

## Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

**Submission No:** 421  
**Submitted by:** Spring Hill Community Group in association with Brisbane  
**Publication:** Residents United  
**Attachments:**  
**Submitter Comments:**

**Submission to Queensland Parliament**  
**The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025**  
*Prepared by Dr Neil Peach*  
**Spring Hill Community Group in association with**  
**BRISBANE RESIDENTS UNITED**  
**CONTENTS**

<b>EXECUTIVE SUMMARY.....</b>	<b>1</b>
A Law that enables Breaking the Law.....	3
An Incomplete Law.....	4
A Way Forward.....	5
<b>CONTEXT- Socio Political.....</b>	<b>7</b>
<b>CONTEXT - Historical.....</b>	<b>8</b>
<b>KEY ISSUES.....</b>	<b>9</b>
<b>CASE STUDIES.....</b>	<b>13</b>
Case One.....	13
Case Two.....	16
Case Three.....	17
Case Four.....	18
Case Five.....	20
Case Six.....	21
Case Seven.....	21
<b>RECOMMENDATIONS.....</b>	<b>23</b>
<b>SUMMARY.....</b>	<b>29</b>
<b>ATTACHMENT A.....</b>	<b>31</b>
<b>ATTACHMENT B.....</b>	<b>73</b>
<b>ATTACHMENT C.....</b>	<b>81</b>
<b>ATTACHMENT D.....</b>	<b>97</b>

**IMPORTANT NOTE:** *The material contained within this submission is based on an analysis of the following key sources*

1. 5825T425.pdf (Bill)
2. 5825T426.pdf (Explanatory Notes)
3. 5825T427.pdf (Statement of Compatibility)
4. 100 Day Review Terms of Reference
5. 100 Day Review Report
6. 2032 Delivery Plan
7. Aarhus Convention
8. Aboriginal Cultural Heritage Act 2003
9. Brisbane Olympic And Paralympic Games Arrangements and Other Legislation Amendment Bill 2024
10. Brisbane Olympic And Paralympic Games Arrangements Amendment Bill 2024
11. Economic Development Act
12. Heritage Act 1992
13. Housing Availability and Affordability [Planning and Other Legislation Amendment Act 2024]
14. Land Act 1994
15. Olympic Host Contract with Addendum No. 1
16. Planning Act 2016
17. Queensland Government Response to the 100 Day Review
18. State Development and Public Works Organisation Act 1971
19. United Nations Declaration on the Rights of Indigenous Peoples

NOTE: Attachments C and D to this report provide a preliminary analysis of the materials contained within the sources at items 1, 2 and 3 above. These attachments consolidate the primary references used within the body of this report.

## EXECUTIVE SUMMARY

This Bill is the next installment in a series of events orchestrated by the Queensland Government to 'rob the bank of public lands' for the benefit of vested development interests. It also portends the very real likelihood that there are more 'surprises' ahead of us. We have already witnessed a 'stepping back' in regard to

- No new stadiums - and then in regard to
- No new stadium in Victoria Park.

What we have recently witnessed is

- Another new stadium in Victoria Park [Aquatic Headquarters] with NO justification and against the strong recommendation of the independent games authority - GIICA.

And if this legislation goes through we are about to witness

- The Queensland Government breaking its contract with the IOC - [Queensland's primary bid to enhance Victoria Park as parkland is being 'ditched']
- The Queensland Government 'trashing' its own planning, heritage and cultural heritage legislation

**This legislation sets a legal precedent of a dangerous level of State Government overreach. It creates an opaque environment which encourages a public perception of possible corruption, favouritism, inappropriate dealings and Government cover ups. Is this the image we want to present to the world of our 2032 Olympic Games?**

We do hope the Premier and his Minister's know where this is leading them! These comments are made as an introduction to what we regard as an indication of the Queensland Government's complete over-reach in this Bill to try to 'white-out' the reality of promises made to the Queensland people and to the International Olympic Committee.

So what is at stake in this Bill not only involves 'white-ing out' planning, heritage and cultural heritage law, it also involves avoiding the Government's obligations set out in the host contract - how? - it fails to recognise that the contract stipulates that land like Victoria Park which is cultural heritage land and is not to be utilised for venues. If there is an unavoidable need to do this then the contract is clear - there must be separate assessment and final approval by the IOC.

The Queensland Government has already overridden its own independent Authority and still there is NO JUSTIFICATION for the Aquatic Headquarters being located on land which is already State Heritage listed land at Victoria Park. It appears that the Queensland Government Planning Minister has decided that if you are going to '*rob the bank of public land*' you may as well make it a 'massive heist' and so this is one of the critical reasons why '*a law that breaks the law*' is needed.

Under current legislation the land proposed for the Aquatic Headquarters [and stadium] cannot be used for a State development because there is a clearly viable alternative - GIICA strongly recommended against Victoria Park and identified a clear alternative proposal. Under current law, the Minister for Environment would be compelled to reject the Victoria Park proposal. As well, that same Minister would be expected to be acting to stop [development] action on North Victoria Park given that it has now been recommended by the Department for heritage listing.

But the line of accountability that prevails before this new law also has serious ramifications for the Minister for Resources, the Minister for Aboriginal and Torres Strait Islander Partnerships, the Minister for Sport and the Brisbane City Council. The new law that makes the 'illegal legal' does not however, protect the Ministers and Responsible Officers from their actions/inactions prior to the proclamation of the new legislation.

There will be yet another casualty of this Bill -, GIICA is being used as a 'fall guy' for government because it is required to construct the venues where the government directs [ *GIICA strongly recommended against Victoria Park as a venue for swimming*] and at the same time GIICA is being held accountable for full compliance with the terms of the contract.

We have alerted the Queensland Audit Office to these issues and we have alerted key Ministers and BCC [as Trustee of Victoria Park] that this legislation does not protect Ministers and other responsible officers for actions or inactions prior to the proclamation of the legislation. It would appear to be prudent for these Ministers to ensure that they are not found to be wanting prior to the Planning Minister sprinkling this 'fairy dust legislation' on the State of Queensland.

***Given all of the above this Bill still doesn't actually tell us 'how' or 'what' the government intends to do to make these venues work for the residents of Brisbane and South East Queensland. And at this stage the government does need to tell us - we just need to sit back and wait for the next chain in this series..... of misleading moves.***

The next three sections of this Executive Summary

- A Law that Enables Breaking the Law
- An Incomplete Law
- A Way Forward

provide some further important highlights into a Bill that really does have some significant ramifications for the future of both governance and government in Queensland.

### A Law that enables Breaking the Law

Under ordinary circumstances, the amount of time given over to public review and participation [in State related developments] is very small compared to the overall development time frame. This legislation essentially provides the government with partial immunity [from the law] to do things that would otherwise be simply illegal. It is therefore very inappropriate to characterise this legislation as 'expediting' action to get the Olympic Venues completed. Yes, avoiding community participation will marginally reduce timeframes. But the most significant issue at play here comes down to one or two sites and two or three venues. There would appear to be no practical need for this legislation unless the government did not want to blatantly break the law to develop Victoria Park. The fact is that this legislation might enable the government to break the law to enable development of Victoria Park.

There are four layers of issues [alarm bells] at Victoria Park

- Deeds of Grant in Trust
- Heritage issues covered by the Heritage Act
- Cultural Heritage issues covered by the Aboriginal Cultural Heritage Act
- The contract between the IOC and the Queensland Government

It is possible that Victoria Park has won the prize [to be the location for the two most significant venues for the Games] because it is 'free' land: the Government will get two premier events - swimming and athletics with no land acquisition cost. The government's own Games Authority strongly recommended against the swimming venue being at Victoria Park - it was a strong anti-recommendation based on multiple very good reasons including a genuine, available alternative. The government has chosen to build the swimming venue on an area that ticks all four alarm bells but also there has been no public details of how the swimming venue fits into the formal multi criteria analysis undertaken by GIICA.

The Queensland Government is endeavouring to gloss over its contract with the IOC, avoid any public justification for the Swimming venue, disregard its contractual commitment to enhance Victoria Park, dismiss its own planning, environment and heritage laws and disregard international standards in an endeavour to make a broken promise look heroic. There is a real possibility, opened up by the political and legal over reach implicit in this legislation that this legislation may eventually shine a very bright light on the shoddy and unprofessional manner in which a very small number of vested interests have been able to shape the development profile of Brisbane and South East Queensland to the detriment of many residents and those interested in the sustainable development of our State. It has the very real potential to cast a shadow over the State's reputation once the IOC and the international community become aware of what is happening in this process.

In short, at the present time

- it is most likely that both venues at Victoria Park would be illegal under existing laws and
- this legislation would not be needed if other suitable alternatives were selected because community engagement in other government facilitated developments only involves a relatively small period of public consultation.

In essence the issue about expediency [i.e. reducing time] is actually hiding the underlying illegality of the scale of redevelopment proposed for Victoria Park.

### **An Incomplete Law**

In addition to the above, it appears that the proposed shortcut legal solution proposed by this legislation is incomplete. It is only a 'point in time' solution that makes a particular set of actions [viz design and construction] allowable in spite of non compliance with a wide range of legal requirements! The assessments contained in this submission reveal the implications of this legislation (1) prior to, (2) during and (3) after its application. The issues at play include

- The extent to which the legislation affords protection for Ministers prior to the legislation being proclaimed [this submission suggests that existing relevant Ministers with portfolio responsibilities connected with venue sites would be well advised to seek their own legal advice regarding their actions/inactions up to [if and] when this legislation is proclaimed
- The Government's non compliance with the host contract during the life of the host contract for the operation of the event
- The legal status of sites after the design and construction work is completed

The proposed bill only deals with the 'during' phase of the event but doesn't even resolve all issues in that phase anyway. The other 'prior' and 'after' time zones are completely ignored.

In essence this incomplete law opens a pandora's box of issues that are neither explained or resolved by this shortcut legislation solution. ***This portends the likelihood that it is not the last 'word' by the government on venue development and that what we are currently seeing is the first in a series of 'salami tactics'*** that will progressively slice off small sections of Victoria Park until there is virtually nothing left: a remarkable prospect given that Victoria Park started out as a 130ha 'lungs of the city' gift for the city - is now under 60ha - and most likely, by the end of Olympic era, will be 10-15ha in between substantive developments that will canvas all manner of commercial interests.

***If in fact this Bill is necessary it really does confirm that governments [at least in Queensland & Australia], the IOC and the development industry can only make such events 'work' if the public pays for the land by donating public parkland.*** Over the next decade, Brisbane needs 30 new Victoria Parks to sustain its 'population to park' ratio. Once the nature of this development approach is more broadly understood, the IOCs reputation for its stance on the 'new norm' approach will become very apparent.

## [A Way Forward](#)

***It is very clear that this legislation is only part of the full story that the Queensland Government 'has up its sleeve' to fully overcome the shortcomings in the venue selection process.*** Community groups in Brisbane have previously described the Victoria Park venue as the 'canary in the mine'. Major sporting and development interests have been 'circling' Victoria Park since as far back as 2017 on the basis that it is free land that is 'only' used as a park. This denies the long term and deep cultural heritage of the site and as a result of a process that has been underway in community groups for more than a few years, the Department of Environment and Science recently recommended that the remaining [northern] section of the park be integrated with the existing southern section's heritage listing. [See [Attachment A](#) for a fully referenced and authentic description of what is about to be buried under two running tracks and multiple swimming pools.]

The significance of the park for first nation's people is also extensively and dramatically contained in multiple historical studies covering the park and Brisbane. Just recently one of the first nations groups iterated its long historical connection with Victoria Park in a proposal sent to the Minister for Aboriginal and Torres Strait Islander Partnerships [See [Attachment B](#) - this is a referenced indigenous history spanning thousands of years - as well as recent history].

The Ministers for (1) Resources, (2) Environment (3) Sport and (4) Aboriginal and Torres Strait Islander Partnerships and the Brisbane City Council have each been approached under the existing legislation to confirm their actions to protect the site in line with their responsibilities under their existing legislation. None can deny that they are apprised of the intentions for the site and none can set aside from their existing legal responsibilities under the existing legislation which accords particular responsibilities to each of them. ***This has significant ramifications for those Ministers [and the Local Authority] and has the potential to disrupt the intended application of this 'shortcut' Act under review.***

Further there is an urgent and necessary need to overcome the non compliance of the intended actions under this Bill to meet the clear terms of the contract between the IOC and the Queensland Government. ***GIICA must confirm that the multi criteria analysis employed to assess each individual site has been completed and the analysis undertaken to confirm that the selected sites represent the most effective combination of sites for the overall operation of the games.*** This is outstanding because its strong recommendation against Victoria Park for the swimming venue has been overturned by the Government and there is no evidence of how this has now been accommodated within the independent review.

**Furthermore there must be approval by the IOC [for all venues] or otherwise it will not be possible for GIICA to perform one of its primary functions required by this proposed Bill - i.e. to confirm that the actions to select and develop the venues has been completed in accordance with the primary games contract.** There is also another outstanding item on this front - the pre-election games bid made by the government is binding on the government and at this stage there has been no resolution of the reason why the terms of this part of the agreement are to be broken. Specifically, Victoria Park was nominated [in the pre-election bid] to be reinvigorated as parkland and that it would be one of the enduring legacy achievements of this games. **GIICA will be unable to comply with its obligations under this Act if these matters are not dealt with prior to the proclamation of this legislation.**

**Finally, this proposed Bill does not change the status of the lands subject to the design and construction activities of GIICA and or other relevant bodies.** That being the case it would appear that it is intended that once these works are completed, that the venue sites would be administered under the existing arrangements in play. Consequently it is expected the current 'status' of the lands would remain in place as per

- Deeds of Grant in Trust under the Land Act
- Heritage issues covered by the Heritage Act
- Cultural Heritage issues covered by the Aboriginal Cultural Heritage Act

Or does in fact the government intend to take further, and as yet unexplained actions, to modify the status of these lands?

This array of unresolved issues has the potential to disrupt the flow of actions otherwise intended under this proposed bill and we request that the Government make clear

- The implications for Ministers who have not resolved appropriate actions under their respective existing legislation to take actions to protect the lands for which they are currently responsible
- When and how GIICA will finalise its full 100 day review fully incorporating the changes needed to accommodate the changes made by government
- How and when will the OIC approve the venues in line with the contract between the parties
- How will the government act to ensure that the proposed venue arrangements will be modified to comply with the pre election bid
- Exactly how it is intended to deal with existing status of the land once the design and construction activity is completed
- If it is intended to change the status of the land then it is critical that the cadastral boundaries of these changes be made clear to delineate the scale and extent of the Olympic venues in relation to the existing land holdings.

In the absence of this information being made available at this point in time , then as noted above, the eventual process of 'disclosure' is likely to become a process of 'salami tactics' where small slices of the

truth [and of the existing parkland] are cut off progressively until the community has almost nothing at Victoria Park [and any other site that may fall into the 'free public land for private benefit' category].

As part of the 'way forward', the following part of this submission sets out a number of additional issues that require resolution in an endeavour to reduce the severity of this Bill's impact on the communities concerned for the protection of Victoria Park as well as the broader community interest in the success of the venues near them to provide long term 'legacy' benefits for residents. .

## INTRODUCTION

This submission has been developed following a detailed analysis process involving

- Analysis of the entire legislation and relevant agreements [[Attachment C](#)]
- Consolidation of the Major Issues [[Attachment D](#)]
- Review of Current Legislative obligations relevant to Ministers who have responsibility for specific matters on specific sites
- The development of seven [7] CASE EXAMPLES that highlight the shortcomings of this legislation
- Extensive discussions and review with community members and concerned professionals anxious to ensure that severe restrictions intended to be imposed on the community to 'immunise' the Olympic projects from the State planning system developed over 165 years

We present details to improve the workability of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025. We note the government's concern to ensure that Queensland achieves its Olympic development targets however, we consider that there are significant deficiencies within the proposed legislation. Overcoming these deficiencies will not delay the project - it will simply give the process much more real and apparent integrity.

## CONTEXT- Socio Political

The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 aims to amend several existing Acts, including the Brisbane Olympic and Paralympic Games Arrangements Act 2021, to facilitate the timely delivery of infrastructure for the Brisbane 2032 Olympic and Paralympic Games. While one part of the Bill enhances community engagement through social impact assessments and community benefit agreements for certain developments, another part seeks to **reduce community engagement and streamline processes for Games-related developments**. The stated main purpose of the amendments is to ensure the State complies with its obligations under relevant games agreements by delivering venues and villages in a timely manner and maximising legacy benefits. It is critical to note that - *If the Bill proceeds in its current form it will lead to the clear confirmation that both the Government and*

GIICA are not and will not comply with their obligations under the relevant games agreements. And most importantly neither will be in a position to fulfil their documented obligations to Queenslanders.

## CONTEXT - Historical

Brisbane and South East Queensland are currently subject to a development process characterised as metropolitan regionalism. To respond to this the Queensland Government has implemented a wide range of development planning legislation that is intended to cohere towards an integrated approach to development. The South East Queensland Regional Plan is intended to bring together development approaches and priorities [across all levels of government] directed towards a sustainable future for the residents of the region. It is both remarkable and surprising that the legislative and operational architecture established over more than 160 years to achieve coordinated development in the region has been put to one side in order to develop venues for an Olympic Games event in 2032. It appears that the intended 'state of exception' approach envisaged by this new legislation is designed to protect community interests only in ensuring that games venues are delivered on time.

Virtually all of the 'checks and balances' developed over a long period of gestation in the life of the Queensland Government's engagement with development and planning are being sidelined to the extent that **ignoring established legislation is made lawful** - this enables the State to create a 'temporary' tabula rasa [clean slate] that overcomes/overrides the foundations of State, Regional and Local planning. This is an unfortunate precedent that will have multiple, as yet unseen, consequences for future approaches to development within the State. Bearing that in mind, this submission takes the view that whilst such an approach seems to be legislative and political overreach that the Government has made this decision in the best interests of all concerned.

That being the case, this submission accepts that the State does have the capacity to '*shoot itself in the foot*' [i.e. to legislate to [potentially] overcome its own legislation] and it is not proposed to belabour this point. Instead this part of the submission seeks to put forward ancillary changes [to the legislation] that endeavour to 'soften' the severity of the blow delivered by this legislation. The changes recommended enable some small concession to the need to maintain some level of respect for the community that is genuinely engaged in the planning and development of our city and our region.

To put it another way, this legislation shows two different 'agendas' in regard to how to overcome existential issues bearing on the State's future. In the case of one type of development the Bill introduces a requirement for development applications for certain prescribed material changes of use to be accompanied by a Social Impact Assessment (SIA) report and a Community Benefit Agreement (CBA). This is a central element of the "Social impact and community benefit amendments" detailed in Chapter 2 of the Bill. The Explanatory Notes state this is to **"improve the consistency of how renewable energy projects are assessed and ensure that there are positive legacy impacts for local communities."**

In the case of another type of development, namely the use, or activities for the construction of Games infrastructure (venues, villages, and related transport infrastructure), such developments are declared lawful despite various other Acts, including planning, cultural heritage and environmental legislation. This is a significant provision designed to expedite development irrespective of community benefits. **"The development, use or activity is taken to be lawful despite the following Acts (each a relevant Act)..."** (Clause 66, Section 53DD(1)).

It is a remarkable confluence that not only do we see these 'stark' oppositional approaches but that these are contained within the one Bill. Our concern rests solely with what is being taken away from one community of interest and that it is being taken away without apparent due regard for the extent of that removal.

## KEY ISSUES

The following points highlight deficiencies in the proposed legislation based on the stated provisions within the relevant games agreements and widespread concerns across the community.

1. **Limited notifications required by government that keep the community apprised of progress and the current stages of development:**
  - a. The new Act establishes a distinct legal and administrative framework for Games-related development.
  - b. A significant implication of this framework is that it **sets aside standard planning approval requirements**, including associated **notification, consultation, and procedural fairness mandates** under the Planning Act 2016 and other unnamed "Relevant Acts" for listed Games venues, villages, and transport infrastructure. This is justified in the Bill's explanatory notes by the need to deliver venues on time and meet contractual commitments.
  - c. While the Bill introduces requirements for community consultation as part of the Social Impact Assessment process for other types of development, the specific provisions for Games projects appear to override these standard processes, potentially limiting how the community is kept informed or can provide input during the development stages.
2. **Not properly dealing with the non-compliance of the Victoria Park venues with the obligations identified in the 'pre-election bid' and the IOC requirements for not using sites on cultural heritage lands:**
  - a. The Olympic Host Contract (OHC) includes specific obligations regarding the elements contained in the final bid and the selection of sites in relation to cultural heritage lands.
  - b. The final bid made by Queensland was based on Victoria Park being **preserved and enhanced as parkland** and specifically singled out for **preservation, increased greening, and potential "re-wilding"**.

- c. The Host City Contract (an earlier term for the OHC) states that new permanent venues should **not be located in or adjacent to statutory nature or cultural protected areas**.
  - d. Victoria Park is noted as containing **cultural heritage land** under both the Queensland Heritage Act and the Aboriginal Cultural Heritage Act. It is also registered for cultural heritage value at the State level and the Local Level, and is on the Aboriginal Cultural Heritage Register. Work is currently underway to upgrade the heritage recognition of a large part of the park.
  - e. Building multiple venues on this site (Schedule 1 lists Victoria Park as an Authority Venue involving athletics and aquatics) appears to **not comply with the obligations and intentions based on the park's existing status**.
  - f. The Bill attempts to address cultural heritage by providing an **alternative regime for Aboriginal and Torres Strait Islander cultural heritage matters**. However, this alternative process modifies the operation of only the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*. It does not deal with cultural heritage issues covered by the Heritage Act
3. **Avoidance of having a 'default' heritage plan in addition to the need for a default 'Aboriginal cultural heritage plan [the requirements of the Heritage Act are completely ignored]:**
- a. The Bill introduces a new Chapter 3A which includes "Cultural heritage provisions" in Part 3. This part establishes an **alternative process** for cultural heritage management for Games projects.
  - b. This alternative process involves proponents giving notice and negotiating a "part 3 plan" with Aboriginal and Torres Strait Islander parties. If negotiation is unsuccessful or parties cannot be identified, a **"default plan" (Schedule 5)** automatically applies. This default plan is specifically for *Aboriginal cultural heritage* and *Torres Strait Islander cultural heritage*, and if a negotiated plan is agreed, it takes effect as an approved cultural heritage management plan under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*.
  - c. The sources **do not mention any equivalent alternative process or default plan for heritage matters under the Queensland Heritage Act 1992**. While the Queensland Heritage Act 1992 is listed as one of the "Relevant Acts" whose requirements for development may be overridden by the Bill for Games purposes, there is no indication that the Bill establishes a specific process or default plan to manage impacts on non-Indigenous heritage.
4. **The uncertain status of the land that is already registered under the Heritage Act because the proposed legislation does not void the existing status of the land - it will remain as heritage registered land even after the Olympic construction:**

- a. The proposed Olympic legislation **does not appear to directly override the registration status of Victoria Park itself** under the Queensland Heritage Act.
- b. The Bill does not explicitly state that the status of registration on the Queensland Heritage Register is automatically impacted or removed simply because an Olympic venue is built on a site already listed on the register.
- c. Therefore, the **status of the land as heritage registered is expected to remain** even after construction.
- d. However, the Bill states that development, use, or activity for Games purposes is taken to be lawful **despite** the Relevant Acts listed in section 53DD(1), which includes the Queensland Heritage Act 1992. This implies that requirements related to development under the Queensland Heritage Act may be overridden for Games purposes, **creating uncertainty** about how the ongoing heritage status is managed or enforced after construction, given that the standard processes of the Act are bypassed. The Bill overrides the *processes* that would normally apply during construction but not the long term *status* of the land or its management into the future.

