.
Incorporation Number: IA58066



8 March 2019

Office of the Hon. Cameron Dick MP

PO Box 15009
CITY EAST QLD 4002

Attention: Hon. Cameron Dick

RE: NORTH LAKES (QLD) PROPOSED RE-ZONING & RE-DEVELOPMENT ON GOLF COURSE

Dear Minister Cameron Dick,

I am writing to thank you for giving up your time on Wednesday 6th March to meet with representatives from the residents executive committee of Save North Lakes Golf Course, we certainly appreciate your advice, information and support it was really invaluable to us as we are just ordinary residents facing a massive high stakes battle.

We understand your state wide responsibilities would be extremely challenging and demanding, so we certainly don't take for granted your availability you afforded us.

Many Thanks and Kind Regards

Refused under section 47(3)(b) of the RTI Act

/ Save North Lakes Golf Course Inc.
Incorporation Number IA58066
Email: savenorthlakes@gmail.com
Web: www.savenorthlakes.com.au
M: Disclosure would

Caroline Plank

From: Save North Lakes Golf Course <savenorthlakes@gmail.com>
Sent: Wednesday, 13 March 2019 1:30 PM
To: Graeme Bolton
Subject: Save North Lakes Golf Course Inc.
Attachments: G Bolton SNLGC 080319.pdf

Hi Graeme

Please find attached correspondence in relation to your meeting with Save North Lakes Golf Course Inc. last week.

Thank you,

Kind Regards

or section 47(3)(b) i

Save North Lakes Golf Course Inc.
Incorporation Number: IA58066



8 March 2019

Mr Graeme Bolton
Executive Director – Planning & Development Services
Department of State Development, Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Attention: Mr Graeme Bolton

RE: NORTH LAKES (QLD) PROPOSED RE-ZONING & RE-DEVELOPMENT ON GOLF COURSE

Dear Graeme,

I am writing to thank you for giving up your time on Wednesday 6th March to meet with representatives from the residents executive committee of Save North Lakes Golf Course, we certainly appreciate your advice, information and support it was really invaluable to us as we are just ordinary residents facing a massive battle.

We understand your responsibilities would create a very busy calendar, so we don't take for granted your availability.

Many Thanks and Kind Regards

Refused under section 47(3)(b) of the RTI Act.

Save North Lakes Golf Course Inc.
Incorporation Number IA58066
Email: savenorthlakes@gmail.com
Web: www.savenorthlakes.com.au
Mr section 47(3)(b) i

Caroline Plank

From: Save North Lakes Golf Course <savenorthlakes@gmail.com>
Sent: Friday, 29 March 2019 3:44 PM
To: statedevelopment@ministerial.qld.gov.au; Graeme Bolton;
CEO@moretonbay.qld.gov.au; Mayor
Cc: [Redacted]@moretonbay.qld.gov.au;
[Redacted]@queenslandlabor.org; [Redacted]
[Redacted]@aph.gov.au
Subject: TLPI Application North Lakes
Attachments: TLPI- SNLGC 290319.pdf

Dear Sirs,

Please see attached an application for a TLPI prepared on behalf of over 4,000 residents in relation to urgently taking action in protecting any nett loss of North Lakes Priority Koala habitat and Open Space land.

We appeal and respectfully lobby the State Government and/or the Moreton Bay Regional Council to review and take the action to adopt this TLPI or similar, urgently into the planning framework.

We believe the TLPI meets all the criteria in the Planning Act 2016,

Please don't hesitate to contact me if you need anything else,

Kindest Regards

[Redacted]
nder section 47(3)(b) of th

Save North Lakes Golf Course Inc.

Incorporation Number: IA58066

References: Input of the TLPI were SNLGC Inc, HopGoodGanim Lawyers Pty Ltd and Mewing Planning Consultants Pty Ltd.