**5. Concerns that GIICA will be non - compliant with its governance obligations if it is held responsible for ensuring compliance with the host agreement at the same time as constructing venues on Victoria Park that do not comply with the host contract:**

- a. The proposed changes to the legislation, particularly the Bill, clarify and amend the role of the Games Independent Infrastructure and Coordination Authority (GIICA), shifting its core focus towards the delivery of Games venue infrastructure.
- b. A key obligation of GIICA under the new legislation is to **ensure compliance with relevant games agreements, including the host contract**, to the extent they relate to the delivery of authority venues. This is explicitly stated as one of the clarified needs for GIICA to achieve its policy objectives.
- c. As noted above, Victoria Park is scheduled to host two Authority Venues which GIICA is responsible for delivering.
- d. However, the current cultural and heritage status of the land at Victoria Park appears to **preclude it from being compliant with the host contract for the Games**, specifically regarding the selection of sites for new permanent venues.
- e. This creates a **direct conflict** where GIICA is legislatively required to ensure compliance with the Host Contract, but is also tasked with delivering a venue on a site that is identified as being non-compliant with that same contract's site selection requirements due to its heritage status. This situation is problematic for GIICA and will cause unfavourable findings against the Authority during future audit and compliance action by the Queensland Government.

**6. Concerns that the Minister for Natural Resources, the Minister for the Environment, the Chair of the Queensland Heritage Council, Minister for Aboriginal and Torres Strait Islander Partnerships and the Brisbane City Council will not have undertaken their responsibilities appropriately or sufficiently if they do not take relevant actions prior to the implementation of this legislation.**

- a. The relevant authorities and bodies have an unavoidable obligation to understand the extent of the ramifications of published actions by the Queensland Government in regard to their particular portfolios and interests.
- b. The proposed bill does not alert them to their obligations and thereby properly enable them to take appropriate prior actions.
- c. The different obligations of these parties mean that some or all may be found to be in default of their responsibilities, not the least of which is to ascertain the scale and scope of possible impact on their portfolios and to provide advice on the implications prior to proceeding with this course of action.

**7. Concerns that this legislation flies in the face of the AARHUS CONVENTION and the UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES [UNDRIP].**

The broader provisions for Games infrastructure development appear to be **in tension with or inconsistent with** the fundamental principles of the Aarhus Convention, particularly regarding:

- a. **Access to Information:** By removing compliance with standard environmental and planning Acts, which reduces public access to information that would be available through those processes.
- b. **Public Participation:** By setting aside consultation requirements under standard planning and environmental Acts.
- c. **Access to Justice:** By severely restricting review rights for relevant decisions to jurisdictional error only, allowing civil proceedings to be stopped if they delay delivery, and providing immunity from prosecution for the State under the cultural heritage part.

The legislation also contains several elements that appear to **potentially run counter to the aspirations and specific rights outlined in UNDRIP:**

- a. Priority of Timely Delivery over Agreement
- b. Limitations on Access to Justice
- c. Modification of Existing Rights Frameworks
- d. Reduced Representation

The following section picks up a number of the issues identified above and drills down into a little more detail. These 'cases' iterate some of the considerable inadequacies of this legislation.

## CASE STUDIES

These case studies drill down into the particular details associated with a number of the issues referenced above.

### Case One: A Contractual Obligation

I have set out below specific obligations under the Olympic Host Contract (OHC) concerning

- (1) the elements contained in the final bid and
- (2) the selection of sites in relation to cultural heritage lands for the Brisbane 2032 Olympic and Paralympic Games.
- (3) GIICA's obligations under the new legislation to ensure compliance with the host contract.

In reviewing the following material ***it is critical to keep in mind that the final bid made by Queensland was on the basis that***

- A. Victoria Park would be preserved and enhanced as parkland
- B. Victoria Park contains cultural heritage land under both the Queensland Heritage Act and the Aboriginal Cultural Heritage Act.

### **Obligations regarding elements contained in the final bid:**

The elements contained in the final bid made by the host are referred to as "Pre-election Commitments". These originate from the Future Host Questionnaire submission (2021) prepared by the Queensland Government during the bid phase. The commitments and undertakings provided in this submission were enshrined in the Olympic Host Contract with the International Olympic Committee (IOC).

Pre-election Commitments are defined as all guarantees, representations, statements, and other commitments made by the Hosts in response to the IOC's "Future Host Questionnaire - Olympic Games" (January 2021 version or otherwise). These can be written or oral and made by the preferred hosts committee, the Hosts, the Host National Olympic Committee (NOC), or the Host Country Authorities. Statements made by or on behalf of these entities and contained in the report of the Future Host Commission are also included.

These Pre-election Commitments are binding on the Hosts, the Host NOC, and the Organising Committee for the Olympic and Paralympic Games (OCOG). The Hosts, Host NOC, and OCOG are responsible for ensuring these commitments remain in effect until the completion of the Games and Paralympic Games, or as required by the OHC or Olympic Charter. The OCOG is required to develop a register of all Pre-election Commitments made during the pre-election phase and the Future Host Commission visit.

The "Future Host Questionnaire" asks for specific commitments and information across various areas, including Vision, Games Concept, Legacy, Venue Master Plan, Alignment with City/Regional Development Plans, Venue Funding, Dates of the Games, Athlete Experience, Olympic Village(s), Spectator & Fan Experience/Community Engagement, Paralympic Games, Sustainability, Governance, Human Rights, and Economics of the Games. Notably, a Human Rights Policy commitment is required from the OCOG, Host

NOC, Host National Paralympic Committee (NPC), and the Host to protect the human rights of the concerned populations.

If the Hosts, Host NOC, and/or the OCOG fail to comply with any of their material obligations under the OHC, including non-adherence to Pre-election Commitments, the IOC has several remedies available. These include:

- Notification of non-compliance and providing a deadline for remediation.
- Withholding payments due to the OCOG.
- Retaining amounts held in the General Retention Fund.
- Setting off obligations against claims for damages.
- Performing the failed obligation itself at the cost of the responsible parties.
- Keeping retained or withheld amounts as liquidated damages.
- Terminating the OHC and withdrawing the Games.
- Claiming damages.

The Games Independent Infrastructure and Coordination Authority (GIICA) review is required to check the pre-election commitments made by the games host against the preferred venues, and consider legacy and sustainability issues. The Queensland Government's core responsibility is to "check" GIICA's recommendations against evaluating adherence to the guarantees, representations, statements, and commitments made by the Hosts in response to the IOC's "Future Host Questionnaire".

**Obligations regarding the selection of sites in relation to cultural heritage lands:**

The Host City Contract (an earlier term for the OHC) states that new permanent venues should not be located in or adjacent to statutory nature or cultural protected areas, or World Heritage Sites.

However, the sources indicate that land already registered as having cultural heritage status may be acceptable under the terms of the agreement, provided certain conditions are met. It does not automatically disqualify such land.

The specific requirements and conditions for locating a venue close to a protected cultural heritage area are:

- An independent assessment of cultural heritage constraints, potential impacts, risks, and mitigation requirements must be undertaken.
- This assessment must be submitted to the IOC for approval.
- The conservation status for any natural or cultural protected areas utilised must be maintained.
- The priority is avoiding and minimising adverse impacts on cultural heritage.
- Any activity on or around a protected area must be carefully planned and closely monitored to minimise impact.
- Adverse impacts on Indigenous people and land rights should be avoided. If unavoidable, consultation, fair compensation, and support in accordance with internationally-recognised standards and applicable laws are required.

- Sustainability principles must be integrated into all aspects of venue design, planning, and construction.
- Adherence to relevant Australian law, specifically the Human Rights Act 2019 (Qld) and heritage protection regulations, is necessary.

Accountability for ensuring that the requirements relating to compliance with cultural heritage land considerations are met is shared between the Host, the Host Country Authorities, the OCOG, and independent assessors. The OCOG has primary responsibility for defining, implementing, and communicating a comprehensive sustainability program that includes cultural heritage protection, and for commissioning the independent assessment, but relies on the Host Country Authorities and independent assessors to fulfil specific requirements. Independent assessors are accountable for conducting thorough and unbiased assessments.

### **Conclusion**

Victoria Park is already registered for cultural heritage value at the State level and the Local Level. It is also on the Aboriginal Cultural Heritage Register. Potential major new venues on this site appear to present a complex challenge in aligning with the expectations set out in the agreements and plans, especially the Host Contract Operational Requirements (OR 2022) which mandates prioritisation of existing or temporary venues and minimising environmental impact. Victoria Park was also specifically singled out in the pre-election bid for preservation, increased greening, and potential "re-wilding". It is apparent from the circumstances that building multiple venues on Victoria Park does not comply with the obligations and intentions based on the park's existing status. This is further complicated by the current work to upgrade the heritage recognition of a large part of the park.

### **[Case Two: GIICA Unable to Achieve Compliance with the 'relevant games agreement'](#)**

The proposed changes to the legislation, particularly the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025, clarify and amend the role of the Games Infrastructure and Infrastructure Coordination Authority (GIICA). The core focus of GIICA is shifted towards the **delivery of Games venue infrastructure** (new and upgrades to existing) to ensure successful delivery in time for the Games.

Under the proposed amendments, the specific obligations of GIICA is to ensure compliance with the relevant games agreements related to the delivery of authority venues are explicitly stated.

In performing its functions, **the authority (GIICA) must ensure compliance with requirements about the delivery of authority venues under the relevant games agreements.** This requirement is inserted as a new sub clause in Section 53AE of the amended *Brisbane Olympic and Paralympic Games Arrangements Act 2021*.

The explanatory notes for the Bill confirm that ensuring compliance with relevant agreements to the extent they relate to the delivery of authority venues is one of the clarified needs for GIICA to achieve its policy objectives. The parliamentary debate also highlights that GIICA will be responsible for ensuring it complies with relevant games agreements as they relate to authority venues. This is part of the shift towards the delivery phase of venues and villages to ensure Queensland meets its obligations as Host City for the 2032 Olympic and Paralympic Games.

Additionally, in performing its functions, the authority (GIICA) must also **co-operate with the corporation and the chief executive of the department in good faith and have regard to decisions and advice of the leadership group.**

A "relevant games agreement" is defined for Chapter 3A of the Brisbane Olympic and Paralympic Games Arrangements Act 2021 as meaning any of the following:

- the host contract [42(a)].
- an agreement entered into by the State to enable it to enter into the host contract [42(b)].
- an agreement entered into for the primary purpose of supporting the delivery of authority venues [42(c)].

The International Olympic Committee (IOC) elected Brisbane as host on 21 July 2021, and under the Olympic Host Contract, the IOC entrusts the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games corporation, the State of Queensland, Brisbane City Council, and the Australian Olympic Committee with the planning, organising, financing, and staging of the Games. The Bill seeks to ensure the State complies with its obligations under these relevant games agreements.

Therefore, the Act explicitly requires GIICA to ensure compliance with the host contract, agreements related to entering the host contract, and agreements specifically for delivering authority venues.

Similarly, while the Games must be staged in accordance with the terms of the host contract and the IOC's Olympic Charter, GIICA's specific statutory compliance requirement is directed towards the defined "relevant games agreement" which includes the host contract, rather than all potentially broader "IOC's requirements" that may exist outside of these agreements. The overall purpose of the Bill, however, includes protecting the public interest in ensuring the State is ready to host the Games and perform its obligations under relevant games agreements. **The legislation mandates compliance with the requirements under those agreements as they pertain to venue delivery. As a result GIICA is not in a position to undertake construction on Victoria Park and at the same ensure compliance with the host contract.**

### Case Three: Uncertain Status of Land

The legislation related to the Brisbane 2032 Olympic and Paralympic Games, including the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 focuses on facilitating the timely delivery of venues, villages, and games-related transport infrastructure.

This legislation introduces provisions aimed at enabling development despite other relevant acts. It states that development, uses, and activities for games projects are taken to be lawful *despite* any of the "Relevant Acts" listed in the new Chapter 3A. It does not void the existing status of the land and nor does it preclude the land being treated [from an ongoing management perspective] in accordance with its existing status. Furthermore, a civil proceeding may not be started against a person in relation to such development, use, or activity if there is a reasonable prospect that the proceeding will prevent the timely delivery of a venue, village, or transport infrastructure.

This suggests that the **usual approval and review processes** that might otherwise apply under legislation like the *Planning Act 2016* (which integrates with the *Queensland Heritage Act 1992* for development assessment on heritage places) are likely bypassed or significantly altered for games projects. The Government explicitly notes however, that the proposed legislation is potentially inconsistent with fundamental legislative principles "to the extent that the provisions in the legislation will remove the usual approval and review processes", justifying this by the need to deliver venues for the Games and meet contractual commitments.

Regarding aboriginal cultural heritage, the legislation provides an **alternate regime for addressing Aboriginal and Torres Strait Islander cultural heritage matters** and modifies the operation of the *Aboriginal Cultural Heritage Act 2003* or the *Torres Strait Islander Cultural Heritage Act 2003* in relation to games projects. This regime involves a proponent potentially giving notice of intention to develop a cultural heritage plan.

However, while the sources indicate a significant streamlining or bypassing of standard development approval processes for Olympic venues, they **do not explicitly state that the status of registration on the Queensland Heritage Register under the Queensland Heritage Act 1992 is automatically impacted or removed** simply because an Olympic venue is built on a site already listed on the register.

### **Conclusion**

The Olympic legislation, as proposed by the Queensland Government, does not appear to directly override the *registration status* of Victoria Park itself, but rather the *processes* that would normally apply to development on such a place. The purpose of the new legislation is to facilitate development and ensure the State is ready to host the Games, and to facilitate legacy uses *after* the Games. The legacy outcomes for venues are a significant consideration.

It follows that the arrangements for maintaining the property [once completed] would fall within the ambit of the relevant heritage legislation on the basis of its existing 'status' under the relevant heritage legislation. It also follows that the continuing cultural and heritage status of the lands at Victoria Park necessarily preclude it from being compliant with the host contract for the games. This is problematic for GIICA because it is required, by the new legislation, to ensure compliance with the host contract.

#### **Case Four: Minister's Capacity to Protect a Place that is not a State Heritage**

We note that the Queensland Government has put forward plans to undertake major construction work on Victoria Park North [subject to an application which has been accepted by the Department for review] as a property likely to meet the requirements of the Queensland Heritage Register - See Victoria Park North Queensland Heritage Register Application Victoria Park South [already registered on the State Heritage Register No.602493].

Drawing on the Queensland Heritage Act 1992 we note that both the Minister and the Queensland Heritage Council (QHC) have responsibilities in protecting State Heritage Registered properties in Queensland. Provisions also apply if construction work is scheduled for those properties. We note that the Minister has particular responsibilities including -

The power to make stop orders requiring a person to stop or prohibiting them from starting work or an activity at a place that is not a State heritage place, if satisfied the place is likely to meet heritage criteria and the work would damage its significance. Authorising individuals to bring proceedings for offences against the Act.

The evidence available to the Minister now is that there is a compliant submission which is being formally considered by the Department in regard to Victoria Park North - for this property to be formally reviewed by the Department and then by the QHC for inclusion on the State Heritage Register. The Department has now presented a formal recommendation to the QHC for the registration of Victoria Park North on the State Heritage Register.

There is also a formal announcement from the Queensland Government to undertake major construction work on this site and this has the potential to seriously damage cultural heritage values on this site. We believe that it is critical that a stop work order be issued in regard to this site until the matter of its heritage listing is resolved. We suggest that the Minister has no other way of ensuring that the cultural heritage values of this site are not destroyed before the current statutory process for resolution of its listing is completed. We believe there is a clear obligation of the Minister under the Act to take this necessary action.

We further note that the QHC has a function to encourage the appropriate management of places of cultural heritage significance plays a role in making recommendations about State development on Queensland

heritage places provides strategic advice to the Minister about matters relating to Queensland's cultural heritage, including conservation measures. Most importantly we note that when exercising powers under the Act, the QHC must seek to achieve the retention of the cultural heritage significance of the places to which the Act applies. Before making a decision on a heritage recommendation, the QHC must consider the recommendation and may seek further written representations.

We respectfully suggest that the QHC has a significant and important role in advising the Minister to ensure that a full assessment is made of the likely impact of the Queensland Government's Stadium proposal on Victoria Park North and the Queensland Government Swimming Centre on Victoria Park South. This would involve explicit documentation of each proposal showing its impact on the site and enabling submissions to be made in regard to the suitability of this scale and type of development on both sites.

Further we note that [in regard to Victoria Park South], the QHC must consider reports and submissions regarding development proposals on Queensland heritage places and make recommendations to the relevant Minister. Further if the development would destroy or substantially reduce the significance of a non-archaeological State heritage place, the QHC may only recommend approval if there is no prudent and feasible alternative. We note in particular that the Games Independent Infrastructure and Coordination Authority [GIICA] report to the Queensland Government has specifically shown that there is an alternative to the use of Victoria Park [South]. Also, in regard to Construction Work on a State Heritage Listed Property, we note that development on a Queensland heritage place is regulated. In this regard a relevant person may apply to the chief executive for an exemption certificate to carry out certain development. An exemption certificate may be granted if the development is permitted under a heritage agreement or will not have a detrimental effect or will only have a minimal detrimental impact on the cultural heritage significance of the place.

The work announced to be undertaken by the Queensland Government on Victoria Park South is clearly not within the province of an exemption. The Minister has been requested to provide urgent confirmation that no exemption certificate will be applicable to works proposed to be undertaken for the Stadium and the Swimming Centre. Also, for development proposed by a State agency on a State heritage place, the agency must provide a report to the QHC. The QHC then considers the report and any submissions and makes a recommendation to the Minister about whether the development should proceed and under what conditions.

*For State heritage places if the development would destroy or substantially reduce the cultural heritage significance, the QHC can only recommend approval if there are no prudent and feasible alternatives.* The evidence provided by GIICA already shows that the swimming centre proposed at Victoria Park South would destroy or substantially reduce the cultural heritage significance of this site and there are clearly articulated and justified alternatives for the planned swimming centre at Victoria Park South.

We believe that it is necessary for the QHC to seek a report from the State agency in regard to the exact details of work proposed to be undertaken at both the North and South components of Victoria Park and to provide the opportunity for submissions to be made in regard to both of these proposals.

#### Case Five: DOGITs

In regard to existing legislation we are not aware of the extent to which the Minister for Resources has undertaken assessments in relation to ensuring that the primary purposes of the park will be protected in relation to the requirements of relevant DOGITs. There are also issues of public access to be maintained, and provisions regarding 'secondary uses' and the issue of financing for works being consistent with the provisions of both the Act and its regulations.

Further, we have sought information in regard to what actions the Minister has taken to inform himself in regard to which 'parts' of each of these DOGIT sites will be required for the MAIN STADIUM. As well, in regard to the proposed BRISBANE HIGH PERFORMANCE AQUATIC CENTRE, which DOGIT sites and parts thereof are expected to be impacted by this proposed venue.

Identification of the actual sites [with clearly marked boundaries] is clearly foundational to enable these projects to proceed past this point as it is anticipated that the administration of 'balance' DOGITs must be sustained during the design and construction phase.

In considering the breadth of issues at stake in these cases [1-5] and given the earlier comments made regarding the general issues at play, it would appear that it is critical for an amount of clarifying work to be undertaken prior to the proclamation of this legislation. Failure to recognise the current shortcomings could have serious ramifications for the Minister's involved, the BCC and GIICA for the reason enunciated above.

#### Case Six: Aarhus Convention

The Bill prioritises the **timely delivery** of Games infrastructure, which it seeks to achieve by removing requirements for compliance with standard planning and environmental Acts and significantly limiting public access to information and access to justice mechanisms that would normally apply under those Acts.

While there is a specific process for consultation and information exchange regarding cultural heritage with relevant parties, and some basic information about venues is provided, the broader provisions for Games infrastructure development appear to be **in tension with or inconsistent with** the fundamental principles of the Aarhus Convention, particularly regarding:

- **Access to Information:** By removing compliance with standard environmental and planning Acts, which reduces public access to information that would be available through those processes.

- **Public Participation:** By setting aside consultation requirements under standard planning and environmental Acts.
- **Access to Justice:** By severely restricting review rights for relevant decisions to jurisdictional error only, allowing civil proceedings to be stopped if they delay delivery, and providing immunity from prosecution for the State under the cultural heritage part.

The Bill explicitly acknowledges that these limitations are justified by the need for timely delivery, but this justification, while potentially valid under domestic law based on the Statement of Compatibility's human rights analysis, appears to directly contradict the access to justice guarantees of the Aarhus Convention.

### [Case Seven:UNDRIP Principles](#)

#### Relevant UNDRIP Principles

- **Article 27** requires States to establish and implement, *in conjunction with indigenous peoples concerned*, a fair, independent, impartial, open, and transparent process... to recognise and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples *shall have the right to participate in this process*.
- **Article 34** states Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices.
- **Article 40** grants Indigenous peoples the right to access to and prompt decision through *just and fair procedures* for the resolution of conflicts and disputes with States or other parties, and to *effective remedies* for all infringements of their individual and collective rights. Such decisions shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned.
- **Article 41** suggests that ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
- UNDRIP as a whole is proclaimed as a standard of achievement, affirming the equality of indigenous peoples while recognising their right to be different and be respected, and encouraging States to comply with and effectively implement obligations under international instruments relating to human rights, in consultation and cooperation with the peoples concerned.

The proposed legislation for Games-related cultural heritage management introduces a specific, detailed process that *mandates engagement, consultation, and negotiation* with identified Aboriginal and Torres Strait Islander parties regarding cultural heritage potentially affected by Games infrastructure projects. This process includes mechanisms for information exchange and participation, which aligns with the general principles of participation and information access outlined in UNDRIP Articles 27 and 41.

However, the legislation also contains several elements that appear to **potentially run counter to the aspirations and specific rights outlined in UNDRIP**:

1. **Priority of Timely Delivery over Agreement:** The regime provides for a **default cultural heritage plan** to apply if agreement is not reached with Aboriginal and Torres Strait Islander parties within the timeframes required for delivery schedules. This suggests that the negotiation process may be overridden by project timelines, potentially limiting the ability of Indigenous parties to fully determine the terms of cultural heritage management in their traditional areas, which could be seen as inconsistent with the spirit of negotiation and agreement central to UNDRIP Article 27.
2. **Limitations on Access to Justice:** The legislation significantly restricts review rights for decisions made under this cultural heritage part to jurisdictional error only. It also allows for civil proceedings challenging Games infrastructure development (which would include cultural heritage matters) to be stopped if they are deemed likely to prevent timely delivery. Furthermore, the State is given **immunity from prosecution** under other Acts for harm caused to cultural heritage under this specific regime. These restrictions on the ability to challenge decisions, access courts, and hold the State accountable appear to be **inconsistent** with UNDRIP Article 40, which calls for access to *just and fair procedures* and *effective remedies* for rights infringements.
3. **Modification of Existing Rights Frameworks:** The sources state the new Chapter 3A, Part 3 modifies the operation of the existing *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*. While the Statement of Compatibility suggests the regime incorporates many features of the existing Acts, the overall effect is to create a distinct, less challengeable process for Games projects compared to the standard framework, potentially impacting the rights Indigenous peoples exercise under those existing Acts.
4. **Reduced Representation:** The Bill removes the requirement for an Aboriginal or Torres Strait Islander person to be a nominated director on the GIICA board, potentially reducing formal Indigenous representation within a key delivery body for the Games infrastructure.

In summary, while the Bill establishes a formal, albeit modified, process for engaging with Aboriginal and Torres Strait Islander parties on cultural heritage matters for Games projects, incorporating elements of consultation and negotiation, the provisions that allow a default plan to override negotiation outcomes for timely delivery, severely restrict access to justice and effective remedies, and grant the State immunity from prosecution for cultural heritage harm under this part, appear to be **at odds with fundamental rights articulated in the United Nations Declaration on the Rights of Indigenous Peoples**, particularly concerning access to justice, effective participation, and the right to control and protect cultural heritage without undue limitations based on project timelines or state immunity.

## RECOMMENDATIONS

The following recommendations pick up from the ISSUES identified initially and, using the additional information gained from the CASE STUDIES, we have highlighted in red the RECOMMENDATIONS that highlight the actions needed to ensure that the dealings with the Olympic venues proceeds in a manner consistent with the Government's contractual and legislative obligations.

1. **Limited notifications required by government that keep the community apprised of progress and the current stages of development:**
  - a. The new Act establishes a distinct legal and administrative framework for Games-related development.
  - b. A significant implication of this framework is that it **sets aside standard planning approval requirements**, including associated **notification, consultation, and procedural fairness mandates** under the Planning Act 2016 and other unnamed "Relevant Acts" for listed Games venues, villages, and transport infrastructure. This is justified in the Bill's explanatory notes by the need to deliver venues on time and meet contractual commitments.
  - c. While the Bill introduces requirements for community consultation as part of the Social Impact Assessment process for other types of development, the specific provisions for Games projects appear to override these standard processes, potentially limiting how the community is kept informed or can provide input during the development stages.
  - d. There is a complete absence of a structured notification process. The Act should be modified to incorporate a diary of community notifications when actions are taken that may institute an event that could form the basis for jurisdictional review. We recommend a defined and operationally relevant diary of notifications that ensure some semblance of the normal etiquette of notification associated with land development under the Planning Act in Queensland . A standard diary of notifications would include at least the following milestones
    - i. Delineation of the site cadastral boundaries and notices to all portfolios with an interest in the land
    - ii. Preliminary Design
    - iii. Final Design
    - iv. Construction Management Plan
    - v. Any actions to change the status of the land
    - vi. Construction Completion
    - vii. Venue 'handover'
    - viii. Legacy Plan progress reports annually
2. **Not properly dealing with the non-compliance of the Victoria Park venues with the obligations identified in the 'pre-election bid' and the IOC requirements for not using sites on**

## cultural heritage lands:

- a. The Olympic Host Contract (OHC) includes specific obligations regarding the elements contained in the final bid and the selection of sites in relation to cultural heritage lands.
  - b. The final bid made by Queensland was based on Victoria Park being **preserved and enhanced as parkland** and specifically singled out for **preservation, increased greening, and potential "re-wilding"**.
  - c. The Host City Contract (an earlier term for the OHC) states that new permanent venues should **not be located in or adjacent to statutory nature or cultural protected areas**.
  - d. Victoria Park is noted as containing **cultural heritage land** under both the Queensland Heritage Act and the Aboriginal Cultural Heritage Act. It is also registered for cultural heritage value at the State level and the Local Level, and is on the Aboriginal Cultural Heritage Register. Work is currently underway to upgrade the heritage recognition of a large part of the park.
  - e. Building multiple venues on this site (Schedule 1 lists Victoria Park as an Authority Venue involving athletics and aquatics) appears to **not comply with the obligations and intentions based on the park's existing status**.
  - f. The Bill attempts to address cultural heritage by providing an **alternative regime for Aboriginal and Torres Strait Islander cultural heritage matters**. However, this alternative process modifies the operation of only the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*. It does not deal with cultural heritage issues covered by the Heritage Act
  - g. We recommend that provision is made in the legislation for the Leadership Group to formally obtain approval of each site by the IOC [as stipulated in the host contract] prior to the commencement of any on site assessment, design or construction.
3. **Lack a 'default' heritage plan in addition to the need for a default 'Aboriginal cultural heritage plan [the requirements of the Heritage Act are completely ignored]:**
- a. The Bill introduces a new Chapter 3A which includes "Cultural heritage provisions" in Part 3. This part establishes an **alternative process** for cultural heritage management for Games projects.
  - b. This alternative process involves proponents giving notice and negotiating a "part 3 plan" with Aboriginal and Torres Strait Islander parties. If negotiation is unsuccessful or parties cannot be identified, a **"default plan" (Schedule 5)** automatically applies. This default plan is specifically for *Aboriginal cultural heritage* and *Torres Strait Islander cultural heritage*, and if a negotiated plan is agreed, it takes effect as an approved cultural heritage management

plan under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*.

- c. The sources **do not mention any equivalent alternative process or default plan for heritage matters under the Queensland Heritage Act 1992**. While the Queensland Heritage Act 1992 is listed as one of the "Relevant Acts" whose requirements for development may be overridden by the Bill for Games purposes, there is no indication that the Bill establishes a specific process or default plan to manage impacts on non-Indigenous heritage.

- d. **We recommend that provisions be made in the legislation for a 'default Heritage Plan' in a similar way as there is provision for a default Aboriginal Cultural Heritage Plan**

**4. The uncertain status of the land that is already registered under the Heritage Act because the proposed legislation does not void the existing status of the land - it will remain as heritage registered land even after the Olympic construction:**

- a. The proposed Olympic legislation **does not appear to directly override the registration status of Victoria Park itself** under the Queensland Heritage Act.
- b. The Bill does not explicitly state that the status of registration on the Queensland Heritage Register is automatically impacted or removed simply because an Olympic venue is built on a site already listed on the register.
- c. Therefore, the **status of the land as heritage registered is expected to remain** even after construction.
- d. However, the Bill states that development, use, or activity for Games purposes is taken to be lawful **despite** the Relevant Acts listed in section 53DD(1), which includes the Queensland Heritage Act 1992. This implies that requirements related to development under the Queensland Heritage Act may be overridden for Games purposes, **creating uncertainty** about how the ongoing heritage status is managed or enforced after construction, given that the standard processes of the Act are bypassed. The Bill overrides the *processes* that would normally apply during construction but not the long term *status* of the land or its management into the future.
- e. **We recommend that an overarching conservation management plan [CMP] be prepared for the whole of Victoria Park [and any other site which has an existing heritage registration] and its venues following on from the suggested default heritage plan. This CMP would be prepared prior to the completion of the facilities and would be part of the ongoing legacy outcomes for this site.**

**5. Concerns that GIICA will be unable to be compliant with its governance obligations if it held responsible for ensuring compliance with the host agreement at the same time as**

**constructing venues on Victoria Park that do not comply with the host contract:**

- a. The proposed changes to the legislation, particularly the Bill, clarify and amend the role of the Games Independent Infrastructure and Coordination Authority (GIICA), shifting its core focus towards the delivery of Games venue infrastructure.
  - b. A key obligation of GIICA under the new legislation is to **ensure compliance with relevant games agreements, including the host contract**, to the extent they relate to the delivery of authority venues. This is explicitly stated as one of the clarified needs for GIICA to achieve its policy objectives.
  - c. As noted above, Victoria Park is scheduled to host two Authority Venues which GIICA is responsible for delivering.
  - d. However, the current cultural and heritage status of the land at Victoria Park appears to **preclude it from being compliant with the host contract for the Games**, specifically regarding the selection of sites for new permanent venues.
  - e. This creates a **direct conflict** where GIICA is legislatively required to ensure compliance with the Host Contract, but is also tasked with delivering a venue on a site that is identified as being non-compliant with that same contract's site selection requirements due to its heritage status. This situation is problematic for GIICA and will cause unfavourable findings against the Authority during future audit and compliance action by the Queensland Government.
  - f. **We recommend that GIICA be required to**
    - i. **Complete the assessment of the 100 day review to include the updated assessment associated with Victoria Park and provide this material to the Leadership Group to enable sign off by the IOC**
    - ii. **Implement default heritage plans as well as cultural heritage plans and also an overall 'site' conservation management plan for any sites subject to heritage registration**
    - iii. **Identify and publish the cadastral boundaries of each venue prior to commencing any actions in regard to a venue site**
    - iv. **Provide regular reports against the diary of notifications prepared for each venue**
- 6. Concerns that the Minister for Natural Resources, the Minister for the Environment, the Chair of the Queensland Heritage Council, Minister for Aboriginal and Torres Strait Islander Partnerships and the Brisbane City Council will not have undertaken their responsibilities appropriately or sufficiently if they do not take relevant actions prior to the implementation of this legislation.**

- a. The relevant authorities and bodies have an unavoidable obligation to understand the extent of the ramifications of published actions by the Queensland Government in regard to their particular portfolios and interests.
- b. The proposed bill does not alert them to their obligations and thereby properly enable them to take appropriate prior actions.
- c. The different obligations of these parties mean that some or all may be found to be in default of their responsibilities, not the least of which is to ascertain the scale and scope of possible impact on their portfolios and to provide advice on the implications prior to proceeding with this course of action.
  - i. The Senior Leadership Group ensures that all reasonable actions are undertaken to protect each Minister of State and Trustee to ensure that all reasonable actions are taken to finalise actions consistent with their existing legislative responsibilities. Failure to do so may prompt legal recourse that delays progress with venue development.
  - ii. Senior Leadership Group to recognise that the intended legislation does not change the status of the existing lands within DOGITs, heritage and cultural heritage sites and that arrangements be put in place with each responsible Minister of the State [and trustees such as BCC] to ensure an appropriate transition from GIICA to the responsible Ministers at the time of handover.
  - iii. The Senior Leadership Group identifies and publishes a clear outline of any other actions that are intended to change the status of existing land and include any relevant information within the diary notification process referenced above. This will ensure that all interested communities are made aware of intended actions before they occur.

**7. Concerns that this legislation flies in the face of the AARHUS CONVENTION and the UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES [UNDRIP].**

The broader provisions for Games infrastructure development appear to be **in tension with or inconsistent with** the fundamental principles of the Aarhus Convention, particularly regarding:

- a. **Access to Information:** By removing compliance with standard environmental and planning Acts, which reduces public access to information that would be available through those processes.
- b. **Public Participation:** By setting aside consultation requirements under standard planning and environmental Acts.
- c. **Access to Justice:** By severely restricting review rights for relevant decisions to jurisdictional error only, allowing civil proceedings to be stopped if they delay delivery, and providing immunity from prosecution for the State under the cultural heritage part.

- i. Reconsider the most appropriate sites consistent with the general thrust of the new norm requirements and the existing contract arrangements with the IOC

The legislation also contains several elements that appear to **potentially run counter to the aspirations and specific rights outlined in UNDRIP:**

- a. Priority of Timely Delivery over Agreement
- b. Limitations on Access to Justice
- c. Modification of Existing Rights Frameworks
- d. Reduced Representation

- i. Reconsider the most appropriate sites consistent with the general thrust of the new norm requirements and the existing contract arrangements with the IOC

**8. The Ministers for (1) Resources, (2) Environment (3) Sport and (4) Aboriginal and Torres Strait Islander Partnerships and the Brisbane City Council have each been approached under the existing legislation to confirm their actions to protect the site in line with their responsibilities under their existing legislation. None can deny that they are apprised of the intentions for the site and none can set aside from their existing legal responsibilities under the existing legislation which accords particular responsibilities to each of them.**

- i. **Relevant Ministers and Responsible Officers:** The extent to which the legislation affords protection for these parties prior to the legislation being proclaimed is unclear and this submission suggests that existing relevant Ministers and Responsible Officers connected with venue sites would be well advised to seek their own legal advice regarding their actions/inactions up to [if and] when this legislation is proclaimed

## **SUMMARY**

We acknowledge that the Queensland Government is proposing a 'state of exception' for a temporary period/event that provides a window of opportunity for avoiding illegal actions required to be undertaken in the venue developments for the Olympic Games. We do not regard the current approach and version of the legislation as either fully complete or fit for purpose but we do believe that there is scope for the Government to ameliorate the severity of this legislation by recognising a number of modest changes that would enhance the legacy impacts of this event. These changes are summarised below and we would welcome the opportunity to expand on these issues if there is the potential for incorporating these proposals into the final legislative outcome. We propose and recommend the following issues be carefully considered for incorporation into the Bill:

1. There is a complete absence of a structured notification process. The Act should be modified to incorporate a diary of community notifications when actions are taken that may institute an event that could form the basis for jurisdictional review. We recommend a defined and operationally relevant diary of notifications that ensure some semblance of the normal etiquette of notification associated with land development under the Planning Act in Queensland. A standard diary of notifications would include at least the following milestones
  - a. Delineation of the site cadastral boundaries and notices to all portfolios with an interest in the land
  - b. Preliminary Design
  - c. Final Design
  - d. Construction Management Plan
  - e. Any actions to change the status of the land
  - f. Construction Completion
  - g. Venue 'handover'
  - h. Legacy Plan progress reports annually
2. We recommend that provision is made in the legislation for the Leadership Group to formally obtain approval of each site by the IOC [as stipulated in the host contract] prior to the commencement of any on site assessment, design or construction.
3. We recommend that provisions be made in the legislation for a 'default Heritage Plan' in a similar way as there is provision for a default Aboriginal Cultural Heritage Plan
4. We recommend that an overarching conservation management plan [CMP] be prepared for the whole of Victoria Park [and any other site which has an existing heritage registration] and its venues in line with the suggested default heritage plans. This CMP would be prepared prior to the completion of the facilities and would be part of the ongoing legacy outcomes for this site.
5. We recommend that GIICA be required to
  - a. Complete the assessment of the 100 day review to include the updated assessment associated with Victoria Park and provide this material to the Leadership Group to enable sign off by the IOC
  - b. Implement default heritage plans as well as cultural heritage plans and also an overall 'site' conservation management plan for any sites subject to heritage registration
  - c. Identify and publish the cadastral boundaries of each venue prior to the commencement of any site assessments, design and construction
  - d. Provide regular reports against the diary of notifications prepared for each venue
6. The Senior Leadership Group ensures that all reasonable actions are undertaken to protect each Minister of State and Trustee to ensure that all reasonable actions are taken to finalise

actions consistent with their existing legislative responsibilities. Failure to do so may prompt legal recourse that delays progress with venue development.

7. Senior Leadership Group to recognise that the intended legislation does not change the status of the existing lands within DOGITs, heritage and cultural heritage sites and that arrangements be put in place with each responsible Minister of the State [and trustees such as BCC] to ensure an appropriate transition from GIICA to the responsible Ministers at the time of handover.
8. The Senior Leadership Group identifies and publishes a clear outline of any other actions that are intended to change the status of existing land prior to the commencement of assessment, design and construction activity. Include any relevant information within the diary notification process referenced above. This will ensure that all interested communities are made aware of intended actions before they occur.
9. Reconsider the most appropriate sites consistent with the existing contract arrangements with the IOC bearing in mind that the current approach does not accord with (a) the Aarhus Convention nor (b) the United Nations Declaration on the Rights of Indigenous Peoples [in addition to not according with the 'pre selection' bid made by the government or the current contract with the IOC.
10. Given the limited extent to which Relevant Ministers and Responsible Officers are afforded protection prior to the legislation being proclaimed we suggest that existing relevant Ministers and Responsible Officers connected with venue sites would be well advised to seek their own legal advice regarding their actions/inactions up to the time [if and] when this legislation is proclaimed

# Heritage Recommendation

602493

Queensland Heritage Act 1992

Under delegation from the Chief Executive, Department of the Environment, Tourism, Science and Innovation, and under the provisions of s.44 of the *Queensland Heritage Act 1992*, I, Xanthe O'Donnell:

**Recommend to: vary the entry of the place in the heritage register to enter additional land; and revise the statement of cultural heritage significance, history, and description.**



Recommendation Date: 16 April 2025

Delegate name/position: Xanthe O'Donnell, Director



Figure 2: Victoria Park (Queensland Government, 2025)



Figure 1: Proposed Queensland heritage register boundary (Queensland Government, 2025) (See attached map)

<b>Place name</b>	Victoria Park
<b>Address, LGA</b>	454 Gregory Terrace, SPRING HILL, 4000; 271 and 290 Gilchrist Avenue, 223 Herston Road, and 77A Victoria Park Road, HERSTON 4006, Brisbane City Council
<b>PROPOSED RPD</b>	5SP184695, 7SP184695, 34SP185066, 3SP185072, 4SP185073, 5SP185074, 5SP288407 and 1ROAD0
<b>EXISTING RPD</b>	5SP184695, 7SP184695, 34SP185066, 3SP185072, 5SP288407 and 1ROAD0

## Statement of Cultural Heritage Significance

**criteraion a**

the place is important in demonstrating the evolution or pattern of Queensland's history

Victoria Park, a place that has been formed by a range of uses over time, is important in demonstrating the establishment and evolution of Queensland's early public recreation reserves.

Established at a site of cultural importance for Aboriginal people across the region, Victoria Park was granted to the Brisbane Municipal Council for use as a public park in 1864 and was formally gazetted as a recreation reserve in 1875, during the early period of the establishment of such reserves in Queensland. It has remained a large public park, used for sport and recreation, on the fringe of the state capital's CBD. Its green spaces, mature trees, and sports facilities have been maintained and improved over time. The park has been enhanced by ornamental and memorial features, including plantings, Gilchrist Avenue, stone walls, planter beds, and a lake.

The park contains examples of the work of professional horticulturalists Henry Moore (Brisbane Parks Superintendent 1912-40) and Harry Oakman (Brisbane Parks Superintendent 1946-63), including mature tree plantings, planter beds, and the Gundoo Memorial Grove plantings of native trees in 1959 to celebrate the centenary of Queensland, and remnants of the adjacent subtropical plantings in the early 1960s.

Victoria Park is also regionally important and distinctive for its long history of non-park uses, including: its role as social, cultural, and sustenance grounds for Aboriginal people; resource extraction, such as timber felling and industrial brick-making (until the 1860s); stock agistment (from 1860s); temporary housing and camps for displaced people, including early immigrants (1840s), the unemployed during the Great Depression (1930s), war brides (1945-7), and families awaiting Housing Commission residences (1947-60); the provision of municipal services, such as official rubbish dumping (1870s to 1901), and an electricity substation (1928); and defence uses, including a rifle range (1860s-80s), and military camps, air raid shelters, and an anti-aircraft battery during World War II (WWII) (1942-5).

The park retains physical evidence of its varied and evolving uses – some have left visible legacies, in built and landscape form, while others have contributed to the archaeological potential of the site.

*Although an 18-hole municipal (public) golf course existed on part of Victoria Park from 1931 to 2021, and a new golf clubhouse was erected on the golf course in the 1970s, the construction of the 1975 clubhouse is not sufficiently important in demonstrating the evolution or pattern of Queensland's history for the clubhouse to be of state level cultural heritage significance.*

**criteraion b**

the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage

*Parks with trees, open space and sports grounds are not rare in Queensland. The place does not demonstrate rare, uncommon or endangered aspects of Queensland's history.*

*The place does not satisfy this criterion.*

**critterion c**

the place has potential to yield information that will contribute to an understanding of Queensland's history

Victoria Park has the potential to contribute knowledge that will lead to a greater understanding of Queensland's early and evolved urban material culture, consumption and disposal habits, utilities infrastructure, and occupation activities on the urban fringe.

Archaeological investigations of the extensive late-19th and early-20th century municipal refuse deposits have the potential to reveal artefacts that may provide further information on the lifestyles, diet, and health of urban colonial occupants, and facilitate studies of market access, consumer choice, refuse disposal patterns, and social and economic life. The progressive disposal of refuse across the park also provides an opportunity to explore changes in material culture over time.

Archaeological investigations of areas subject to late-19th and early-20th century reclamation and drainage improvements, and in the vicinity of the interwar Brisbane City Council (BCC) Electricity Substation No. 4, have the potential to reveal surface and sub-surface features that could contribute to a greater understanding of the planning, design, and construction of drainage and electrical distribution infrastructure.

Historical use of the park for a variety of purposes has resulted in the potential for rare subsurface archaeological evidence that could inform about the nature and extent of early- to mid-19th century meeting, camping, rifle range, and brick-making activities in the historically low-lying 'York's Hollow' area, and occupation of the place during the Great Depression and WWII.

**critterion d**

the place is important in demonstrating the principal characteristics of a particular class of cultural places

BCC Electricity Substation No. 4 (1928), located in the northeast corner of Victoria Park, is an excellent example of an electricity substation constructed during the interwar period in Brisbane. Highly intact in its form, fabric, and materials, it is important in demonstrating the principal characteristics of its type, which include its:

- inner urban location;
- domestic scale and form with modest Classical influences;
- masonry construction with red-brown face brick walls and render details;
- parapet to the main entrance;
- use of robust materials with simple detailing;
- large operable windows for abundant interior ventilation and roller doors to permit large machinery; and
- open, robust interior with concrete floor, designed to accommodate electrical equipment.