29 March 2019

The Honourable Cameron Dick MP
Minister for State Manufacturing, Infrastructure and Planning
1 William Street,
BRISBANE QLD 4000

Dear Minister, The Honourable Cameron Dick,

RE: TO CONSIDER THE IMPLEMENTATION OF A TEMPORARY LOCAL PLANNING INSTRUMENT (TLPI) TO PROTECT PRIORITY KOALA HABITAT AND STOP MATERIAL CHANGE OF USE OR VARIATION REQUEST APPLICATIONS TO CURRENT SPORT AND RECREATION USES IN NORTH LAKES

1. INTRODUCTION:

The residents committee of North Lakes (SNLGC Inc) write with urgency requesting the State Office for Planning consider the below proposal to put in to place a Temporary Local Planning Instrument (TLPI), which will instantly protect priority Koala (*Phascolarctos Cinereus*) habitat. In our opinion, the TLPI meets the following criteria:

- (a) Meets the Significant Risk Test;
- (b) Warrants a more urgent response than the standard amendment process to the planning scheme, as the delay involved in the standard amendment process would increase the risk;
- (c) Not making the TLPI has the potential to adversely impact State and local interests;
- (d) Has an overwhelming community interest that must be addressed.

Pursuant to section 12 of the *Planning Act 2016 (Qld)* (the Act), an additional mechanism available to the Minister is a Temporary State Planning Policy (TSPP) given the urgent need to protect a State interest, being priority Koala habitat; which habitat may not be currently subject of adequate regulatory control due to the Mango Hill Infrastructure Development Control Plan (the DCP) and Planning Regulation interface.

2. BACKGROUND

North Lakes

The North Lakes locality has been established pursuant to a comprehensive and nation-leading planning and design exercise, through the Mango Hill Infrastructure Development Control Plan (the DCP). Based on strong adherence to the guiding principles of the DCP, North Lakes has developed into one of Australia's most successful master planned communities.

The original conceptualisation of the DCP occurred pursuant to an extensive process of planning and design in the 1990s. The overriding vision for the DCP is to provide an attractive, safe, convenient, efficient and sustainable new town through an integrated and comprehensive master planning process. Key guiding principles of the DCP are identified in the DCP's Structure Plan, with the central spine of open space being particularly evident.

The central spine of open space (refer to Annexure 1 – Relevant Supporting Documentation) was established in that original comprehensive planning and design exercise for the maintenance of recreational open space, hydraulic engineering, and ecological reasons, and to provide general breathing space to the urban form of the North Lakes locality. The central spine of open space has been home to the North Lakes Golf Course, which has enabled all of those important functions.

Significantly, this central spine of open space provides for important koala habitat (with credible koala sightings included in Figure 4) – which should be adequately retained and protected.

The subject land of the central open space spine is that currently occupied by the North Lakes Golf Course, Mackenzie Park and Byron Park (Lots 1, 3, 4, 5 and 6 on SP148201, Lot 2 on SP291250, Lot 970 on SP140403, Lot 889 on SP141583, Lot 891 on SP143453, Lot 894 on SP184420, Lot 888 on SP248901, Lot 114 on SP224079, and Lot 800 on SP206829 – and other lots, which we request to be confirmed by the Department for State Development, Manufacturing, Infrastructure and Planning).

The subject land is identified as Major Open Space within the DCP, and is subject of the Sector Plan No. 003-1000 for the Central Open Space Sector. Given the imminent threat of development, we believe additional planning strength is required via a TLPI, to ensure the open space and ecological outcomes originally established by the DCP are maintained.

Urgent and Emergent Circumstances

SNLGC understand that the North Lakes Golf Course is intended to be redeveloped for aged care and retirement living purposes. We understand that of the 67 hectares comprising the North Lakes Golf Course (and the recreational open space for North Lakes), in excess of 11 hectares will be redeveloped for urban purposes.

This is a major threat to the planned and implemented fabric of North Lakes, deleteriously affecting the recreational open space, hydraulic engineering, and ecological functions, and removing the general breathing space provided by undeveloped green space. Significantly, the loss of priority koala habitat is of urgent attention.

Further details of the urgent and emergent circumstances are provided in following sections.

Temporary Local Planning Instrument

The purpose of the *Planning Act 2016* is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

The system for achieving ecological sustainability includes temporary local planning instruments (TLPIs) setting out planning and development assessment policies to protect all or part of a local government area from adverse impacts in urgent or emergent circumstances (section 4(d)).