*The Victoria Park Clubhouse (1975) is not important in demonstrating the principal characteristics of a class of cultural places and does not satisfy this criterion at a state-level of cultural heritage significance. It is not intact as an example of mid-20<sup>th</sup> century civic architecture, having been substantially altered over time through renovations and additions. These alterations include:*

- *addition of a large concrete balcony and canopies to its southeastern side, substantially changing the building's appearance, form, and bulk on its primary elevations;*

	<ul style="list-style-type: none"> <li>• <i>replacement of almost all original windows and glazed doors with modern versions or solid wall;</i></li> <li>• <i>installation of modern finishes, fixtures, and fittings to floors, wall, and ceilings in all primary spaces such as the entry portico, foyer, bar, gaming room, pro shop, bathrooms, and changerooms;</i></li> <li>• <i>demolition of original bar and dining mezzanine in its primary function room;</i></li> <li>• <i>conversion of pro-shop and changerooms to function rooms and storerooms;</i></li> <li>• <i>multiple building extensions to services areas; and</i></li> <li>• <i>removal and reconfiguration of almost all surrounding original landscaping.</i></li> </ul>
<p><b>critterion e</b></p> <p>the place is important because of its aesthetic significance</p>	<p>Victoria Park is significant for its aesthetic attributes, as an extensive, well-kept green space juxtaposed within a metropolitan context. Its undulating terrain has expanses of lawn, sports fields, and mature tree plantings, and affords picturesque views from the park out into its urban surrounds. This is particularly impressive from two high points, affording broad views centred on the Brisbane CBD's high rise towers.</p> <p>Highly intact, BCC Electricity Substation No. 4 has aesthetic importance for its beautiful attributes and streetscape contribution through its form, scale, materials, skilful use of modest Classically-influenced Interwar architectural style, and prominent location fronting Gregory Terrace and Bowen Bridge Road. The building is an attractive, well-considered design with symmetrical composition, central parapet and projecting end gables, and complementary material palette of red-brown face brick, terracotta roof tiles, and render details.</p> <p><i>The Victoria Park Clubhouse (1975) is not important for its aesthetic significance and does not satisfy this criterion at a state-level of cultural heritage significance. It is not intact, having been substantially altered over time through renovations and additions, does not demonstrate or possess particular aesthetic attributes or qualities, and has not been the subject of artistic representations, sufficient to satisfy this criterion at a state-level of cultural heritage significance.</i></p>
<p><b>critterion f</b></p> <p>the place is important in demonstrating a high degree of creative or technical achievement at a particular period</p>	<p><i>The place does not display any particular artistic, architectural, or creative qualities or any technical, construction or design qualities to be sufficiently important in demonstrating a high degree of creative or technical achievement at a particular period.</i></p> <p><i>The place does not satisfy this criterion.</i></p>
<p><b>critterion g</b></p> <p>the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons</p>	<p>Victoria Park has a long and special association with the people of Brisbane as an inner-city park for organised and informal sport and recreation, officially since its formal gazettal as a recreation reserve in 1875.</p> <p><i>There is insufficient evidence Brisbane's golfing community has a strong or special association with the place. It is one of many sport and recreation communities that have used the place for its activities over time.</i></p>

**critterion h**

the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history

*Although Victoria Park has an association with Brisbane Mayor (1925-31) William A Jolly, and Brisbane City Council Department of Parks Superintendents Harry Moore and Harry Oakman, persons of importance in Queensland's history, there is insufficient evidence there is a special association with their life or work.*

*The place does not satisfy this criterion.*

## History

Victoria Park is a large and early recreation reserve which covers an area of undulating land bordered by Bowen Bridge Road, Gregory Terrace, the Queensland University of Technology (QUT) Kelvin Grove campus, and Herston Road, in the suburbs of Spring Hill and Herston. The park, now divided into two sections by a road and rail corridor, was granted to the Brisbane Municipal Council for use as a public park in 1864 and gazetted as a reserve for recreation in 1875. Over the course of its history, prior to and after gazettal, Victoria Park's uses have included social, cultural, and sustenance grounds for Aboriginal people across the region; resource extraction, such as brick-making and timber-felling; stock agistment; municipal services, including rubbish dumping and an electrical substation; campsites for displaced people and the unemployed; temporary housing; military camps and other defence uses; and sports and recreation grounds, including an 18-hole golf course located west of Gilchrist Avenue from 1931 to 2021. Despite incursions into its land for educational and other purposes, and the construction of railway lines and roads through its centre, Victoria Park remains the largest park in inner Brisbane.<sup>1</sup>

### Aboriginal custodianship

Victoria Park and Meanjin, the latter area now encompassing the Brisbane CBD, are traditionally part of Turrbal and Jagera/Yuggera country.<sup>2</sup> Walan or Woolan (meaning 'bream') and Barrambin (meaning 'windy place') comprised the areas now known as Herston and Bowen Hills. Walan and Barrambin were meeting and gathering places for groups travelling to and from the Blackall Ranges, as well as corroboree sites and hunting and fishing lands. The land was undulating, with hills punctuated by a chain of waterholes and gullies. It was an extensive camp, contact, and cultural site.<sup>3</sup>

Free settlement in Brisbane and the associated competition for resources within and beyond the settlement increased violent conflict and dispossession and disruption of traditional lifestyle and cultural practices of Aboriginal people – yet traditional use of Barrambin and Walan continued for decades after the arrival of Europeans, with from 700-1000 Aboriginal people residing in York's Hollow at times during the 1840s and 1850s.<sup>4</sup>

### Penal colony, free settlement and early industrial use (1820s-1860s)

European occupation in what is now Queensland began in the 1820s, with the establishment of the Moreton Bay Penal settlement at Redcliffe in late 1824, soon followed by a move to Meanjin in early 1825. The Europeans used Walan and Barrambin for resource extraction and industrial activities needed to support the settlement, such as brick-making<sup>5</sup> and timber-getting. They named the area 'York's Hollow', after the leader of the local clan, whom the Europeans referred to as 'the Duke of York', thought to be an Anglicised version of the name Daki Yakka. A small number of interactions took place between Europeans and Aboriginal people prior to, and following, the establishment of the Moreton Bay Penal Settlement, likely the Duke of York's clan. The Duke of York, estimated to be in his 40s in 1836, visited the European settlement at the invitation of two Quakers, and a reciprocal visit was made by the

commandant of the settlement, Foster Fyans. The clan largely avoided the penal settlement, with only a limited number of interactions reported by European sources.<sup>6</sup>

The Moreton Bay Penal settlement was opened for free settlement in 1842, and York's Hollow, just beyond the town boundary, proved convenient for accommodating unexpected arrivals in the colony. A Chinese camp was established there in 1848 following a failed attempt to employ Chinese shepherds on pastoral stations. In 1849, 253 immigrants from the ships *Fortitude*, *Chaseley*, and *Lima* formed a temporary village on the York's Hollow slopes, after arrangements for land grants fell through. Other recent immigrants to Queensland in the mid-1800s stayed in these temporary fringe camps. As Herston and the surrounding area became increasingly urbanised, these camps were deemed unhealthy. Its residents were 'moved along', and new immigration facilities were constructed elsewhere.<sup>7</sup>

The brick-making industry continued within the gully, and York's Hollow bricks were reportedly used in the construction of Queensland's Parliament House in 1866. The waterway along the hollow provided a water supply for the fledgling residential settlement, supplementing the tank stream within the town.<sup>8</sup>

The Duke of York clan retained its presence in York's Hollow. Gatherings continued, with clashes between Aboriginal people from Brisbane and Moreton Bay occurring in June 1847 and June 1850, with up to 800 people present. Interactions between the clan and the Europeans were mixed: some members of the clan were employed in Brisbane town by Europeans, while Europeans allegedly visited the camp to collect native vegetation for their gardens. There were also European assaults on the camp. In December 1846, following the deaths of three European settlers on the Pine River, European soldiers raided the camp at 11pm, firing on the estimated 300 – 400 people sleeping there. Kitty, daughter of the Duke of York, died in the affray. In November 1849, Turrbal people at the Barrambin camp were shot by military officers after a false report was circulated that they had killed a bullock. Three men were wounded, and two police were sentenced to six months' imprisonment for the offence. Local newspapers stopped reporting on the camp after 1860, but the clan likely remained within Barrambin and Walan beyond that date.<sup>9</sup> Other Aboriginal people also continued to camp in the park. Archibald Meston, later a major proponent of Queensland's *Aboriginals Protection and Restriction of the Sale of Opium Act 1897*, reported meeting 60 Aboriginal people, from Brisbane, Ipswich, Moreton Bay and north of Caboolture, in Victoria Park in 1870.<sup>10</sup>

### **Establishment of Public Reserve for Recreation (1860s-1880s)**

When Queensland became a separate colony in 1859, the Queensland Government made a concerted effort to provide recreational lands for the people of Brisbane. It was believed that the fledgling society would benefit from having open spaces included in the infrastructure. At a time when industry was choking many of the large cities in Britain and Europe, the Queensland Government did not want the same fate to befall Brisbane. Terms such as 'lungs of the city' and 'breathing space' were used to describe parks established in Brisbane.<sup>11</sup>

Public reserves for recreation in Australia were a result of a 19<sup>th</sup> century movement to improve living conditions and health of urban residents, and by the 1830s the provision of parkland was seen as an integral part of Australian town planning. Parks were often established in difficult terrain, which was unfit for subdivision and sale, and planning frequently formalised existing tracks across a reserve. Parks varied widely in style and content – depending on size, community wealth, the designer's taste, climate, and use – although, initially, the main emphasis was on ornamentation for leisure activities other than sport. All such parks had fences to exclude wandering stock or to contain agisted animals. Some had carriage drives, and more elaborate examples included statuary, bandstands, pavilions, fountains and ponds, or even zoological gardens. Heightened interest in botany and horticulture during the 19<sup>th</sup> century ensured most recreation grounds contained plants from around the world, while rising nationalism after Federation led to the planting of more Australian plant species. Over time,

social, physical and technological changes have influenced the perception, design and use of parks – resulting in modifications to existing reserves, such as the removal of fences, the addition of sports grounds, playgrounds and more areas of manicured lawns. Parks also benefitted from schemes to provide work during the Great Depression.<sup>12</sup>

Victoria Park was an early reserve for recreation in Queensland and was the largest of Brisbane's early public parks. There were also early botanic gardens in Queensland, but these were usually large (more than 20 acres (8ha)) and had a botanic collection as their focus. Public parks were generally established by municipal authorities for recreation. Other early public parks in what later became Queensland included Leslie Park in Warwick (surveyed 1849, gazetted 1855, QHR 600946); and Friend Park, at Barney Point, Gladstone (Port Curtis) (government domain, mid-1850s, QHR 601341). Post-Separation Queensland public parks (all much smaller than Victoria Park) included Bowen Park, Bowen Hills, Brisbane (1863, QHR 601523); Musgrave Park, South Brisbane (1865); and Hardgrave Park, Petrie Terrace, Brisbane (1875).<sup>13</sup>

York's Hollow had been proposed for a recreation reserve under the New South Wales Government, and the new Queensland Government indicated its intention to create the reserve. In 1864 the government announced that it was 'pleased to grant a reserve of about three hundred acres (121.4ha), in York's Hollow, for the purpose of a public park and recreation ground for the citizens of Brisbane'.<sup>14</sup> The Brisbane Municipal Council was to be granted the deed, but the Queensland Government retained control over the site. The name 'Victoria Park' emerged in the mid-1860s, either in tribute to the then-monarch, or the London park of the same name. In June 1865, notice was given to all persons residing or employed on 'that part of York's Hollow known [as] the Victoria Park', that they must remove all buildings from the land by 31 December, after which date no one could live there, cut timber, make bricks or remove earth. In 1866-7 the park was fenced, and the Public Lands Office leased grazing rights over the land for additional revenue. Lessees attempted to evict the brick-makers and squatters who had erected tents and temporary houses within the park.<sup>15</sup>

Victoria Park was formally gazetted as a reserve for recreation in 1875. A Board of Trustees was created to manage the 321 acres and 2 roods (approx. 130ha) of parkland; they 'expeditiously drew up a code of by-laws which provided, not only for the protection and good government of the park, but also laid down the rules for raising revenue for the improvement of the park'. The trustees, however, had limited success in fundraising for and improving the site.<sup>16</sup>

The area referred to as York's Hollow had included an extensive area now covered by the Brisbane Showgrounds, Bowen Hills and parts of Herston, to what is now the Normanby Fiveways. From the 1860s, this area was reduced as land was required for other uses, including a hospital on Bowen Bridge Road, the Acclimatisation Society Gardens (Bowen Park, most of which later became the Brisbane Exhibition Grounds), and Grammar School reserves. The land set aside for Victoria Park was also reduced, as demands for services and facilities were met by encroachments on the undeveloped park. Land was resumed from the park for a night soil/manure depot (1866), a military rifle range (operating within the park from the 1860s to the 1880s),<sup>17</sup> sports facilities for nearby schools, the Brisbane-Sandgate railway (1882), a government domain (1883),<sup>18</sup> and a children's hospital on Herston Road (1883). Most of the resumptions were located on the park's boundaries, but the railway crossed through the centre of the park, dividing it in two. By 1883, Victoria Park had been reduced to 217 acres (88ha), though it remained the largest open reserve within the immediate city area.<sup>19</sup>

At the same time, the importance of the park for recreational use was emphasised. The residential areas surrounding the park (particularly Spring Hill and Fortitude Valley) experienced dramatic residential growth in the second half of the 19th century, becoming amongst the most densely populated areas in Brisbane by 1890. These inner urban areas were also home to a cross section of Brisbane society, from the poorest living in small cottages in the lower slopes of the hill, to the prestigious and wealthy homes overlooking Victoria Park

on Gregory Terrace. The park provided an open space for residents, particularly those who lived in crowded and poor conditions at the bottom of Spring Hill.<sup>20</sup>

### **Municipal rubbish dump (1870s-1901)**

From 1872, amendments to the laws and regulations relating to public health placed additional restrictions on the disposal of refuse and led to the establishment of municipal dumping at Victoria Park.<sup>21</sup> In 1873, the Local Board of Health, with consent from the Surveyor-General, declared that rubbish could be deposited in the park, initially 'in the clay-holes on the side of the ridges', low-lying areas, creeks, and waterholes, and later buried in trenches.<sup>22</sup> When filled, rubbish was covered with earth and flattened, assisting reclamation of areas, and the remediation and beautification of the park. By 1886, a reported 1,053 loads of rubbish had been trenched and the following year it was noted by council's health officer Dr Joseph Bancroft that the 'available ground on the Gregory Terrace side of the railway of sufficient depth of earth is nearly worked out'.<sup>23</sup> However, it continued in new areas of the park, despite local residents' protests.<sup>24</sup> In 1899 the park trustees granted the Brisbane Municipal Council permission to deposit and bury rubbish in trenches in one of the Victoria Park gullies, near the watercourse on the western side of the railway.<sup>25</sup> This practice continued until 1901, while unofficial dumping continued into the 1930s.<sup>26</sup>

### **Park improvements (1890-1930)**

In 1889, a large scheme of improvements was drafted for Victoria Park by William Soutter, a member of the Queensland Acclimatisation Society. Some proposals were rejected, such as selling residential subdivisions within the park, but Soutter implemented other improvements between 1890 and 1892. Much of the park was cleared and the rubbish burned. A 60ft (18m) drive with 12ft (3.6m) walkway was cut and kerbed through the park, atop the park's excavated clay pits. The railway corridor was fenced, and trees grown in the Acclimatisation Society Gardens (including camphor laurels (*Cinnamomum camphora*) and umbrella trees (*Schefflera actinophylla*)) were planted along both sides of the railway, including a 1km long avenue of camphor laurels along the Gregory Terrace side of the railway. Drainage was improved, and the waterway running through the park was diverted. Extensive planting schemes were to follow but were not carried out due to lack of funds.<sup>27</sup> By 1897, despite Soutter's work, Victoria Park was considered 'a magnificent tract of country many acres in extent, but it is literally in a state of nature. Little has been done to it'.<sup>28</sup>

The park remained popular for recreational and non-recreational uses. In the absence of formally designed facilities, informal recreation included swimming in the ponds formed in the former brick pits, and football and cricket games on the flat ground at the centre of the park. Military drills and musters were held regularly, with the Queensland Defence Force marching to the park from the Adelaide Street drill shed. Squatters, 'larrikins', gamblers, drinkers and others committing undesirable activities in the park were reported. Between August and October 1890, mass meetings drew thousands to the Gregory Terrace section of the park opposite the Exhibition Building each Sunday. The 'Park Hospital', a tent hospital for quarantine cases, was operated in the Herston Road section from late 1890. The park also drew the attention of a University Commission as a possible site for a tertiary educational facility.<sup>29</sup>

In 1903, Victoria Park was brought within the boundary of the City of Brisbane, and in 1908, the trusteeship of 210 acres, 2 roods and 11 perches (85.2ha) of the park was transferred to Brisbane City Council (BCC). The Council had been seeking control of the parks within its area, in place of the trustees who administered the parks. Between 1887 and 1913 it gained full control of Wickham, Observatory, Hardgrave, Babbage, Albert, Alexandra, and Victoria Parks. The International Town Planning movement that existed at the time also helped to put city planning and beautification programmes on the Council's agenda. Between 1913 and

1925, Bowen, New Farm, Raymond, Newstead, Perry, Centenary, and Teneriffe Parks were created.<sup>30</sup>

Victoria Park was the largest of BCC's new parks but was 'a rather difficult one to handle',<sup>31</sup> due to its uneven topography, waterways and poor soil. Interest in the park for its non-recreational potential had continued, and in 1914, BCC agreed to reserve around 100 acres (40ha) of the park for the future use of the university, following extensive lobbying by the University Permanent Site League. While the park was to remain publicly accessible, it would not be developed for park purposes. Park funding was funnelled towards the newly acquired parks, while small improvements were made at Victoria Park. This included tree planting and the construction of tennis courts (1913, not extant), and the creation of rockeries along Gregory Terrace, bordering the park (not extant). In 1913, the park also became part of a worldwide experiment, as a small temporary tent was erected in the park near the hospital, to carry out measurements for the Carnegie Institution of Washington's Terrestrial Magnetism study. However, the park predominantly continued to be used for non-recreational purposes, including cattle agistment (between Gregory Terrace and the railway) and wool and grain storage (in a former quarry near Gregory Terrace and Bowen Bridge Road).<sup>32</sup>

In 1922, 108 acres (44ha) of Victoria Park was formally reserved for university purposes under the University Site Act, which was additional to the 60 acres, 2 roods and 26 perches (24.6ha) that had been given to the university in 1917 (for a total of 68.6ha, located west of the railway). The site was reserved conditionally; if the site was not to be used for the university, it would revert to the park. Four years later, funding was provided by a private donor for a larger site at St Lucia, and the reserve was set to be returned to the trustees.<sup>33</sup> This took some time, however, and as the land remained unused, complaints about its condition had continued. '[N]ot a flower has been planted in it,' wrote a correspondent to *The Brisbane Courier* in 1921, 'no improvements, except the planting of some trees, and an incompleated, unused, and miserable carriage way or road.'<sup>34</sup> The park was described in 1924 by the *Daily Mail* as both 'a magnificent reserve'<sup>35</sup> and 'a couple of hundred acres of barren land ... intersected by more or less smellful drainage channels.'<sup>36</sup>

One of these drainage channels ran through the flat section of the park used for sports fixtures, making the land swampy and frequently mosquito-infested. Between 1923 and 1925, a 15-20 acre (6-8ha) area at the western end of the park (now between Gilchrist Avenue and the railway reserve) was sewered, levelled and graded for use as sports grounds; a 'shrub-rockery' entrance was laid out from Bowen Bridge Road; and five sports fields were laid out. These improvements were funded by the £750 transfer of Bowen Park to the National Agricultural and Industrial Association. An amateur athletics competition was held there in 1928. Football, cricket, and hockey teams acquired formal leases of the grounds, and the park hosted up to 200 players each Saturday.<sup>37</sup>

#### **BCC Electricity Substation No. 4 (1928)**

After BCC became a public authority for the provision of electrical services across Brisbane in 1925, BCC Electricity Substation No.4 was constructed at the Gregory Terrace/Bowen Bridge Road section of Victoria Park in 1928.<sup>38</sup>

Until 1925, electricity in Brisbane had been provided by public and private authorities in a complex overlapping system. Most of the local councils in Greater Brisbane arranged supply through bulk supply contracts with the City Electric Light Company. The Brisbane Tramway Company also supplied 600-volt DC power to properties along its electrified tram system, until its responsibilities were transferred to BCC in 1925. Faced with the tramway's obsolete electricity network, and BCC decided to upgrade its own generation capacity and infrastructure. This led to rapid expansion in the late 1920s, as a coordinated, uniform distribution system was developed. BCC encouraged the public to connect to existing supply lines and constructed a large powerhouse at New Farm in 1928. Substations were quickly

constructed in the suburbs, supplied with bulk energy from BCC power stations and converted for use by consumers.<sup>39</sup>

In 1927, BCC's Electrical Department had established stores in the unused woolstores off Bowen Bridge Road in Victoria Park (outside the heritage boundary). The substation was constructed the following year, and served as a central station as the suburban electricity supply was gradually brought onto the New Farm powerhouse grid. It was one of four substations constructed in 1928 for the Electricity Supply Department, the first main control substations erected by BCC. The substation received 11,000 volts AC from New Farm Power Station via high tension underground feeder cables.<sup>40</sup>

BCC's electricity substations from the interwar period were typically of masonry construction, with red-brown face brick walls and simple, render details. Most featured a parapet above the main entrance, modest Classical details, and a robust material palette. The interiors housed electrical equipment, were well-ventilated, and had roller door access. Located in urban areas, the substations were generally of a domestic scale and form, in line with the council's policy of building substations that blended neatly into a streetscape of houses.<sup>41</sup>

The electricity substation at Victoria Park was designed by BCC's City Architect, A H (Alfred Herbert) Foster. It was built on the corner of Bowen Bridge Road and Gregory Terrace, and had a tiled, hip roof with gables, narrowly projecting from each elevation. It had a symmetrical composition, and light cement render details contrasting its red-brown face brick walls. By c1944 a low Brisbane tuff retaining boundary wall and stair had been built on the substation's road-facing (southeast and east) sides.<sup>42</sup>

### **Great Depression, park improvements and itinerant workers' camps (1930s)**

The first set of large-scale improvements at Victoria Park began with the Great Depression. As funding was made available for public works under the Intermittent Relief Scheme to boost employment, Victoria Park was targeted for enhancement.<sup>43</sup> The largest works were two projects that had been proposed since the mid-1920s: the construction of a road through the park, Gilchrist Avenue; and a golf course.