Section 23 of the *Planning Act 2016* provides the basis for making or amending a TLPI. The following sections identify the basis on which we recommend the Minister can make the TLPI.

We urge the Minister to use the Minister's powers of Direction pursuant to Chapter 3, Part 6 of the *Planning Act 2016* to implement this TLPI in the Moreton Bay Regional Council area.

In the absence of a TLPI, an additional mechanism available to the Minister is a Temporary State Planning Policy, given the urgent need to give attention to a State interest, being the protection of high priority Koala habitat, which may not be currently subject of adequate regulatory control due to the DCP and Planning Regulation interface.

3. SIGNIFICANT RISK TEST

The extent of the land proposed for the TLPI sits within the suburb of North Lakes, approximately 36km north of Brisbane CBD, inside the Moreton Bay Regional Council. The planning instrument that applies to the land is the Mango Hill Infrastructure DCP, pursuant to the *Planning Act 2016*. The following sets out our views in respect of the 'significant risk test' for a TLPI.

- (a) The central spine of open space (refer to **Figure 1** in Annexure 1) is provided for recreational open space, hydraulic engineering, and ecological reasons, and to provide general breathing space to the urban form of the North Lakes locality. The central spine of open space has been home to the North Lakes Golf Course, which has enabled all of those important functions.
- (b) The entire North Lakes suburb sits within High Priority Koala Assessable Development Area (SPRP) mapping provided by the State Government (refer to **Figure 3**). North Lakes has a riparian and open space corridor linking known Koala habitat (refer **Figure 4** for evidence of koalas).
- (c) There is currently at least one known imminent development application to be lodged that would see the elimination of circa 11 hectares of open space area, including high priority koala habitat. This in itself has created the significant risk, as any resulting nett loss of koala habitat is totally unacceptable. This qualifies as a real and present significant risk to the State's commitment to ensuring the Koala population remain untouched, unharmed and non-displaced.
- (d) The Open Space and Sport and Recreational uses that North Lakes enjoys provides the social conditions that is critical for thriving liveable communities that is promoted by Queensland planning. The threat to potentially having a nett loss of Open Space and Sport and Recreational land is totally incomprehensible and unacceptable to the community. Therefore, a significant risk is present as development applications are imminent to be lodged to significantly depart from the Open Space/Sport and Rec to urban infill development.

- (e) We also identify that Schedule 10, Part 10 (16) of the *Planning Regulation 2017* states that Material Change of uses are prohibited in a high priority koala assessable development area and a Koala habitat area and an area for open space, that would circumvent the need for this TLPI, however we note that the DCP is exempted from this clause being triggered (as it is "exempted development"). As such, this points to the need to recognise a possible "unintended consequence" being in place, thus requiring the need for a TLPI to be activated. There is currently an absence of regulatory control for koala protection.
- (f) Therefore, in accordance with section 23 (1) (a) of the *Planning Act*, we seek urgent intervention of the State government, to establish a TLPI to uphold the real and significant threat of:
- Serious adverse environmental conditions, via the loss of Priority Koala Habitat, which is currently absent of adequate regulatory control;
 - Serious adverse cultural and social conditions, via the loss of recreation open space and 'breathing space' to the urban form that is part of long-term planning intentions and a major contributor to liveability and cultural identity for North Lakes;
 - Serious adverse economic conditions, via the impact of the above on local residents, business and visitors, thereby detracting from the economic contribution of North Lakes.

4. URGENT

We recommend to the Minister that, due to the significant risks as noted above, and the imminent threat of a development application being made over the subject land, this has created a most urgent situation for the Minister to enact his powers in implementing a TLPI. The imminent threat cannot wait for the unknown timescale of Moreton Bay Regional Council to go through a planning scheme amendment process again. This TLPI will immediately restore confidence, certainty and most importantly provide the urgent and instant protection our environmental and open space features deserve, ensuring we protect the Koala from extinction, Protect Open Space uses and promotion of good government via the realisation of resident's voices being acted upon.

Accordingly, the proposed TLPI would be consistent with Section 23 (1)(b) of the *Planning Act 2016*.

5. ADVERSE IMPACT ON STATE INTERESTS

The TLPI will directly conform with Section 23(1)(c) of the *Planning Act 2016* as it will protect one of the most important and vital State's interests being the government's commitment to protecting the Koala population from extinction.

The making of the TLPI would not adversely impact on this State interest; rather, **not** making the TLPI would have significant potential to adversely affect the State interest. We recommend that the State government demonstrate its preparedness to carry out all manner of steps to protect and preserve the Koala species.

Additional State interests that would be benefited by making the TLPI include:

- Liveable communities – liveable, well-designed and services communities are delivered to support wellbeing and enhance quality of life. Wellbeing and quality of life are at risk with the imminent threat of development across large part of the North Lakes Golf Course.

- Tourism - social, cultural and natural values underpinning tourism developments are protected.
- Biodiversity - matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.

Planning and Governance – ensuring confidence in the planning frameworks and government roles, to provide for good planning outcomes and delivery of positive communities.

6. PUBLIC SENTIMENT AND CONSULTATION

An important part of any planning process is community consultation and the North Lakes residents have spoken overwhelmingly, clearly and unequivocally that they want to ensure that:

- All levels of government take all reasonable manner of actions available at any point in protecting the Koala species and its habitat for perpetuity.
- All levels of government take all reasonable manner of actions available at any point in Protecting Open Space and Sport and Recreation uses that are so vital to the social health, tourism, ensuring liveable communities and economic growth of a region.

The support of the community is shown by:

- Nearly 4,000 residents of North Lakes signed a State MP endorsed petition to confirm that any loss of defined Open Space is not acceptable in our suburb;
- Over 4,100 online members and over 1,200 subscribers to the Save North Lakes Golf Course initiative which aims to preserve Koala habitat and Open Space/Sport and Recreational uses within our great suburb;
- Over 400 people attend regular community action meetings of SNLGC;
- Over 1,129 people have registered interest in objecting to any Development Application that would result in a nett loss of Priority Koala habitat or Open space extents; and
- Multiple Petitions from communities across Queensland to save Koala populations.

7. PROPOSED TEMPORARY LOCAL PLANNING INSTRUMENT

We recommend that the following could form the basis of the content for the proposed TLPI, with the final detail and drafting to be refined by the Minister and Department.

Purpose and General Effect

TLPI [reference] is a temporary local planning instrument under section 23 of the *Planning Act 2016*.

Under section 23(3) of the *Planning Act 2016*, a temporary local planning instrument may suspend or otherwise affect the operation of another local planning instrument, but does not amend or repeal the instrument.

TLPI [reference] is intended to regulate applications for any development application for development permit, preliminary approval or variation approval on land within the TLPI boundary on the North Lakes Open Space Area (attachment to be included to the TLPI), (located within the Moreton Bay

Regional Council local government area) to ensure this locally and regionally significant open space area is appropriately regulated to protect koala habitat, recreational open space, hydraulic engineering, and ecological functions from urban development, and to provide general breathing space to the urban form of the North Lakes locality.

Location of Area to which TLPI [reference] applies

TLPI [reference] applies only to part of the Moreton bay Regional Council local government area, namely the land identified as within the TLPI boundary on the North Lakes Open Space Area Map (attachment to be included to the TLPI).

Duration of TLPI

In accordance with section 9(3)(a) of the Planning Act 2016 the effective day for the TLPI is the day on which public notice is published in the gazette.

TLPI [reference] is proposed to have effect for two years.

Application

This TLPI applies to any development on the land within the TLPI boundary on the North Lakes Open Space Area (attachment to be included to the TLPI).

For all development, including applications for development permit, preliminary approval and/or variation request, on the land within the TLPI boundary, this TLPI applies the category of assessment and assessment benchmarks identified in Table 1.

This TLPI applies in addition to the current provisions of Planning Act, Planning Regulation, Mango Hill Infrastructure Development Control Plan and Moreton Bay Planning Scheme.

Table 1: Categories of Assessment and Assessment Benchmarks

Column 1 – Use	Column 2 – Categories of development and assessment	Column 3 – Assessment benchmarks
Outdoor Sport and Recreation (and ancillary activities)	No Change to Planning Scheme	Planning Scheme
Park	No Change to Planning Scheme	Planning Scheme
Environment Facility	No Change to Planning Scheme	Planning Scheme
All other uses	Prohibited Development	Not Applicable

Should the Minister disagree with providing for all uses other than park, recreation and environmental purposes being prohibited development, then assessment benchmarks providing strong limitations to the urban development of the TLPI area could be prepared.