Gilchrist Avenue was cut through the generally low area formerly occupied by waterholes in the gully of the park and included Brisbane tuff retaining walls to the cuttings. It was constructed under the scheme in 1930, connecting Bowen Bridge Road in the northeast to Ithaca Street, near Kelvin Grove Road at Normanby, in the southwest. This provided a long-sought vehicular path directly through the park, as well as access to the golf course and sportsgrounds. The avenue was named for the City Engineer EF (Eneas Fraser) Gilchrist. As part of the long-awaited beautification of the park, the avenue was lined with silky oak (*Grevillea robusta*), crepe myrtle (*Lagerstroemia indica*), flame (*Brachychiton acerifolius*) and jacaranda (*Jacaranda mimosifolia*) trees. A later beautification project created a large, ornamental lake in 1933, in a natural basin off Gilchrist Avenue at the southern end of the sports fields. The lake was stocked with fish, its banks planted, and two islands for birds created in its centre.<sup>44</sup>

The second project carried out under the Intermittent Relief Scheme was the construction of a municipal golf course.<sup>45</sup> Golf was introduced to Queensland in the 1880s by two Scots, the Ivory brothers, who laid out a six-hole course on Eidsvold cattle station, near Gayndah; and in 1893, golf courses were developed at Townsville and Ravenshoe. The Brisbane Golf Club, a private club formed in 1890, was the first organised golf club in Queensland, but it did not open a course until 1896, in Chelmer. In November 1898 the first golf club to play on Victoria Park, the Victoria Park Golf Club, opened a nine-hole course that began at the corner of Gregory Terrace opposite the Exhibition Building, but little else is known of this early private club. During the 19<sup>th</sup> century, the game was the preserve of the affluent; but during the 1920s the popularity of the sport spread, with a series of private clubs formed in Brisbane between 1920 and 1929.<sup>46</sup>

The Queensland Golf Association proposed a municipal (public) golf course in Victoria Park in 1922, as similar municipal golf courses were being opened throughout Australia. With the return of 108 acres (43.7ha) from the university forthcoming, the proposal was accepted in 1926. As the return of the land was delayed, however, work on the golf course did not begin until June 1930. The Victoria Park Golf Club was formed in March 1931. The golf course remained under BCC ownership, as part of Victoria Park, and the BCC provided the course, clubhouse, the salaries of a Club Secretary and Club Professional, and assumed responsibility for the upkeep of the course, while the Club members were responsible for the operations of the Club. Any casual player was entitled to play the course without joining the Club, on payment of the appropriate green fees. The 18-hole golf course, designed by Stan Francis and located in Victoria Park west of Gilchrist Avenue, was opened in November 1931, with a Spanish-style clubhouse (Victoria Park Golf Clubhouse (former), QHR 602034), designed by AH Foster, located at the Bowen Bridge Road end of the course. The clubhouse was built in two stages, in 1931 and 1939. William Jolly, the first Lord Mayor of Greater Brisbane, became the inaugural president of the Victoria Park Golf Club and remained so until 1934. The Victoria Park Golf Course remained the only municipal golf course in Brisbane until the opening of the St Lucia Golf Course in 1985.<sup>47</sup>

Francis' plan for the golf course, which included nine holes out, and nine holes back to the clubhouse, generally conformed to the hilly nature of the site, with 'many elevated tees, plunging and rising fairways, elevated greens and fairways clinging to ridges'.<sup>48</sup> Although the site already had some mature trees, a considerable amount of additional tree planting was undertaken between the fairways, which was overseen by Greater Brisbane Council's Department of Parks Superintendent and professional horticulturist, Henry Moore, between 1931 and 1940.<sup>49</sup> The course layout was altered nine times between 1931 and 2001, including during World War II (WWII), and due to the building of a new golf clubhouse further west on the golf course in 1975. Over time, greens and tees were reformed and relocated, fairways renumbered, lengthened or shortened, and bunkers added and removed, with contouring and mounding introduced around greens, until the closure of the course in 2021.<sup>50</sup>

Improvements were also made to the sports grounds, as lessees had complained about the rough, flood-prone surfaces of the Victoria Park fields. A new amalgamated hockey organisation, the Brisbane Hockey Association, had formed in 1931, using Victoria Park as its headquarters. The Association contributed finance towards the improvements, and four new fields were formally laid out in the section fronting the newly-created Gilchrist Avenue, between 1933 and 1935. As well as hockey, these were used for cricket in summer and hosted some football games in winter. Drainage was also improved to control flooding, and a stone wall with 'Play The Game' spelled out in stones was likely constructed at this time, between the new sports fields and Gilchrist Avenue.<sup>51</sup>

Also completed at this time was a 20ft (6.1m) wide, 1.5 mile (2.4km) long, horse-riding circuit, called 'Riding Row', which ran the circumference of the Gregory Terrace section of the park. Palms were planted along its route, and it was officially opened in 1932, with a military parade and a crowd of around 1,000 people. The circuit was soon disrupted by the building of an officers' camp in this part of the park during WWII, and many of the circuit's plantings had been lost by 1980. Two Brisbane tuff piers were added at the track's entrance from Bowen Bridge Road and Gregory Terrace in 1936, also under the Intermittent Relief Works Scheme.<sup>52</sup>

Other landscaping and reclamation work was undertaken during this time, notably as part of the beautification of the park.<sup>53</sup>

The Great Depression also impacted on the use of Victoria Park, as camps for the unemployed were erected in the park reserve in the 1930s. An increasing number of unemployed, itinerant men travelled either on foot, or by rail, across the state seeking employment. Between 1929 and 1933 Queensland Government policy stipulated unemployed single men, not working on relief projects, would not be able to draw state government funded emergency rations from the same centre in successive weeks. This forced them to move onto the next town, often

many miles away, to demonstrate they were seeking work. The term 'swagmen', used to describe itinerant men walking around the country, or 'waltzing Matilda', seeking work in 19th and early 20th century Australia, was applied to these men who were compelled to travel long distances.<sup>54</sup>

A small camp of 'shanties, shacks, huts and humpies'<sup>55</sup> arose in the Gregory Terrace section of Victoria Park in the early 1930s. It remained until 1932, when the camp, located under the trees by the railway line, was 'visited by a large policeman, and the occupants agreed that the beauties of the new riding track would be enhanced by the removal of their dwellings'.<sup>56</sup> The occupants were moved to 'the other side of the municipal golf links'.<sup>57</sup> The new camp was located in the trees just northwest of the golf course, near Herston Road, leading to complaints from local residents about tree clearing.<sup>58</sup>

### **World War II, military occupation of the park (1942-6)**

Further improvements were promised for the park, including the construction of a dressing shed for the sportsgrounds,<sup>59</sup> but work was put on hold following the outbreak of WWII. When the war reached the Pacific in late 1941, Brisbane was transformed into a locale of intense military activity, with thousands of United States (US) troops stationed in the city before being shipped off to fight Japanese forces in the South West Pacific theatre.<sup>60</sup>

In 1942, BCC offered Victoria Park to United States Forces in Australia (USFIA), as a large administrative and accommodation camp, which became known as 'Camp Victoria Park'. The park was also affected by the war in other ways: an air raid shelter was constructed behind the electricity substation; zig-zag trench shelters, using large concrete pipes, were constructed between Gilchrist Avenue and the railway line opposite the 1930s golf clubhouse (trenches not within heritage boundary), and there were also zig-zag trench shelters along the edge of Victoria Park next to Gregory Terrace, from south of Rogers Street to the Brisbane Girls' Grammar School. In addition, an Australian Army Heavy Anti-Aircraft (HAA) battery was emplaced on high ground at the south end of the golf course, within and adjacent to a triangular grove of young hoop pines (*Araucaria cunninghamii*) and bunya pines (*Araucaria bidwillii*) located between the original 3<sup>rd</sup> (later 12<sup>th</sup>) and 8th (later 17<sup>th</sup>) fairways.<sup>61</sup>

Camp Victoria Park, located within the park on both sides of the railway line, provided extensive accommodation for US and Australian forces and was built by Allied Works Council (AWC) contractors during 1943. An officers' camp for the US Army Service of Supply (USASOS) and its parent command, US Base Section 3 (Brisbane), was built on the southeast side of Victoria Park, between Gregory Terrace and the railway, while another sprawling section of Camp Victoria Park was located south of the east end of L'Estrange Terrace and south of Herston Road, including on the original 17th and 18th fairways of the golf course. This part of Camp Victoria Park included separate areas for (from west to east): an enlisted men's camp; civilians (employees) camp; a motor pool; and the headquarters (HQ) area for USASOS and Base Section 3. A Royal Australian Air Force (RAAF) camp and Command HQ was constructed to the south of the civilian camp, with most of its buildings situated to the west of the golf course on what is now the QUT campus. Numerous prefabricated timber-framed huts, of fibrolite on timber stumps, were constructed for Camp Victoria Park, and some of these buildings were reused for various purposes after the war.<sup>62</sup>

A stone retaining wall, which in 2025 is located along the south side of Herston Road between two former entrances to Camp Victoria Park (just east of Hetherington Street to west of Aberleigh Road), also existed by c1943-44, on the north side of the Motor Pool area of the camp.<sup>63</sup>

The Victoria Park HAA battery, operational from 1942, consisted of four in-ground, octagonal concrete emplacements, each with a 3.7-inch (94mm) gun, arranged around a central semi-underground concrete command post, which included open pits for a range finder and a predictor. The command post's predictor (a mechanical analog computer) was used to

calculate where the aircraft would be when the shells arrived. It was manually programmed to follow a target, based on its course and speed, as well as the shells' direction and velocity. The target's height was deduced by the rangefinder, and targeting information was relayed automatically, via underground cables, to the gun layers in each emplacement. Brisbane's HAA batteries usually also had two to four underground reserve magazines constructed nearby. The Victoria Park battery, initially designated Gun Station (GS) 386, was one of six HAA positions in operation in Brisbane by late 1943 – three to the north of the Brisbane River and three to the south of the river – arranged to protect Brisbane's shipping and airfields from Japanese air attack. All of Brisbane's HAA batteries were disbanded in late 1944.<sup>64</sup>

Camp Victoria Park was gradually vacated after the war, with the final occupants departing in 1946. Two steel flagpoles erected for the camp were retained: one on the eastern end of the camp near Gregory Terrace (extant in 2025 in a traffic island in the Gregory Terrace road reserve), which stood in front of the two-storey officers' club building of the Gregory Terrace officers' camp; and a second flagpole (extant in 2025 near the southeast corner of the 1975 golf clubhouse), which stood southeast of administration building No.1 of the USASOS Headquarters on Herston Road. Both locations were in front of the camp's major buildings and on high points, prominent across the former camp.<sup>65</sup>

### **Emergency accommodation, and park improvements (1945-1960s)**

The military facilities remained standing in the park for some years following the war and were put to other uses. The vacant huts were initially used to house Australian war brides: Australian women who had married US servicemen. During and immediately after the war, between 12,000 and 15,000 Australian women married US servicemen stationed in Australia, including around 4,500 in Queensland. Some remained in Australia, but most travelled to the US to live with their husbands. Mass transportation of the war brides to the US on 'bride ships' was arranged from 1945, from ports in Brisbane, Sydney, and Melbourne. In September 1945, passage for more than 200 brides on *SS Lurline* was cancelled at the last minute, and a number of the women were accommodated in the empty Victoria Park buildings until new passage could be arranged for them.<sup>66</sup>

The post-war reconstruction process heralded an era of rapid population growth in Queensland. This growth, concurrent with material shortages, led to an acute housing shortage. The Queensland Government began repurposing military facilities for temporary accommodation, establishing 'housing camps' in suburbs including Holland Park, Cherside, Wacol and Kalinga. Up to 100,000 Queenslanders lived in temporary housing between 1946 and 1960. In February 1947, as the last of the war brides departed, the State Government acquired buildings in Victoria Park for temporary housing purposes. The Queensland State Housing Commission made use of the military facilities in Victoria Park, creating the second largest temporary housing settlement in Brisbane. Each hut housed several families. By 1950 Victoria Park was the impermanent home for 460 families, occupying the park for up to three years while new housing was slowly constructed in outer-lying suburbs. The Victoria Park camp, being close to the city, was highly visible to Brisbane residents. In the 1950s, the camp became the subject of media coverage about the poor living conditions experienced by the 'old and new Australian families'.<sup>67</sup> As residents were moved to new houses, the temporary housing camps in Victoria Park were gradually emptied in the late 1950s, closed in 1960, and the fibrolite buildings were sold or demolished, although four large huts from the HQ area of Camp Victoria Park, on Herston Road opposite Wyndham Street, survived well into the 1970s.<sup>68</sup>

With the end of the war, the removal of the housing camps, and the appointment of a new Parks Superintendent, improvements to Victoria Park were planned from the 1950s. In 1959 the Centenary Pool Complex (QHR 601240) was constructed by BCC as its principal contribution to the celebrations of Queensland's centenary. The pool was placed at the southeast edge of Victoria Park, bordering Gregory Terrace, on the slope of the hill overlooking

the park. It included a landscaped entrance drive through the park from Gregory Terrace, designed by BCC's Superintendent of Parks and Gardens, Harry Oakman.<sup>69</sup>

Oakman was one of the pioneers of landscape architecture in Australia. In 1945 he began his seventeen-year appointment with BCC as Superintendent of Parks and Gardens, and the Director of Separate Parks Branch. One of his earliest roles was transforming many of Brisbane's parks that had been damaged by military use during WWII. He also led an extensive flowering tree planting programme on the slopes and gullies of the Victoria Park golf course, and poincianas (*Delonix regia*), oleanders (*Nerium*), jacarandas, and flame trees along the fairways. Oakman was recognised as a Fellow of the British and Australian Institutes of Landscape Architects and the Royal Australian Institute of Parks and Recreation.<sup>70</sup>

Another commemorative gesture made within Victoria Park was the planting of a grove of eucalypt trees in the southeast, between the railway and Gregory Terrace near Bowen Bridge Road. This area of Victoria Park had been the site of some of the Housing Commission (ex-military) buildings and required beautification. Named 'The Gundoo Memorial Grove', it was planted by the students of the Brisbane Girls' Grammar School as their contribution to the celebrations. The trees were provided by the Forestry Department and comprised different varieties of native trees (mainly eucalypts). In a memorandum, Harry Oakman stated that 'tree planting along forest lines in this parkland would give a unique feature to the city of Brisbane, particularly if the trees chosen are Eucalypts'. He believed that eucalypts would provide an attractive, shady grove at low cost and require little maintenance.<sup>71</sup> In the early 1960s, the grove was supplemented by subtropical plantings in the area between Centenary Pool and Bowen Bridge Road, to beautify and create a 'tropical atmosphere in the heart of the city'.<sup>72</sup>

### **Late 20th & early 21st century park improvements and changes (1950s-2025)**

Beautification and improvement works were undertaken under Oakman's time as superintendent. In order 'to provide a pleasing view on one of the city's outlet roads', Brisbane tuff planter beds were added along the Gregory Terrace frontage in 1958 (two of these, flanking the Riding Row entrance piers, remain extant in 2025). The park's main entrance was also repositioned from opposite the Queensland Museum in the east to a new road from Gregory Terrace, further south.<sup>73</sup>

Sports continued at the sports fields, with leases to the Brisbane Hockey Association, Queensland Rugby Union, and schools. The Hockey Association used up to seven of the fields during its playing seasons between the 1930s and the 1950s, holding junior and school fixtures, women's practices, and regular matches. It contributed finance for the ongoing maintenance of the fields and hosted its grand finals at the park. The fields were also used to host archery contests, travelling circuses, military and royal parades, and parking for the annual Royal National Agricultural & Industrial Society show.<sup>74</sup>

A new brick dressing shed, with refreshment kiosk and toilets, was added to the sportsgrounds. Dressing shed facilities had been provided for the sportsgrounds from 1930, but the earlier dressing shed, a simple timber structure, burned down in 1947. When finance became available, the dressing shed was designed by BCC and erected by 1959, being opened for the use of the sports groups in 1960. The kiosk was leased to sports clubs and individuals to sell refreshments during the sports seasons. Improvements to the parking and facilities for the sportsgrounds were made in the following years, including two sets of steps from Gilchrist Avenue, flanking the dressing shed.<sup>75</sup>

Non-recreational and non-public uses also continued across the park. Small portions of land throughout the park were resumed for railway purposes, school use, hospital and temporary carparks, the Gregory Terrace road reserve, and telecommunications; and leases were granted for school playing fields. In 1968, the Department of Electricity acquired land in the park and built an office building behind (northwest of) the BCC Electricity Substation No. 4.

They also purchased a large store building previously used by the Queensland Railway Department in the same corner of the park (not within the heritage boundary).<sup>76</sup>

Changes also occurred on the golf course in the 1970s. In December 1975, a new clubhouse was opened on a hill on the location of the original 17<sup>th</sup> fairway. It was a two-storey masonry building in an International Modern style, designed by BCC's Office of the City Architect. It was in two parts: a large southern block was two storeys, accommodating a kitchen and bar on the top floor, with large southeast windows overlooking the golf course, above player ablutions and pro-shop on the ground floor; and a single-storey block on the north side accommodating offices and a caretaker's residence. It included a new driveway from Herston Road to the clubhouse and a large carpark on the building's western side. As a result of the new clubhouse's construction, the numbering of the fairways was altered, to start and finish near the new clubhouse, rather than near the 1930s clubhouse which had been resumed for a possible northern freeway which did not occur. In 1993, a small kiosk building called the halfway house was added adjacent to the then 10<sup>th</sup> tee.<sup>77</sup>

There were also changes to the park's landscaping. In 1988, after being reconditioned and having its size reduced and its shape changed, the 1933 lake in Victoria Park was officially named 'York's Hollow'. In the following years, artwork and sculptures were added, including figures from Expo 88. A section of lawn near Centenary Pool was planted with trees by the Royal Geographical Society of Queensland and named 'Gregory Grove' in 1989, in honour of Australian explorer and surveyor-general, Sir Augustus Gregory's 170th birthday anniversary. Sixty trees were planted in the Gregory Terrace area near Rogers Street to commemorate Queen Elizabeth II's Diamond Jubilee in 2012.<sup>78</sup>

In 1999, construction of a freeway bypass connecting Hamilton to Milton commenced. Envisioned since 1972, the bypass, called the Inner City Bypass (ICB), was undertaken to reduce traffic congestion in the CBD and Fortitude Valley. An area of 4.606ha was resumed from Victoria Park for the road, which ran through the park adjacent to the railway, exacerbating the park's divided nature. The section of road through the park was constructed in 2001, with the entire bypass completed in 2003. Around 2001, the altered 1933 lake was removed and a new lake was constructed immediately to the northwest, in a serpentine shape, to make room for the ICB, and a landscaped pedestrian overpass was added to bridge the bypass (overpass is not in the heritage boundary).<sup>79</sup>

Archaeological investigations undertaken in late 1999, ahead of the construction of the ICB, revealed early sections of the York's Hollow watercourse, fill associated with the construction of the 1880s railway, and refuse dating from the 1890s to early 1900s deposited in natural depressions and buried in rubbish trenches.<sup>80</sup> More than 100,000 artefacts were recovered, including: glass bottles and stoppers; ceramic kitchen, tableware, bottles, and doll parts; clay tobacco pipes; personal and clothing items including buttons, pins and beads; medicine, hygiene and writing implements; metal cutlery, nails, hardware, and coins; leather and textiles fragments; faunal and floral remains, and worked bone artefacts. The finds were analysed by archaeologists in 2004, who found they 'gave insight into rubbish disposal patterns, market access, nutrition, health, dietary patterns, and economic life' demonstrating 'a changing pattern in Brisbane's patterns of consumption', '[t]he conditions of depression that prevailed in the local economy in the 1890s', and 'eating habits of nineteenth-century Brisbane'.<sup>81</sup> Further municipal refuse trenches, likely dating from the 1870s and 1880s, were uncovered within the railway corridor and in the southeast section of Victoria Park, during archaeological investigations associated with the Cross River Rail Project in 2020.<sup>82</sup>

The golf course area of Victoria Park continued to change during the first two decades of the 21<sup>st</sup> century. The Inner Northern Busway was constructed along the western and northern edges of the golf course c2003, affecting the fairways then existing in the northwest corner of the park, while in the early-mid 2010s, the southern part of the golf course was resumed during construction of the Legacy Way tunnel.<sup>83</sup>

The Victoria Park Golf Club closed in 2001, and a private lessee, CBD Golf Pty Ltd, developed a driving range, golf pro shop and café (later bistro), which opened in 2002 on the 7th, 8th and 9th fairways (originally 10th, 11th, 12th and 13th) to the west of the 1975 golf clubhouse. The clubhouse was substantially altered and extended to become the 'Victoria Park Function Venue', with its first function rooms opening in 2003. Over the following years, further buildings, including garden marquees (c2004 and 2008), and a putt-putt course (c2005) were added to the grounds around the clubhouse and the carpark was extended substantially on the northern side of the entrance driveway. The main golf course closed in 2021, although the driving range and pro shop, function centre, bistro, and putt-putt course continued to operate.<sup>84</sup>

From 2023, the park began to undergo a major transformation, following the release of the BCC 2023 Victoria Park Barrambin Masterplan.<sup>85</sup> This has included redeveloping the former golf course areas into public parkland, with the removal of bunkers and the addition of a public bicycle course, pavilions, gardens, paths, and park furniture.

Victoria Park has been used by the people of Brisbane for public recreation since at least 1875, with the organisation of sports, and group recreation, events, and activities (gambling, games, sparring, singing, travelling circuses, protests, and meetings). The openings of major commemorative activities and memorials in the park were attended by large crowds. Public protests against changes to the park that would reduce its public use as a park, have also occurred over time, including: in 1877 and 1886 against a rifle range in the park; 1885 into the 1890s against the use of the park for municipal dumping; in the 1880s against excision of land for the Sick Children's Hospital; 1901-3 against excision of land for a government domain or university; 1928 against leasing the park to entities for profit; and during the 1930s against, and for, the protection of itinerants' camps in the park. One example of the Brisbane public's attachment to Victoria Park came in the early 1900s, with public protests against the proposed excision of land. The park was called 'the People's heritage' in a 1903 *Worker* article; and local businessman, Member of the Legislative Assembly, and former Mayor, John McMaster, stated, in a 1903 *Telegraph* article, that he 'had been fighting against giving up any portion of the park for the last 20 years', that '[t]he park was the property of the citizens of Brisbane' and '[p]eople were entitled to the park'. Excision of park land was fought by the Brisbane public repeatedly. A 1901 newspaper article argued: '[n]ever alienate a foot of it, for that would be like touching a lung with consumption. By-and-by, when population is larger, and when money is more plentiful, the park will be artistically laid out and planted, to become beautiful as well as useful.'<sup>86</sup>

In 2025, Victoria Park continues to provide recreational facilities such as playgrounds, dog off-leash areas, walking tracks, bike paths, open space, and sports fields.

## Description

Victoria Park is a large public park spanning across Spring Hill and Herston, north of Brisbane CBD. Its undulating, manicured landscape is primarily lawned fields with mature trees.

The park allotment is an irregular shape and is divided into two, non-contiguous parts by a broad, curving road and rail corridor running southwest to northeast. The two parts are: the smaller Southeast Park Section; and the larger Northwest Park Section.

Archaeological potential exists across both sections.

Features of Victoria Park of state-level cultural heritage significance include:

- Southeast Park Section:
  - Open Space, Lawned Fields, and Mature Vegetation;
  - Gregory Terrace Road Reserve Traffic Island and US Army 'Camp Victoria Park' Officers' Camp Flagpole;
  - Riding Row Entrance Piers and Planter Beds; and
  - BCC Electricity Substation No. 4 and Retaining Wall.
- Northwest Park Section:
  - Open Space, Lawned Fields, and Mature Vegetation;
  - Gilchrist Avenue Features and Sports Fields Features;
  - Stone Retaining Wall, Herston Road; and
  - US Army 'Camp Victoria Park' Headquarters Flagpole.
- Archaeological Potential Across All Park Areas.

### Southeast Park Section

The Southeast Park Section is a long, curving, ribbon of parkland running along the southeastern side of the road and rail corridor. It is bounded on its other sides by Gregory Terrace (southeast), Bowen Bridge Road (northeast), and Brisbane Girls Grammar School (southwest). The terrain falls generally from the high ridge of Gregory Terrace down to the road and rail corridor in the northwest, which has been cut into a gully.

The section has expanses of lawn and mature vegetation across its open, sloping land, including the Gundoo Memorial Grove, perimeter trees, and remnants of the Riding Row's early plantings. Near the centre of the section is the Centenary Pool Complex, a separate State heritage place (QHR 601240). Nearby in the Gregory Terrace road reserve is a large traffic island median with the US Army 'Camp Victoria Park' Officers' Camp Flagpole. At the northeastern end of the section is the Riding Row Entrance Piers and Planter Beds, and the BCC Electricity Substation No. 4.

Features of the Southeast Park Section of state-level cultural heritage significance include:

- Open Space, Lawned Fields, and Mature Vegetation;
- Road Reserve Traffic Island and US Army 'Camp Victoria Park' Officers' Camp Flagpole (1943);
- Riding Row Entrance Piers (1936) and Planter Beds (1958); and
- BCC Electricity Substation No. 4 (1928) and Retaining Wall (c1928-44).

### Open Space, Lawned Fields, and Mature Vegetation

The Southeast Park Section has expanses of open space with lawns and an informal, naturalistic layout of mature tree plantings, primarily Australian native species but also introduced species. Earlier tree specimens (pre-1936) survive along the northwestern edge of the section, against the rail line and some sections of Riding Row's early (1930s) tree plantings survive. Mature trees of Gundoo Memorial Grove (1959) and adjacent 'subtropical' plantings (c1962) survive near the centre of the park section.

The character of the place as a park comprising expansive open space, lawned fields, and mature trees is of state-level cultural heritage significance.

Features of the Southeast Park Section's Open Space, Lawned Fields, and Mature Vegetation of state-level cultural heritage significance include:

- open, manicured parkland featuring lawns and mature trees in an informal, naturalistic layout, largely without building structures;
- mature trees along the east and southeast side of the rail line including fig trees (*Ficus spp.*), hoop pine trees (*Araucaria cunninghamii*), and camphor laurels (*Cinnamomum camphora*); mature trees adjacent to Gregory Terrace, including fig trees (*Ficus spp.*), queen palms (*Syagrus romanzoffiana*), and jacarandas (*Jacaranda mimosifolia*); and 1930s trees associated with the removed Riding Row (particularly palms) largely to the section's perimeter;
- surviving specimens of Gundoo Memorial Grove (1959) comprising mixed Australian native trees, approximately 140m wide and 220m long (at its widest and longest points), and evidence of original radiating arched rows; includes Moreton Bay ash / Carbeen (*Corymbia tessellaris*); grey box / gum top box (*Eucalyptus moluccana*); red mahogany (*Eucalyptus resinifera*); forest red gum / blue gum / red iron gum (*Eucalyptus tereticornis*); Queensland kauri (*Agathis robusta*); Queensland brush box / Brisbane box (*Lophostemon confertus*); lemon-scented gum / spotted gum (*Corymbia citriodora*); pink bloodwood (*Corymbia intermedia*); small-fruited grey gum / grey gum (*Eucalyptus propinqua*); Sydney blue gum / blue gum (*Eucalyptus saligna*); large-leaved spotted gum (*Corymbia henryi*); white mahogany / barayly (*Eucalyptus acmenoides*); flooded gum / rose gum (*Eucalyptus grandis*); and tallowwood (*Eucalyptus microcorys*); and
- 'subtropical' plantings (c1962); includes queen palm (*Syagrus romanzoffiana*); Cuban royal palm (*Roystonea regia*); traveller's palm (*Ravenala madagascariensis*); dwarf date palm trees (*Phoenix roebelenii*); giant white bird of paradise (*Strelitzia nicolai*); and pandanus (*Pandanus pedunculatus*).

Features of the Southeast Park Section's Open Space, Lawned Fields, and Mature Vegetation not of state-level cultural heritage significance include:

- immature vegetation and plantings; furniture; hardscapes and hard ground surfaces; planter beds including concrete block-walled and concrete kerbed planter beds (2014, replaced earlier planter beds) along Gregory Terrace, southwest of the Entrance Piers; paths; roads; bollards; signs; utilities and associated infrastructure; lights; structures, fences, walls, and railings; and sculpture 'Inukshuk' (1988, relocated to Victoria Park 2005) adjacent to the railway line / ICB land bridge.

#### Gregory Terrace Road Reserve Traffic Island and US Army 'Camp Victoria Park' Officers' Camp Flagpole (1943)

The Gregory Terrace Road Reserve Traffic Island, which was originally parkland contiguous with Victoria Park, is a median island of Gregory Terrace. Standing near the centre of the island is the US Army 'Camp Victoria Park' Officers' Camp Flagpole, in its original location, an open high point on this side of the park.

Features of the Gregory Terrace Road Reserve Traffic Island and US Army 'Camp Victoria Park' Officers' Camp Flagpole of state-level cultural heritage significance include:

- open landscaped space of traffic island;
- location of flagpole (original); and
- flagpole's metal pole with spherical finial and octagonal concrete base.

Features of the Gregory Terrace Road Reserve Traffic Island and US Army 'Camp Victoria Park' Officers' Camp Flagpole not of state-level cultural heritage significance include:

- all vegetation; stone island edging (1978); road reserve fabric, including road surfaces, kerbs, signs, power poles, and all other services, utilities, and road infrastructure; recent interpretation sign; flagpole's 1988 plaque; and sculpture 'Showdown' (1988, relocated here in 2018).

#### Riding Row Entrance Piers (1936), and Planter Beds (1958)

The Riding Row Entrance Piers comprises a pair of tall, Brisbane tuff piers standing at the northeastern corner of the Southeast Park Section, near the corner of Gregory Terrace and Bowen Bridge Road. Formerly framing the beginning of Riding Row (a horse-riding track that ran the circumference of the Southeast Park Section), in 2025 they mark a vehicle entrance into the park.

Attached to the rear of the piers are tiered, angular Brisbane tuff planter beds of a later construction.

Features of the Riding Row Entrance Piers and Planter Beds of state-level cultural heritage significance include:

- location of Entrance Piers (original);
- two Brisbane tuff piers, including their stepped and tapered form, dressed stone faces, and wrought iron gas lamp stands atop the piers (missing the lamps) and gas pipe inlets to the park-facing side of each pier; and
- tiered, Brisbane tuff-faced planter beds.

Features of the Riding Row Entrance Piers and Planter Beds not of state-level cultural heritage significance include:

- modern bitumen and concrete ground surfaces; services; modern bollards; and all vegetation and soil within planter beds.

#### BCC Electricity Substation No. 4 (1928)

BCC Electricity Substation No. 4 stands in the northeast corner of the Southeast Park Section, near and angled to face the intersection of Gregory Terrace and Bowen Bridge Road. It is a small, single-storey, masonry building with a rectangular footprint and symmetrically composed elevations. The exterior of the substation is highly intact.

A low Brisbane tuff retaining wall (c1928-44) stands nearby at the footpath boundary along Bowen Bridge Road and has a central stair leading to the substation.

Features of BCC Electricity Substation No. 4 of state-level cultural heritage significance include:

- location and orientation (original);
- modest, rectangular plan form and symmetrically composed elevations;
- timber-framed hip and gable roof and its terracotta tiles cladding;
- red-brown face brick walls, terracotta vents, and cement render dressings (render is scribed in places to appear as ashlar), including render crest bearing 'BCC' and raised letters 'SUBSTATION. ---' above front door ('No. 4' letters have been removed);
- multi-light, centre-pivoting and fixed, timber-framed windows;
- timber V-jointed (VJ) board-lined external doors;
- metal and glass sconce lights flanking front entrance doors;
- low Brisbane tuff retaining wall at footpath boundary, including its piers and central stair.

Features of BCC Electricity Substation No. 4 not of state-level cultural heritage significance include:

- surrounding ground surfaces (bitumen, grass, gravel) and plantings; wire window mesh; gooseneck exterior lights; and non-original downpipes.

### **Northwest Park Section**

The Northwest Park Section is a large, broad area of land on the northwestern side of the road and rail corridor. It is bounded on its northern side by Herston Road and its long western side by the QUT Kelvin Grove campus. The terrain is especially undulating, generally rising to the north. The section has areas that feature panoramic views across the green parkland to the towers of the CBD in the southeast.

Much of the land is former golf course and is highly manicured with stripes of former fairways separated by tree belts and the land is tightly terraformed with berms and small flat areas. A bus road corridor (the Inner Northern Busway) runs in a broad curve along the western and northern park edges, dividing two triangle areas of parkland from the main parkland, and is excluded from the heritage register boundary. Structures and carparks associated with the former golf course stand at the northern end of the section and are not of state-level cultural heritage significance.

Features of the Northwest Park Section of state-level cultural heritage significance include:

- Open Space, Lawned Fields, and Mature Vegetation;
- Ornamental Lake;
- Gilchrist Avenue Features and Sports Fields Features;
- Stone Retaining Wall, Herston Road (pre-1944);
- US Army 'Camp Victoria Park' Headquarters Flagpole (1943); and
- Views.

#### Open Space, Lawned Fields, and Mature Vegetation

The Northwest Park Section mostly comprises lawned fields (former fairways) and mature trees separating the former fairways.

The character of the place as a park comprising expansive open space, lawned fields, and mature trees is of state-level cultural heritage significance.

Features of the Northwest Park Section's Open Space, Lawned Fields, and Mature Vegetation of state-level cultural heritage significance include:

- open, manicured parkland, featuring lawned fields and mature trees in a picturesque layout;
- treed, 'unbuilt' character of few building structures, with buildings carefully located and scaled to complement the landscape, or screened by vegetation and fences; and
- mature trees dating to the 1930s planted between the fairways (associated with Moore's time as superintendent of parks), including jacarandas (*Jacaranda mimosifolia*), camphor laurels (*Cinnamomum camphora*), hoop pines (*Araucaria cunninghamii*), bunya pines (*Araucaria bidwilli*), flame trees (*Brachychiton acerifolius*), coral trees (*Erythrina*), and palms.

Features of the Northwest Park Section's Open Space, Lawned Fields, and Mature Vegetation not of state-level cultural heritage significance include:

- immature vegetation and plantings; furniture; hardscapes and hard ground surfaces; planter beds; roads; bollards; signs; utilities and associated infrastructure; lights; structures, fences, walls, and railings; and terrain and infrastructure associated with the land bridge and entrance drive.

### Ornamental Lake

The Ornamental Lake, an artificial water body (c2001) is located at the southeastern edge of the Northwest Park Section. It is serpentine in shape, has no islands, and is sited slightly to the west of the site of the original, much larger Ornamental Lake (1933) and its 1988 replacement. A modern foot bridge crosses the lake.

Features of the Ornamental Lake of state-level cultural heritage significance include:

- the provision of a naturalistic-looking, artificial water body in this approximate location.

Features of the Ornamental Lake not of state-level cultural heritage significance include:

- the water body's shape, edges, and size; all vegetation; and all associated infrastructure, footbridge and statues.

### Gilchrist Avenue Features and Sports Fields Features

Gilchrist Avenue is a public road running from Herston Road in the northeast corner of the park toward the southwest, ending at a cul-de-sac near the Ornamental Lake, having been truncated at approximately half its original length. On either side of the remaining length of road are mature tree plantings forming an avenue of a variety of species and ages, with original trees (1930-2) having been replaced over time with the same and new species, continuing the avenue. Stone retaining walls (1930-6) are on either side, supporting the road cuttings; the southeastern wall bears 'PLAY THE GAME' in large stone letters facing the sports fields, and the northwestern wall has a stone and concrete stair.

The sports fields (1925; re-laid 1935) are on the avenue's southeastern side, forming a line of open, flat lawns between the avenue and ICB, approximately 500m long. The fields have been used interchangeably over time for a variety of sports including hockey, cricket, football (soccer), rugby, and athletics. Temporary carparks and demountable office structures stand on the northeastern-most field and the southwestern-most field has modern cricket nets. Adjacent to the fields on their northwestern side is a small brick building, the Dressing Shed & Kiosk (1960).

Gilchrist Avenue Features and Sports Fields Features of state-level cultural heritage significance include:

- Brisbane tuff retaining walls (1930-6) lining cuttings on both sides of the road, including: Brisbane tuff and concrete stair, capped balustrade, and '1936' feature stone (northwest side of road); and 'PLAY THE GAME' inset letters in river stones (southeast side of road) and unobstructed view of the letters from the sports fields;
- rows of tree plantings lining both sides of Gilchrist Avenue, early (1930-2) species included: poinciana (*Delonix regia*); silky oak (*Grevillea robusta*); jacaranda (*Jacaranda mimosifolia*); flame tree (*Brachychiton acerifolius*); crepe myrtle (*Lagerstroemia indica*); cape chestnut (*Calodendron capense*); frangipani (*Plumeria sp.*); bauhinia (*Bauhinia sp.*); and hoop pine (*Araucaria cunninghamii*);
- turfed, flat sports fields (1925; re-laid 1935), used for a variety of sports; their location and extent, including those currently occupied by temporary structures;
- Dressing Shed & Kiosk building (1960); its location adjacent to the sports fields; face brick walls with hit-and-miss sections; skillion roof; kiosk at northeastern end, servery window with VJ timber boards lining above window, and shelter area with concrete slab and shelter roof supported on curved metal structure; and
- concrete retaining wall wrapping around the rear and sides of Dressing Shed & Kiosk, including its concrete stairs (post-1961) to the northeast and southwest up to Gilchrist Avenue.

Gilchrist Avenue Features and Sports Fields Features not of state-level cultural heritage significance include:

- Gilchrist Avenue road reserve fabric, including road surface, kerbs, signs, power poles, and all other services, utilities, and road infrastructure;
- later alterations to Brisbane tuff retaining walls including, concrete caps and metal balustrades;
- concrete retaining wall and concrete stairs, concrete block walls, and bitumen ground surfaces;
- sports fields line markings, cricket nets, goal posts, sheds, and other sports equipment and infrastructure;
- all fabric of temporary carpark and office structures, including bitumen surface, hard-stand, fences, signs, and services, and infrastructure; and
- all interior aspects of Dressing Shed & Kiosk.

#### Stone Retaining Wall, Herson Road

A stone retaining wall runs approximately 180m along the Herston Road boundary of the park.

Features of the Stone Retaining Wall, Herston Road of state-level cultural heritage significance include:

- worked stone wall with concrete cap along the Herston Road park boundary.

Features of the Stone Retaining Wall, Herston Road not of state-level cultural heritage significance include:

- later, raised concrete mortar.

#### US Army 'Camp Victoria Park' Headquarters Flagpole

The US Army 'Camp Victoria Park' Headquarters Flagpole stands in its original location at a high point in the park on the edge of a steep drop to the south, making it highly visible from the open lawned parkland to its south. The later adjacent clubhouse (1975) built to its northwest on the location of the demolished US Army 'Camp Victoria Park' Headquarters has diminished the visibility of the flagpole from this direction.

Features of the US Army 'Camp Victoria Park' Headquarters Flagpole of state-level cultural heritage significance include:

- open landscaped space around the flagpole;
- location of flagpole (original); and
- flagpole's metal pole with spherical finial, octagonal concrete base, and octagonal concrete aprons.

Features of the US Army 'Camp Victoria Park' Headquarters Flagpole not of state-level cultural heritage significance include:

- all vegetation, fences, and garden beds; and plaque commemoration to former golf caretaker.

#### Views

The Northwest Park Section has two locations with impressive views that juxtapose the green parkland against the metropolitan context of the Brisbane CBD.

These views of state-level cultural heritage significance are:

- from the high land near the 1975 golf clubhouse affording broad views from the east-northeast around to the southwest, centred on the Brisbane CBD's high rise towers to the south-southeast; and

- from the high land near the park maintenance buildings north of the former HAA gun emplacements affording an acute view from the southeast around to the south, centred on the Brisbane CBD's high rise towers to the south-southeast.

### **Archaeological Potential**

Historical evidence and previous investigations indicate that archaeological deposits remaining from the place's use as a municipal dump site during the late 19th and early 20th centuries, are likely to survive, as well as brick and stone (Brisbane tuff) drains. These types of deposits and features are likely to be found within refuse trenches and in areas that historically had natural depressions, hollows, and watercourses.

There is also potential that archaeological features and deposits may remain from different eras of occupation, including the 19th century, the Great Depression, and WWII.

Much of the place has the potential for archaeological finds. Particular areas of historical use where there is potential for archaeological evidence that could yield information that will contribute to an understanding of Queensland's history (state-level significance) include:

#### Historically low-lying 'York's Hollow' area:

- early to mid-19th century Indigenous gathering and camping in areas of the Northwest Park Section least disturbed by later brick-making activities, refuse trenches, and drainage works. Potential archaeological evidence includes hearths, and stone, glass, and ceramic artefacts; and
- mid-19th century brick-making, fringe dwelling, and immigrant camping in areas of the Northwest Park Section least disturbed by later refuse trenches, and drainage works. Potential archaeological evidence includes subsurface kilns, pits and discarded bricks, hearths and domestic glass, ceramic, and metal artefacts;

#### Southern ridgeline area of Northwest Park Section:

- WWII HAA gun emplacements. Potential archaeological evidence may include concrete gun emplacements, command post, and magazine structures and signal cables;

#### Eastern to northeastern area of Northwest Park Section:

- mid-to late-19th century rifle range. Potential archaeological evidence may include metal shot, casings, bullets, and stop butt / target features;

#### Much of the Southeast Park Section extending across and within the Northwest Park Section:

- late-19th to early 20th century municipal dump. Potential archaeological evidence may include clay-capped refuse trenches, pits / depressions, former watercourses, and scatters containing domestic and commercial refuse, including: glass bottles and stoppers; ceramic kitchen, tableware, bottles, and doll parts; clay tobacco pipes; personal and clothing items including buttons, pins, and beads; medicine, hygiene, and writing implements; metal cutlery, nails, hardware, and coins; leather and textiles fragments; and faunal (bone) and floral food remains, and worked bone artefacts;

#### Former watercourse flows and low-lying areas of Northwest Park Section and Southeast Park Section:

- late-19th and early-20th century drains and utilities, associated with reclamation and drainage improvements and to control runoff. Potential archaeological evidence may include brick and stone (Brisbane tuff) drains;

#### Northeastern end of Southeast Park Section near BCC Electricity Substation No. 4:

- potential archaeological evidence may include subsurface infrastructure associated with the early distribution of electricity in Brisbane, brick and Brisbane tuff drains, and a WWII air raid shelter on the northwest side;

Northwest Park Section and Southeast Park Section:

- potential Great Depression-era dwellings and camping. Potential archaeological evidence may include flattened kerosene cans, roofing iron and other temporary building materials, and glass, ceramic, and metal artefacts;

Predominately across the higher areas of the Southeast Park Section along Gregory Terrace and Northwest Park Section along Herston Road:

- WWII military accommodation and administration camps. Potential archaeological evidence may include post-holes, artefact deposits concentrated around former structures, brick vaults, and air raid shelters and trenches.

**Features not of state-level cultural heritage significance**

Features of Victoria Park not of state-level cultural heritage significance not previously mentioned include:

- all golf course-related landscape design, landforms, and layouts;
- all golf structures, including clubhouse, putt-putt course, driving range and fences, pavilions, shelters, kiosks (including the hallway house), carparks, roads, and maintenance areas and structures;
- vegetation and plantings (other than those previously mentioned), including the Spinaze Bushland (est. post-2014); lakes, dams, and watercourses; furniture; hardscapes and hard ground surfaces; planter beds; paths;
- park maintenance areas, bins, bays, and structures; temporary buildings; fences; modern stairs and handrails; toilet and amenity structures; barbeque and picnic areas, structures, and pavilions, seats, and water bubblers; playgrounds, and fitness structures and equipment; dog park enclosures and all related fences and equipment; gates; fences; lake footbridge; signs, pipes, and drains; power poles and lines; bollards; signs; utilities and associated infrastructure; lights; and structures, fences, walls, and railings;
- paths and hardstand areas; roads and carparking areas (including Inner Northern Busway, and road fabric of Gilchrist Avenue and Gregory Terrace); bitumen surfaces and concrete gutters; and all fabric relating to the railway line and ICB.