SNLGC Inc would be pleased to assist the minister in drafting those assessment benchmarks, if desired.

8. CONCLUSION

SNLGC Inc strongly believe that this TLPI is required to protect the open space and ecological functions of the North Lakes Golf Course area. The proposed TLPI adheres to the provisions within the *Planning Act 2016*, and as the Minister is tasked with promoting good planning outcomes, we are confident that you will exercise your rights and implement this TLPI to provide immediate and instant protections to:

- Urgent and Critical Environmental provisions via ensuring longevity of the Koala species and habitat;
- Ensuring that Open Space/Sport & Recreational land uses are preserved;
- Social Health of providing liveable communities through good planning;
- Economic growth being encouraged via preserving jobs, facilities and tourism assets.

Please do not hesitate to contact [ed under section 47\(3\)\(b\) of the RTI Act](#) of SNLGC, should you wish to discuss this matter, on [section 47\(3\)\(b\)](#) or savenorthlakes@gmail.com.au.

Kind Regards

Refused under section 47(3)(b) of the RTI Act.

Save North Lakes Golf Course Inc.
Incorporation Number IA58066
M: [section 47\(3\)\(b\)](#)
Email: savenorthlakes@gmail.com
Web: www.savenorthlakes.com.au

Refused under section 47(3)(b) of the RTI Act.

Save North Lakes Golf Course Inc.
Incorporation Number IA58066
M: [section 47\(3\)\(b\)](#)

Refused under section 47(3)(b) of the RTI Act.

Save North Lakes Golf Course Inc.
Incorporation Number IA58066

Figure 1 Below shows the Open Space extents in North Lakes;



Figure 2 Below confirms the Corridor in North Lakes;

North Lakes Corridor	The North Lakes Corridor encompasses vegetation and open space aligning watercourses along the length of the corridor that are mainly part of the North Lakes Golf Course. A small 'arm' extending west from this corridor terminates at the Bruce Highway and includes State and Locally Significant remnants.	Priority 3 (100m wide).
North Lakes River Corridor	The North Lakes River Corridor aligns with the North Lakes River	Priority 3 (100m wide).

Figure 3 Below shows that North Lakes is within the Priority Koala assessable area extents;