## Illustrations



Figure 3: Victoria Park, Northwest Park Section, looking southeast (Queensland Government, 2025)



Figure 4: US Army 'Camp Victoria Park' Headquarters Flagpole, Northwest Park Section, looking south (Queensland Government, 2025)



Figure 5: Stone Retaining Wall, Herston Road, Northwest Park Section, looking east (Queensland Government, 2025)



Figure 6: Gilchrist Avenue, Northwest Park Section, looking north (Queensland Government, 2025)



Figure 7: Gilchrist Avenue retaining walls and stair, Northwest Park Section (Queensland Government, 2025)



Figure 8: Sports Fields and Dressing Shed & Kiosk, Northwest Park Section, looking south (Queensland Government, 2025)



Figure 9: Brisbane City Council Electricity Substation No. 4, southeast elevation, Southeast Park Section (Queensland Government, 2021)



Figure 10: Riding Row Entrance Piers and Planter Beds, Southeast Park Section south of Substation No.4, looking west (Queensland Government, 2021)

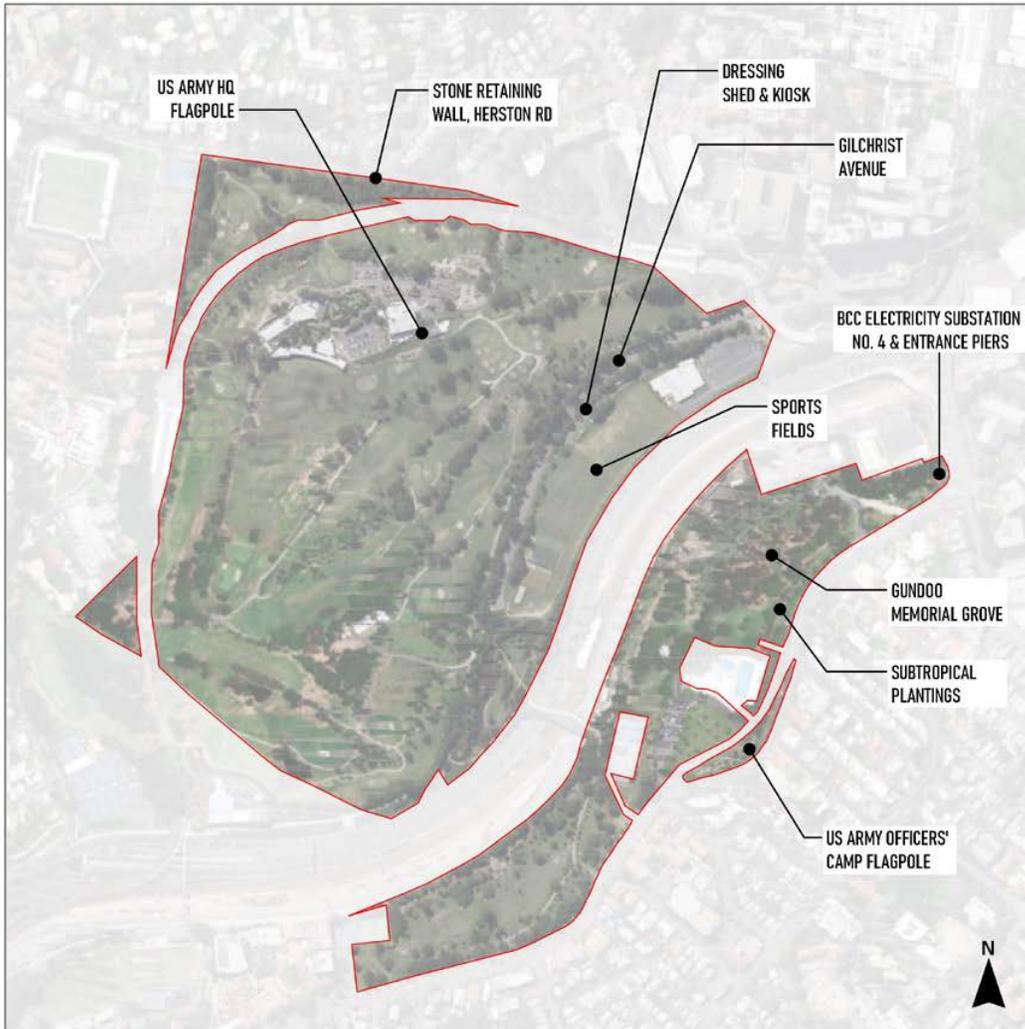


Figure 11: Victoria Park, Southeast Park Section, looking north (Queensland Government, 2021)



Figure 12: US Army 'Camp Victoria Park' Officers' Camp Flagpole, Gregory Terrace road reserve, Southeast Park Section, looking southeast (Queensland Government, 2021)

## Site Plans



### Victoria Park 602493

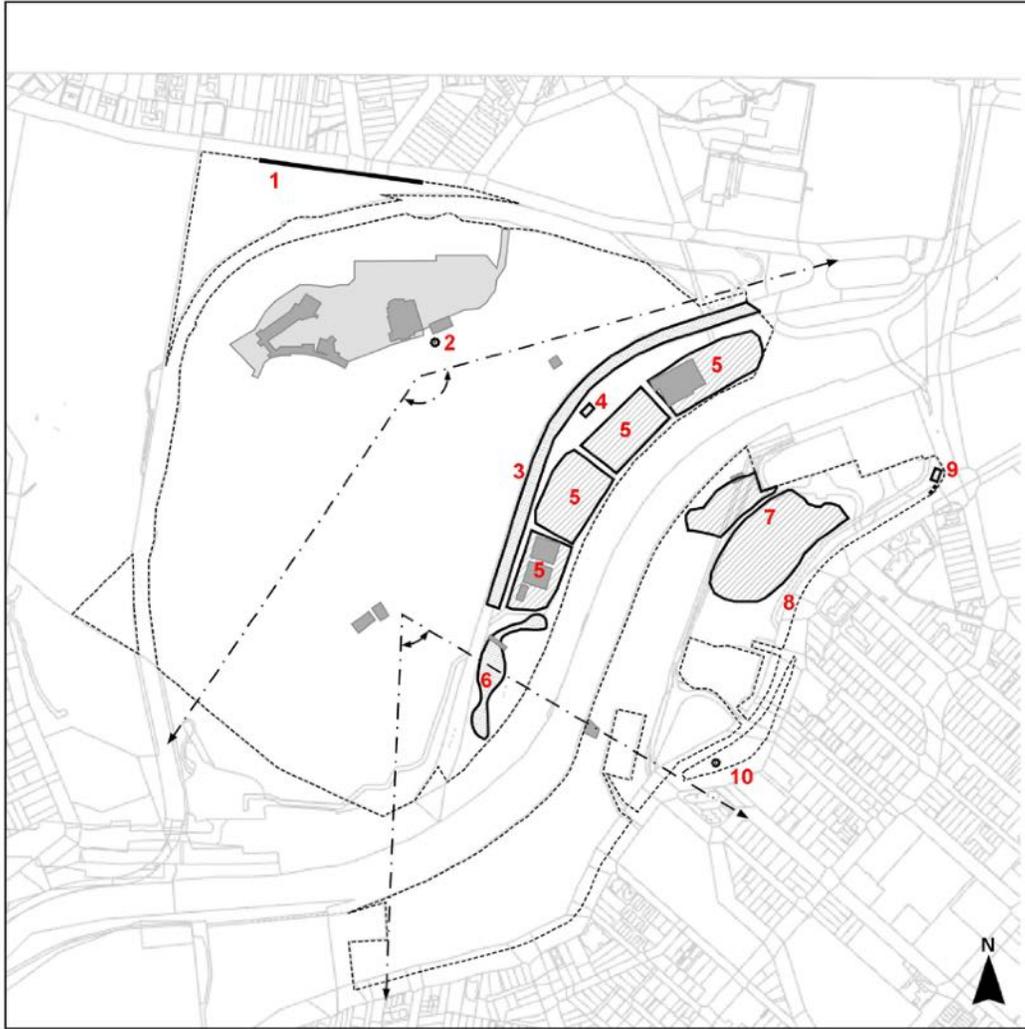
Legend  
[Red outline] Queensland heritage register boundary

### Site Plan - Major Features



Date created: February 2025  
© The State of Queensland, 2025

Figure 13: Site plan, major built features (Queensland Government, 2025)



**Legend**

-  Queensland heritage register boundary
-  Features not of state level cultural heritage significance
-  View of state level cultural heritage significance

**Features of state level cultural heritage significance**

- 1 Stone Retaining Wall, Herston Road
- 2 US Army HQ Flagpole
- 3 Gilchrist Avenue & Retaining Walls
- 4 Dressing Shed & Kiosk
- 5 Sports Fields
- 6 Ornamental Lake
- 7 Gundoo Memorial Grove
- 8 Subtropical Plantings
- 9 BCC Electricity Substation & Entrance Pillars
- 10 US Army Officers' Camp Flagpole



**Victoria Park  
 602493  
 Site plan**

Date created: February 2025  
 © The State of Queensland, 2025

Figure 14: Site plan (Queensland Government, 2025)

## Proposed heritage register boundary

The heritage register boundary contains all of lots 5SP184695 (including easements BRP892509, GSP165151, JSP272945, JSP279171, KSP279171 and MSP177681), 7SP184695, 34SP185066, 3SP185072 (including part of easements ASP127684 and KSP253736), 4SP185073, 5SP185074 and 5SP288407 (including easements JSP253735 and BSP127684); and part of the Gregory Terrace, Bowen Bridge Road and Gilchrist Avenue road reserves

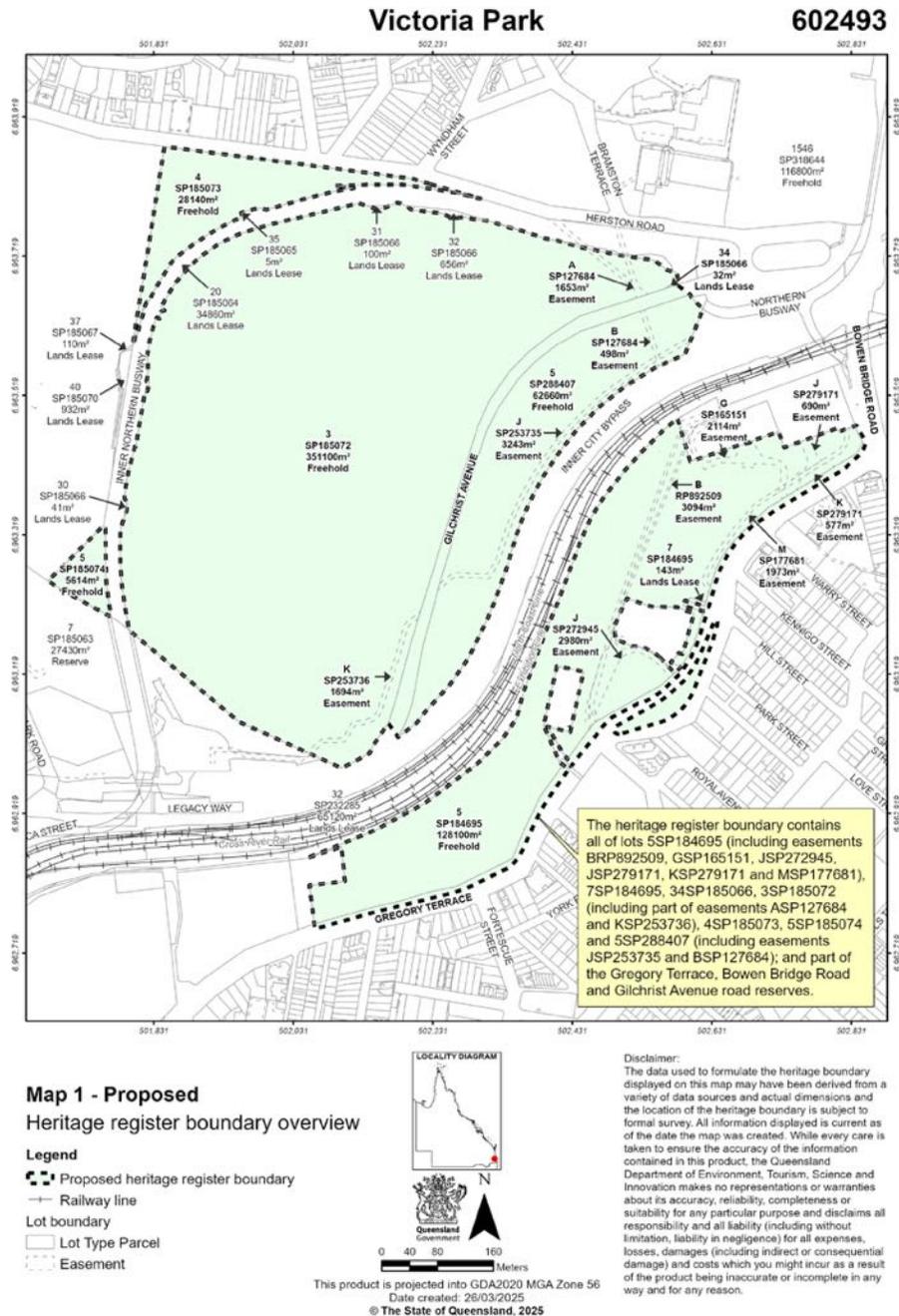


Figure 15: Proposed heritage register boundary (Queensland Government, 2025)

## Current heritage register boundary

The heritage register boundary contains all of lots 5SP184695 (including easements BRP892509, GSP165151, JSP272945, JSP279171, KSP279171 and MSP177681), 7SP184695, 34SP185066 and 5SP288407 (including easements JSP253735 and BSP127684); part of Lot 3SP185072 (including part of easement ASP127684); and part of the Gregory Terrace, Bowen Bridge Road and Gilchrist Avenue road reserves.

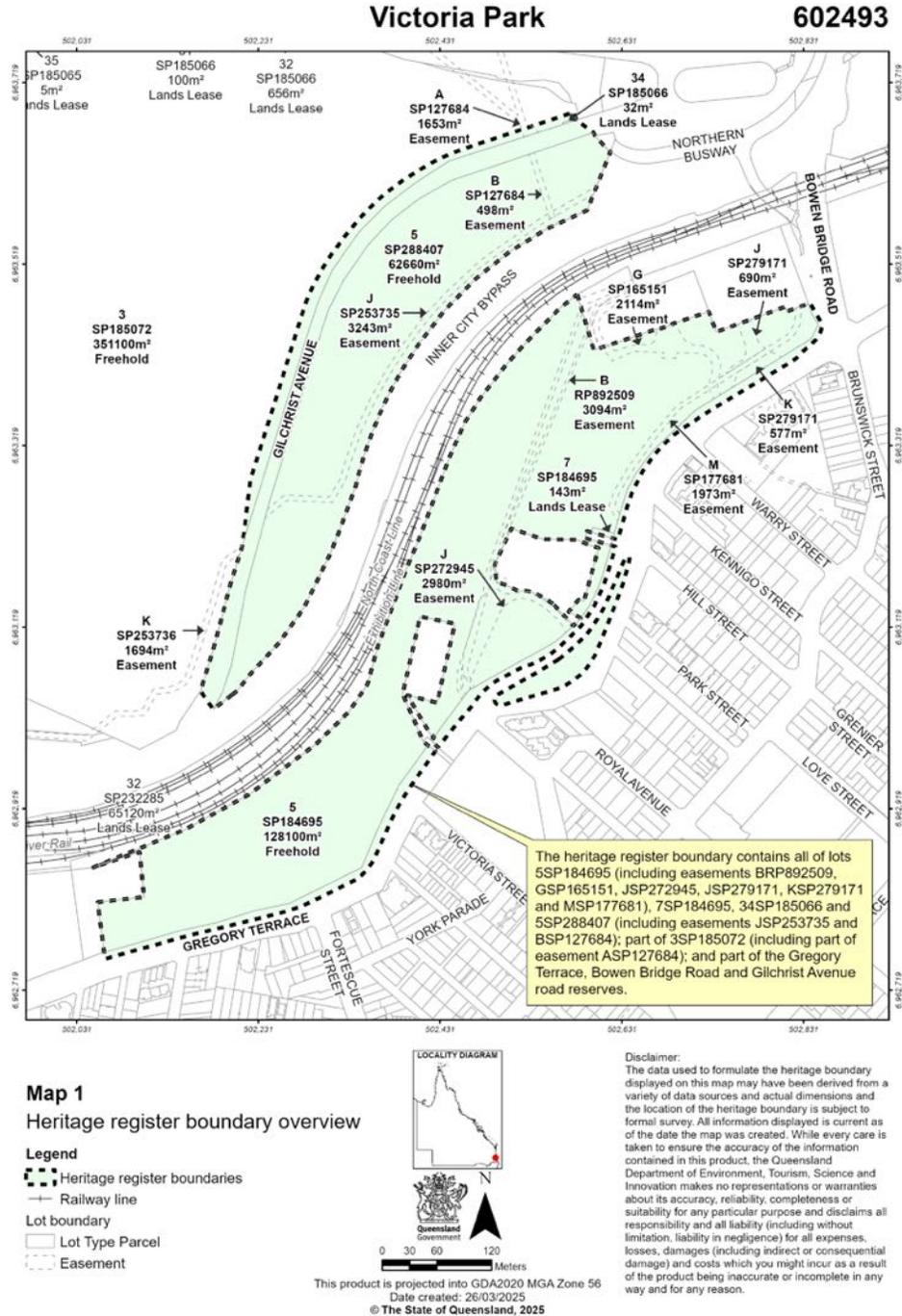


Figure 16: Current Heritage Register Boundary (Queensland Government, 2025)

## References

<sup>1</sup> In 2025, the area of Victoria Park held by the Brisbane City Council covers 57.5ha. Some adjacent parkland is held by Queensland's Department of Transport and Main Roads.

<sup>2</sup> Alternative spellings for the language groups of Meanjin include: Yugerra, Yagara, Yaggara, Yugg-ari, Yackarabul, Turubul, Turrabal, Turrubul, Turrabal, Terabul, Torbul, Turibul, Toorbal, Churrabool, Yerongban, Yeronghan, Ugarapul, Yerongpan, Biriin, Ninghi, Ningy Ningy, Duke of York Clan, Jaarabal, Jergarbal. State Library of Queensland, *Aboriginal Languages of the Greater Brisbane Area*, <https://www.slg.qld.gov.au/blog/aboriginal-languages-greater-brisbane-area>, 16 March 2015, accessed June 2021.

<sup>3</sup> C Petrie, *Tom Petrie's Reminiscences of early Queensland (dating from 1837)*, Brisbane, Watson, Ferguson & Co, 1904, pp.35, 55 & 316; Cross River Rail, *Indigenous Cultural Heritage*, 2011, pp.18-19; R Fisher, *Boosting Brisbane: Imprinting the Colonial Capital of Queensland*, Brisbane, Brisbane History Group, 2009, p.97; J G Steele, *Aboriginal Pathways: in Southeast Queensland and the Richmond River*, St Lucia, University of Queensland Press, 1984, pp.122, 124 & 129; R Kerkhove, 'Aboriginal camps as urban foundations? Evidence from southern Queensland', in Ingereth Macfarlane (ed), *Aboriginal History*, Vol. 42, Canberra, ANU Press, 2018, pp.141-172, at p.154.

<sup>4</sup> Kerkhove, 'Aboriginal camps as urban foundations? Evidence from southern Queensland', p.154.

<sup>5</sup> Brick-making for the penal settlement at Brisbane was conducted using clay from the 'brick fields' around the reservoir (on the site of the Supreme Court) constructed on Wheat Creek, which ran through today's CBD (J G Steele, *Brisbane Town in Convict Days 1824-1842*, St Lucia, University of Queensland Press, 1975, p.114, and figure 59 (plan of Brisbane Town in 1829, based on Allan Cunningham's survey)). Other early clay pit locations included Bowen Park; at the intersection of Barry Parade and Wickham Street; and Frog's Hollow (House Histories, 'Virginia Bricks', <https://www.househistories.org/virginia-brick> (accessed 10 April 2025)). The site of the show ring at the Brisbane Exhibition Grounds in York's Hollow was being used for brick-making in 1849 (Petrie, *Tom Petrie's Reminiscences of early Queensland*, p.143).

<sup>6</sup> Most of the early interactions with the Europeans at Meanjin/Moreton Bay – from 1823 to 1842 – were probably undertaken by members of the Duke of York's clan. Three escaped convicts from Botany Bay had encountered the clan in 1823 and were offered hospitality for a brief period, which they overstayed. Ship to shore sightings of people were reported by the crew of John Oxley's *Mermaid* as they travelled up Maiwar/Meeannjin (Brisbane River) in 1823, and an encounter between the clan and the crew of the *Amity* occurred at Enoggera Creek in 1824. Fyans' 1836 visit took place along the Brisbane River, and he was able to watch a 'fishing excursion' which took place over several days (Steele, *Aboriginal Pathways*, 1984, pp.122-124). In 1837 the Petrie family arrived in Brisbane; youngest son Tom had frequent interactions with the Duke of York's clan and learned to speak their dialect: N V Hall, 'Petrie, Thomas (Tom) (1831–1910)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/petrie-thomas-tom-4395/text7163>, published first in hardcopy 1974, accessed online June 2021. The 'Duke of York' may be an Anglicised version of 'Daki Yakka': Maroochy Barambah, 'Relationship and Communitality: An indigenous perspective on knowledge and expression', in B Fitzgerald and B Atkinson (eds), *Copyright Future Copyright Freedom: Marking the 40th anniversary of the commencement of Australia's Copyright Act 1968*, Sydney, Sydney University Press, 2011, pp.159-160.

<sup>7</sup> From the 1850s, immigrants were housed in the Commissariat Store (QHR 600176) and other William Street buildings, but Victoria Park hosted new arrivals into the 1860s, including, for example, the November 1862 new arrivals evicted from tents on Windmill Hill (Albert Park), who were allowed to camp in York's Hollow, 'near the Brickfields': *Moreton Bay Courier*, 3 February 1849 p.2; *Courier*, 18 December 1862 p.3; *Darling Downs Gazette and General Advertiser*, 4 August 1877 p.2; J J Knight, *In the Early Days: history and incident of pioneer Queensland: with dictionary of dates in chronological order*, Brisbane: Sapsford & Co, 1895, p.270; H Holthouse, *Illustrated History of Brisbane*, Frenches Forest, NSW, A H & A W Reed, 1982, pp.22-24.

<sup>8</sup> *The Brisbane Courier*, 27 February 1866 p.3; *Northern Times* (Newcastle), 27 March 1858 p.4; J Laverty, 'Dissecting Victoria Park', in R Fisher (ed), *Brisbane: Houses, Gardens, Suburbs and Congregations*, Kelvin Grove, Brisbane History Group, 2010, p.66.

<sup>9</sup> Kitty, pregnant at the time, died in the 1846 attack. At the trial, her father had attributed her death to the soldiers, and some reports circulated that the soldiers had violated her, inducing the birth of her child and the death of both. Other witnesses were called to state that Kitty had been assaulted by an

Aboriginal man from another tribe, and her death was not included with the charges against the police (*Moreton Bay Courier*, 13 February 1847 p.2). In 1848 the clan was also reported to have clashed with the Chinese immigrants who had arrived in the town, but this took place on Queen Street (*Darling Downs Gazette and General Advertiser*, 4 August 1877 p.2). *Moreton Bay Courier*, 19 June 1847 p.2, 8 June 1850 p.2 and 8 December 1849 pp.2-3; Petrie, *Tom Petrie's Reminiscences of early Queensland*, pp.143-145; Kerkhove, 'Aboriginal camps as urban foundations?', 2018, pp.154-156.

<sup>10</sup> 'Lost tribes of Moreton Bay', *The Brisbane Courier*, 19 June 1923, p.8; 'Old Moreton Bay Tribes. Their languages', *The Brisbane Courier*, 20 October 1923, p.18; J Richards and P Memmott, 'Archibald Meston (1851–1924)', Australian Dictionary of Biography, <https://adb.anu.edu.au/biography/meston-archibald-4191> (accessed 11 April 2025).

<sup>11</sup> References to Victoria Park as 'the lungs of the city' appear in, e.g., *The Brisbane Courier*, 23 September 1875 p.2 and 19 June 1878 p.5.

<sup>12</sup> R Aitken and M Looker, Eds, *The Oxford Companion to Australian Gardens*, South Melbourne, Vic. Oxford University Press, published in association with the Australian Garden History Society, 2002, pp.490-492. Australia's first public park was Hyde Park in Sydney, proclaimed by Governor Macquarie in 1810 ('History of Hyde Park', <https://www.cityofsydney.nsw.gov.au/histories-local-parks-playgrounds/history-hyde-park> (accessed 7 March 2025)).

<sup>13</sup> 'Heritage Gardens in Queensland: a survey of Queensland's parks, gardens, trees and other designed landscapes', Report for Australian Garden History Society, Catherine Brouwer Architects; S Hill, Conrad Gargett Riddel; and J Nissan, Nissen Associates, June 2013, pp.64-74. There was an overlap in use between Botanic Gardens which were also used as public parks. Early Queensland Botanic Gardens included Brisbane's Botanic Gardens (1855, QHR 600067); Queen's Park in Ipswich (1858, laid out 1864, QHR 602356); Queen's Park in Toowoomba (gazetted 1863, developed in 1873, QHR 601607); Queen's Gardens in North Ward, Townsville (proclaimed 1870, QHR 601765); Queen's Park in Maryborough (gazetted 1873, QHR 600708); and Rockhampton Botanic Gardens (gazetted as public gardens in 1869, developed from 1873, QHR 601819). The Brisbane Botanic Gardens had previously been a public garden, declared in 1828; while Queen's Park on Alice Street was established next to the Brisbane Botanic Gardens in the mid-1860s ('Brisbane Botanic Gardens', QHR 600067).

<sup>14</sup> *Courier*, 17 February 1864 p.3.

<sup>15</sup> *Moreton Bay Courier*, 22 September 1858 p.2; *Queensland Government Gazette*, Vol.6, No.60, 24 June 1865, p.523; *The Brisbane Courier*, 4 May 1866 p.2, 4 December 1866 p.4 and 12 December 1866 p.2; *Queensland Times, Ipswich Herald and General Advertiser*, 19 April 1866 p.3; Parliamentary Debates [Hansard], Legislative Assembly, 26 September 1867, p.231; *Queenslander*, 26 March 1870 p.2.