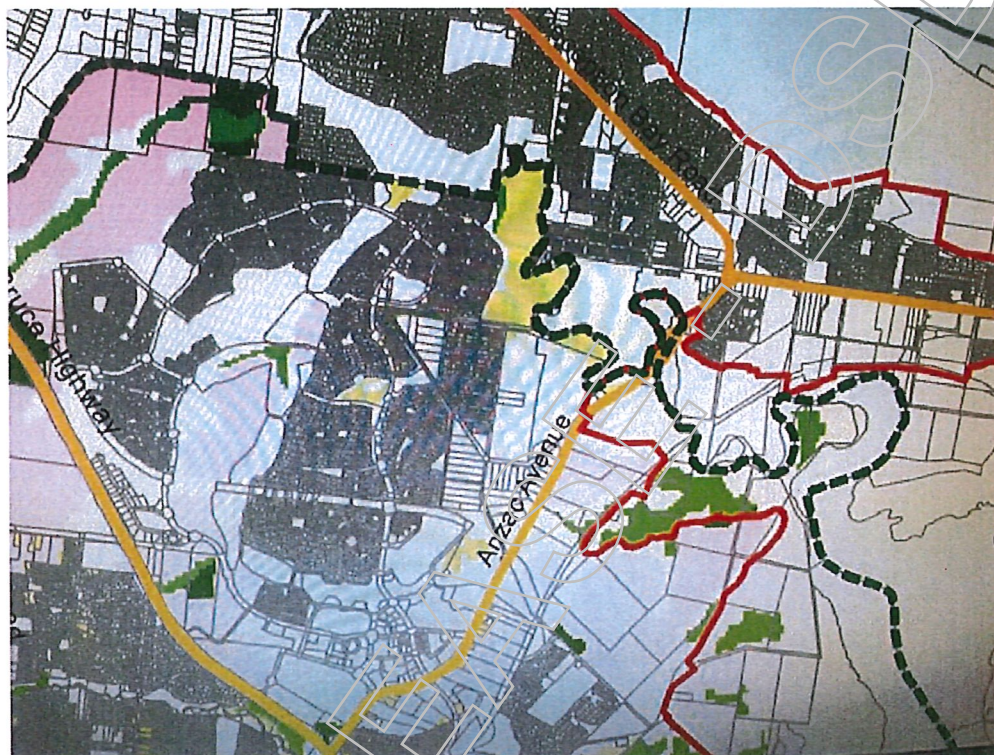
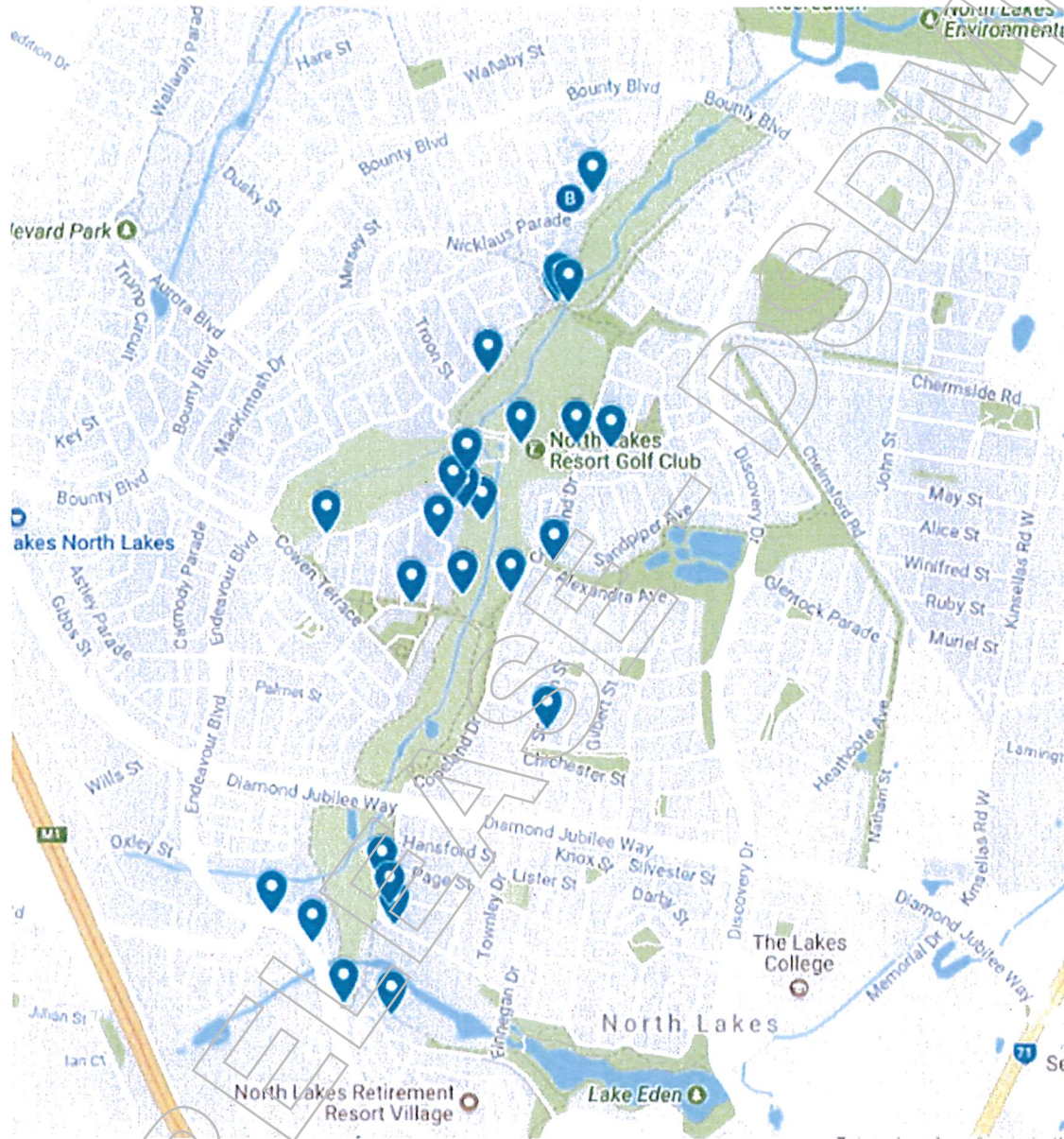


Figure 4 below shows all locations that have been recorded as credible Koala sightings in the last 6 months on the golf course. Each pin contains dated stamped pictures, location and time to confirm the significance of the each sighting.



Caroline Plank

From: Executive Services DSDMIP
Sent: Monday, 3 June 2019 4:14 PM
To: 'savenorthlakes@gmail.com'
Subject: Correspondence from the Honourable Cameron Dick MP, Minister for State Development, Manufacturing, Infrastructure and Planning – Our ref:MC19/1708
Attachments: Letter.pdf

Good afternoon

Please find attached correspondence from the Honourable Cameron Dick MP, Queensland Minister for State Development, Manufacturing, Infrastructure and Planning.

Please do not respond to this email. If you wish to reply, please send your email to statedevelopment@ministerial.qld.gov.au.

Kind regards



**Queensland
Government**

Executive Services Unit
Department of State Development,
Manufacturing, Infrastructure and Planning

P 07 3452 7100

E executivecorrespondencesdmip@dsdmip.qld.gov.au

1 William Street, Brisbane QLD 4000

PO Box 15009, City East QLD 4002

www.statedevelopment.qld.gov.au



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

Our ref: MC19/1708

31 MAY 2019

under section 47(3)(b) of the

Save North Lakes Golf Course Inc.

Email: savenorthlakes@gmail.com

Dear [redacted] refused under section 47(3)(b) of the RTI Act

Thank you for your email of 29 March 2019 requesting a proposed temporary local planning instrument (TLPI) be made over the North Lakes Resort Golf Club

I understand you wish to prevent the redevelopment of this land for any uses other than for outdoor sport and recreation, park or environment facility. I also understand your concerns about the potential impacts the redevelopment of the golf course may have on koala habitat.

I am advised the current Mango Hill Infrastructure Development Control Plan (DCP) includes the North Lakes Resort Golf Club site in the Central Open Space Precinct and that the planning intent for this precinct is for open space opportunities.

Under the *Planning Act 2016* (the Planning Act), a TLPI may only be made by me, as Planning Minister, to protect, or give effect to, a state interest. In considering this, I must be satisfied that action must be taken urgently and:

- there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area
- the delay involved in using the process to amend a local planning instrument would increase the risk
- the making of the TLPI would not adversely affect state interests.

Having regard to the circumstances, I do not consider it appropriate to use my reserve powers to make a TLPI or to take any other action at this point in time.

The Moreton Bay Regional Council (the council) will be responsible for assessing and deciding new land uses on the golf course site. The council can only approve an urban use on the site if the council is satisfied the development application demonstrates compliance with the DCP.

Notwithstanding this, under section 91 of the Planning Act, I may call in a development application if the matter involves, or is likely to involve, a State interest. A State interest is defined in Schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) *affects an economic or environmental interest of the State or a part of the State; or*
- (b) *affects the interest of ensuring this Act's purpose is achieved*'.

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Brisbane QLD 4000
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www.dsdmip.qld.gov.au

Ministerial call ins are rare, and the grounds for intervention (the State interests) are strictly defined. Generally, it is my preference to allow a local government to exercise its assessment and decision-making responsibilities against their local planning instrument, before I would consider calling in a development application.

I understand you have also raised your concerns with the council, including making the same request for a TLPI. As such, I recommend that you continue to liaise directly with the council to discuss whether they intend considering this request further or to take any other action.

If you require any further information, please contact Mr Garth Nolan, Manager, Planning and Development Services – SEQ North, Department of State Development, Manufacturing, Infrastructure and Planning, by email at garth.nolan@dsdmip.qld.gov.au or by phone on (07) 5352 9710, who will be pleased to assist.

Yours sincerely



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