<sup>16</sup> *Queensland Government Gazette*, Vol. 17 No. 133, 13 November 1875, p.2258; Laverty, 'Dissecting Victoria Park', 2010, pp.73,74.

<sup>17</sup> 'Plan of the City and Environs of Brisbane', 8 chains to 1 inch, Surveyor General's Office, Brisbane 1865; Slaters Pocket Map of the City of Brisbane, 1865; 'City of Brisbane' 8 Chains to 1 inch, Surveyor General's Department, 1874; Moreton ag.3 Sheet 1, 20 Chains to an inch, Surveyor General's Office, Brisbane 1884. The rifle range, although not surveyed until 1877, seems to have been used for military purposes from the 1860s; and it was still used by the military as late as 1886-7 ('Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September, p.15; 'Courier', *The Brisbane Courier*, 10 December 1868, p.2 (Queensland Volunteer Corps using rifle range); Survey Plan B2135 (1877); 'The Victoria Park Rifle Range', *The Brisbane Courier*, 10 March 1886, p.5.

<sup>18</sup> *Queensland Government Gazette*, Vol. 33 No. 62, 20 October 1883, p.1084.

<sup>19</sup> Deed of Grant No. 53218; Laverty, 'Dissecting Victoria Park', 2010, pp.73-74.

<sup>20</sup> Centre for the Government of Queensland, *Queensland Places: Spring Hill*, <https://queenslandplaces.com.au/spring-hill>, accessed June 2021. The importance of the park for recreation was emphasised by a deputation to the Minister for Lands in September 1883 (*Queenslander*, 22 September 1883 p.472), as well as in protests against the rifle range (e.g., *Telegraph*, 9 December 1885 p.4).

<sup>21</sup> *Queensland Government Gazette*, Vol. 13 No. 79, 12 August 1872, p.1263; *Queensland Government Gazette*, Vol. 14 No. 45, 23 May 1873, p.821. The practice of local councils burying rubbish in city parks to manage refuse, with the added benefit of reclaiming land and assisting beautification, occurred at other Brisbane parks, including Dutton Park (*The Brisbane Courier*, 29 November 1892, p.6) and Musgrave Park (*The Brisbane Courier*, 9 March 1885, p.3); and in regional Queensland such as Maryborough (*Maryborough Chronicle*, 4 February 1954, p.4), Toowoomba (*The Toowoomba Chronicle and Darling Downs Gazette*, 11 June 1931, p.8), and Ipswich (*Daily Standard*, 2 July 1931, p.16); as well as other Australian capital cities such as Sydney (*Evening News*, 8 September 1892, p.2),

Melbourne (*The Argus*, 21 January 1897, p.6), and Adelaide (*South Australian Register*, 24 September 1896, p.6).

<sup>22</sup> *The Brisbane Courier*, 21 October 1873, p.1.

<sup>23</sup> Laverty, 'Dissecting Victoria Park', p.77.

<sup>24</sup> *The Telegraph*, 4 March 1885, p.5.

<sup>25</sup> *The Telegraph*, 24 January 1900 p.4; Laverty, 'Dissecting Victoria Park', 2010, p.77.

<sup>26</sup> *The Brisbane Courier*, 18 April 1901 p.2, 30 April 1901 p.7 and 18 June 1901 p.3; Laverty, 'Dissecting Victoria Park', pp.78, 86. Although there was an outbreak of the Bubonic plague in Brisbane in 1900, the burial of rubbish in Victoria Park was not seen as contributing to the rat problem at the time ('Victoria Park', *The Brisbane Courier*, 11 July 1900).

<sup>27</sup> *Queensland Times, Ipswich Herald and General Advertiser*, 7 May 1889 p.2; *The Brisbane Courier*, 15 April 1890 p.6 and *Telegraph*, 9 October 1890 p.3, 'Victoria Park, updated Detailed Archaeological Assessment', Unity, for Cross River Rail Project, 2020, p.8 (1km avenue). In 1890, it was reported that 200 trees had been planted on the Gregory Terrace side of the park, with a similar number to be planted on the hospital side ('Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. A study for the Environmental Protection Agency, May 2001, Catherine Brouwer Landscape Architects, p.4). In 1892, Soutter reported that a number of the young trees had been pulled up (*Brisbane Courier*, 8 July 1892 p.6).

<sup>28</sup> J J Knight, *Brisbane: A historical sketch of the capital of Queensland; giving an outline of old-time events, with a description of Brisbane of the present day, and a municipal retrospect*, Brisbane, Biggs & Morcom, 1897, p.70.

<sup>29</sup> In 1881 *The Week* condemned the larrikins for swearing, card parties and nude bathing in the park within view of both Gregory Terrace pedestrians and the Grammar School occupants: *The Week*, 19 February 1881 p.6. Sports matches included Warehouse Cricket competitions (e.g., *The Week*, 22 March 1894 p.19) and church football fixtures (e.g., *The Telegraph*, 3 August 1897 p.6); *The Brisbane Courier*, 21 September 1891 p.5 and 27 June 1892 p.5. Crowds at the mass meetings, which were held in support of union activity, were estimated at between 2,000 and 3,000 in August (*The Telegraph*, 25 August 1890 p.5); between 800 and 1,500 in early September (*The Telegraph*, 1 September 1890 p.5); and 2,000 in late September (*Queenslander*, 20 September 1890 p.561). Victoria Park was used for hospital purposes in subsequent years, such as a field hospital encampment in 1906 (*The Telegraph*, 27 June 1906 p.9; *The Week*, 29 December 1899 p.9; R Patrick, *A History of Health and Medicine in Queensland 1824-1960*, St Lucia: University of Queensland Press, 1987, p.437); *The Brisbane Courier*, 17 June 1891 p.4.

<sup>30</sup> The boundary change was brought about by the absorption of the Division of Booroodabin into the City of Brisbane under the *City of Brisbane Enlargement Act 1902* (*The Brisbane Courier*, 9 January 1903 p.5). The Council had been appointed as a trustee in 1896 (*Queensland Government Gazette*, Vol. 66 No. 145, 12 December 1896 p.1280) along with private citizens, and registered as a trustee on the Victoria Park reserve title after the resignation of the other trustees in 1906 (Deed of Grant No. 53218), before the formal gazettal in 1908 (*Queensland Government Gazette*, Vol. 91, No. 81, 7 November 1908 p.932); entry on the Queensland Heritage Register, *New Farm Park* (602402).

<sup>31</sup> *Truth*, 30 April 1916 p.12.

<sup>32</sup> *Brisbane City Council Annual Report* for 1916, p.130, and for 1917, p.154; *Minutes*, 1918, pp.154-5; *Mayoral Minutes* 1916, 1917 & 1918, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *Agreement between the Council of the City of Brisbane and Moreheads Limited 1922, Plan showing Wool Stores No 1 & 2*, and *Brisbane City Council Minutes* 1919, p.81, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; Jeannie Sim, 'Harry Moore: The First Parks Superintendent in Brisbane' [unpublished], 2000, pp.5-6. The university had opened in the former Government House on George Street in 1909, but this was considered too small to serve as its permanent site. Victoria Park, one of the largest undeveloped sites within reach of the city, was considered the only viable site for a university campus, and the University Permanent Site League had formed to advocate for the Victoria Park reserve (extract from *Lord Mayoral Minute 1911*, Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *Telegraph*, 7 April 1914 p.2). The experiment was to study the magnetic variation from 'true' north and 'magnetic' north to eventually gain accurate bearings. The Victoria Park station was one of several established in various locations around the world. The site of the experiment was marked with a sandstone block inscribe 'CIW 1913'. This was uncovered in an archaeological dig in 2002 and moved to the Museum of Mapping and Surveying (Gillian Alfredson, *A Report on the Impact on Cultural Heritage of the Excavation for INB5 (Inner Northern Busway Section 5) for Queensland Transport*, August 2003, I, pp.2,5.

<sup>33</sup> Proposals for Victoria Park to host a state university had been mooted from the early 1900s, and the 58 acres [23.5ha] excised from Victoria Park for a Government Domain in 1883 had been converted to a reserve for university purposes, of just more than 60 acres, in 1917. This site, situated at the northwest end of the park, adjoined the 108 acres offered by the Brisbane City Council, creating a site of more than 168 acres, for the university. However, the suitability of the site for a university was questioned; and the grant of the parkland to the university was conditional on the reversion of the land to the Victoria Park trustee if it was decided not to use the site for a university. The land returned to the park excluded 10ha, reserved for a medical school, which was built in 1939 (entry on the Queensland Heritage Register, *University of Queensland Medical School* (601167)). Herston Road was also created through the site, separating the park reserve from the school. *University Site Act of 1922* (13 Geo V, No. 19); extract from *Lord Mayoral Minute* 1911, and a list of gazettal's and deeds issued for the park up to 1927, Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *Telegraph*, 24 December 1903 p.4; Laverty, 'Dissecting Victoria Park', 2010, pp.81-84.

<sup>34</sup> *The Brisbane Courier*, 1 September 1921 p.10.

<sup>35</sup> *Daily Mail*, 8 June 1924 p.13.

<sup>36</sup> *Daily Mail*, 28 January 1924 p.6.

<sup>37</sup> In the late 1920s, however, proposals to establish a speedway and a rugby union headquarters at Victoria Park were rejected as their proximity to the hospital was considered 'undesirable': *Daily Standard*, 21 March 1922 p.4, 10 July 1923 p.10 and 26 June 1928 p.5; *The Brisbane Courier*, 24 January 1924 p.8; *Daily Mail*, 16 August 1923 p.6, 20 October 1923 p.17, 28 January 1924 p.6 and 26 August 1924 p.6; *Telegraph*, 10 May 1928 p.4; Laverty, 'Dissecting Victoria Park', 2010, pp.88-89.

<sup>38</sup> Brisbane City Council City Design, *Victoria Park (including BCC Electricity Substation No 4) Spring Hill Conservation Management Study Site Report*, Brisbane: Brisbane City Council, April 2002, pp.6-7.

<sup>39</sup> Brisbane City Council had inherited the Tramway Company's three power stations at Countess Street, Fortitude Valley and Logan Road, Woolloongabba; however, these supplied DC only and were becoming obsolete. Entry in the Queensland Heritage Register, *Coorparoo Substation No 210* [602495]; Jim Simmers, *The Coming of the Light to Suburban Brisbane*, Queensland Energy Exhibition Centre, August 2003, <https://qldenergyexhibitioncentre.com/light-to-suburban-brisbane.html>, accessed April 2021.

<sup>40</sup> BCC Tramway Archives, High Tension Feeder System 1933, in City Design, *BCC-owned Former Electricity and Tramway Substations Conservation Management Plan*, Brisbane: Brisbane City Council, 2003, p.13; *Coorparoo Substation No 210* [602495]

<sup>41</sup> *Coorparoo Substation No 210* [602495]. This did not stop one correspondent to *The Brisbane Courier* from declaring that the substation at Victoria Park 'destroyed' the beauty of the 'once picturesque corner': *The Brisbane Courier*, 1 March 1929 p.8.

<sup>42</sup> *Electricity Substation No 4, Victoria Park* [image], c1944, Brisbane City Council Archives, BCC-B54-44445; *Bowen Bridge Road – Tramlines in Operation* [image], 1941, Brisbane City Council Archives, BCC-B120-30563; aerial images ADA00065849 (1936) and QAP1829027 (1967).

<sup>43</sup> Laverty, 'Dissecting Victoria Park', 2010, p.89.

<sup>44</sup> Brisbane City Council Minutes, *Lord Mayor's Review for Year 1930*, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *The Telegraph*, 30 October 1930 p.6; Brisbane City Council Minutes, 1932-33, p.466, and 1933-34, p.75, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *The Brisbane Courier*, 25 July 1929 p.3, 20 December 1930 p.12, 11 May 1933 p.12 and 29 July 1933 p.15; *Moreton Mail*, 4 August 1933 p.4, *Courier Mail*, 18 September 1933 p.10. Other species in the avenue included cape chestnuts (*Calodendrum capense*), native cotton tree (*hibiscus tiliaceus*), flame trees (*brachyciton sp.*) and *hibiscus heterophyllus* by 1940. The lake was originally 500ft x 300ft (152m x 91m), 6ft (1.8m) deep, and dammed by a clay wall (*Courier Mail*, 26 June 1937 p.12; *Telegraph*, 12 February 1938 p.19, 7 May 1938 p.21, and 31 August 1940 p.10). The lake with its two islands is visible in the aerial photograph ADA00065890, 20 April 1936.

<sup>45</sup> 'Victoria Park Golf Club. Golden Jubilee, Fifty Years of History', (Golden Jubilee Report 1931-1981), Victoria Park Golf Club; 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, p.7.

<sup>46</sup> 'Golf. Victoria Park Golf Club. Governor opens new Links', *Telegraph*, 21 November 1898, p.3; entry on the Queensland Heritage Register, *Victoria Park Golf Clubhouse (former)* (602034); 'Victoria Park Golf Course', Heritage Citation, Brisbane City Council; 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, pp.5-6. The new Brisbane golf clubs included the [Royal]

Queensland Golf Club at Hamilton in 1920, Sandgate (1921), Wynnum (1923), Goodna (Gaile) (1924), Indooroopilly (1926), Oxley (1928) and Nudgee (1929). Only three of these were eighteen-hole courses: Brisbane, Royal Queensland, and Indooroopilly, and the rest were nine-hole courses.

<sup>47</sup> 'Municipal links. Start next week', *The Brisbane Courier*, 7 June 1930, p.6; 'Victoria Park Golf Course', Heritage Citation, Brisbane City Council; entry on the Queensland Heritage Register, *Victoria Park Golf Clubhouse (former)* (QHR 602034); Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (Resources) Deed of Grant 14448108, 1970 (all of Victoria Park, including the golf course, was owned by BCC, 'for public park purposes'); 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, pp.6-7. Under Jolly, the BCC had decided to acquire land for 'breathing spaces' as the city expanded, and had resumed land in various suburbs before it was built on, while also reserving ranges around the city such as Mt Coot-Tha, White's Hill and Mount Gravatt (William Jolly, *Farewell Review by Lord Mayor Jolly on his retirement after 6 years of Greater Brisbane 23 February 1931*, p.50, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; 'Victoria Park Golf Course, Brisbane. An assessment of cultural significance for the Brisbane City Council', Allom Lovell Architects Brisbane, 2001, pp.26-28, 40). The first municipal golf course in Queensland was formed in 1924 in Ipswich (Brouwer, p.6)

<sup>48</sup> 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, pp.7,8.

<sup>49</sup> 'Victoria Park Golf Course', Heritage Citation, Brisbane City Council; Resources, aerial photograph ADA00065890, 20 April 1936 (location of mature trees). New plantings included jacarandas, camphor laurels (*Cinnamomum camphora*), hoop pines (*Araucaria cunninghamii*), bunya pines (*Araucaria bidwillii*), flame trees, coral trees (*Erythrina*), and palms. A 1941 golf club annual report also noted additional plantings of 400 ornamental trees and shrubs, including 'Kauri, Black Hoop, Cypress, Norfolk and She Pine, Picabeen Palm, Pin Oak, Solandra Nitada, Bauhinia, Tulip, Eucalypti, Frangipanni, Acalypha, Oleander, Jacaranda, Poinciana Regia, Crowash, Silk Oak etc' ('Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. 2001, p.11).

<sup>50</sup> 'Victoria Park Golf Club. Golden Jubilee, Fifty Years of History', (Golden Jubilee Report 1931-1981), Victoria Park Golf Club; 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, p.10; 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Figures & Maps, Volume 2'. A study for the Environmental Protection Agency, May 2001, 2001, Figures 1-4 (mapping changes to course layout).

<sup>51</sup> *Daily Standard*, 20 April 1933 p.2; Brisbane Hockey Association, *Annual Reports 1931-1935*; *Telegraph*, 9 June 1933 p.11, 7 August 1933 p.7, and 13 April 1935 p.19; *Courier Mail*, 11 July 1934 p.8. The new Victoria Park field were formally opened by the Governor, Sir Leslie Wilson, in April 1935. The expression 'play the game' was popularised by the 1897 Henry Newbolt poem *Vitai Lampada*. Brisbane Hockey Association President HA Kappe used the expression in his message to players in April 1936, referencing the players' 'highest ethics of true sportsmanship' and proclaiming that 'nowhere is there a finer spirit of "playing the game" displayed than in hockey in Brisbane': *Telegraph*, 3 April 1936 p.13. The wall was visible in a 1950 image of the Victoria Park sports fields (*Cricket Match – Victoria Park – 1950* [image], 16 January 1950, Brisbane City Council Archives, BCC-B54-685).

<sup>52</sup> 'Victoria Park Scheme', *The Architecture & Building Journal of Queensland*, 10 May 1932 p.17; Laverty, 'Dissecting Victoria Park', 2010, pp.91-92; Brisbane City Council *Minutes 1932-33 and 1935-6*, pp.65&68, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; *The Telegraph*, 21 July 1932 p.2; *Daily Standard*, 4 August 1932 p.12 and 1 October 1935 p.6; *The Brisbane Courier*, 4 August 1932 p.6 and 8 August 1932 p.16; *Courier Mail*, 15 August 1936 p.14; *Toowoomba Chronicle and Darling Downs Gazette*, 8 August 1932 p.4. Riding Row had been constructed at a cost of £2321 (*Daily Standard*, 28 September 1932 p.6 and Brisbane City Council *Minutes 1932-33*, pp.152-153, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'). Resources, aerial photographs ADA00065890, 20 April 1936; BCC000234731, 31 May 1946; QAP1060061, 26 September 1960 and QAP37283648, 5 June 1980 (loss of riding circuit plantings).

<sup>53</sup> *The Courier Mail*, 13 September 1938 p.6.

<sup>54</sup> Victoria Park had been occupied by homeless people throughout the 19th century into the 1920s (e.g., *Brisbane Courier*, 16 November 1923 p.7 and *Daily Mercury*, 5 January 1929 p.14), but on a much smaller scale than was experienced during the Great Depression. Entry on the Queensland Heritage Register, *Eagles Nest Camp, Redwood Park* (650263).

<sup>55</sup> 'Campers moved. Beautification of riding track. Opening next week', *The Telegraph*, 30 July 1932 p.8.

<sup>56</sup> 'Campers moved. Beautification of riding track. Opening next week', *The Telegraph*, 30 July 1932 p.8.

<sup>57</sup> 'Campers moved. Beautification of riding track. Opening next week', *The Telegraph*, 30 July 1932 p.8.

<sup>58</sup> "'Not fair". Destroying Trees. Victoria Park camp', *Courier Mail*, 23 October 1933, p.10; 'Life's castaways in Victoria Park. Relief workers' existence in hovels that blot Brisbane', *Sunday Mail*, 17 January 1937, p.4 (relief workers' camp 'started five years ago'). The shacks of the second camp are visible amongst the trees in Resources, aerial photographs ADA00065890, 20 April 1936, southwest of the intersection of Aberleigh Road and Herston Road. Most of the camp site is now within the QUT Campus.

<sup>59</sup> e.g., *The Telegraph*, 16 May 1938 p.10, 16 February 1939 p.13.

<sup>60</sup> Queensland Government, 'South West Pacific campaign', *Queensland WWII Historic Places*, 29 July 2014, <https://www.ww2places.qld.gov.au/south-west-pacific-campaign>, accessed 9 December 2021.

<sup>61</sup> National Archives of Australia Item 1699026, 'Victoria Park - RAAF No. 3 Stores Depot Site, Parish of North Brisbane, County of Stanley', 1942 (shows air raid shelter behind substation); '38 (386th) Australian Heavy Anti-Aircraft (HAA) Battery, Victoria Park Golf Course', <https://www.anzacsquare.qld.gov.au/historic-places/queensland-wwii-history-map/38-386th-australian-heavy-anti-aircraft-haa-battery> (accessed 22 January 2025); Laverty, 'Dissecting Victoria Park', 2010, p.93; 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Figures & Maps, Volume 2', 2001, Figures 1-4 (course layouts); 'Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September 2023, pp.33-35 (trench shelters). A January 1943 aerial of the HAA battery (Australian War Memorial, Negative 45368, not digitised) shows the gun emplacements, command post, and possible reserve magazine sites, as well as the trenches alongside Gregory Terrace near Brisbane Girls' Grammar. At this time the Gregory Terrace officers' camp section of Camp Victoria Park had yet to be built. A photograph of one of the gun emplacements and its gun crew, looking south towards Brisbane Girls' Grammar, is included in Australian War Memorial Item 457411, 'Camouflage - Methods:] Photographs (including Aerial) 14th Australian Camouflage Unit, Tank Attack', 1939-1946 (not digitised). A building existed within the northeast corner of the grove, on the site of the golf course's maintenance depot, by this time. This was present on a 1936 aerial photograph, was later replaced in the 1970's. Another building, located east of the grove, was present in 1946 but gone by 1951 (Resources, aerial photographs ADA00065890, 20 April 1936; BCC000234731, 31 May 1946; BCC000539334, 1 August 1951; QAP27569817, 29 January 1974; and QAP37283648, 5 June 1980).

<sup>62</sup> National Archives of Australia, Item 3273301, 'Victoria Park - Site Plan [1/B/266]' 1946; National Archives of Australia, Item 1672924, 'Victoria Park - US Officer's Camp Site, Parish of North Brisbane, County of Stanley', 1943; National Archives of Australia, Item 1674628, 'Victoria Park - Contour Survey of RAAF Command Headquarters, Parish of North Brisbane, County of Stanley', 1943; 'Camp Victoria Park (Lower) - HQ and Enlisted Men's Camp, Base Section 3 and US Army Service of Supply (USASOS) Headquarters', <https://www.anzacsquare.qld.gov.au/historic-places/queensland-wwii-history-map/camp-victoria-park-lower-hq-and-enlisted-mens-camp> (accessed 22 January 2025); 'Camp Victoria Park (Upper) - Officer's Camp, Base Section 3 and US Army Service of Supply (USASOS) Headquarters', <https://www.anzacsquare.qld.gov.au/historic-places/queensland-wwii-history-map/camp-victoria-park-upper-officers-camp> (accessed 22 January 2025); Peter Dunne, 'Camp Victoria Park Herston, Brisbane, During WW2,' 'USASOS Headquarters at Camp Victoria Park Herston, Brisbane, During WW2' and 'Gregory Terrace Officers' Camp Base Section Three Gregory Terrace, Brisbane, Qld, During WW2', *Australia at War*, <http://www.ozatwar.com>, 2015, accessed June 2021; 'Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September 2023, pp.26-33. A RAAF Stores Depot was established in 1941, between Gregory Terrace and the railway near Bowen Bridge Road (outside heritage boundary) (National Archives of Australia Item 1699026, 'Victoria Park - RAAF No. 3 Stores Depot Site, Parish of North Brisbane, County of Stanley', 1942).

<sup>63</sup> National Archives of Australia, Item 3273301, 'Victoria Park - Site Plan [1/B/266]' 1946; State Library of Queensland 'United States Service of Supply Camp at Victoria Park, Herston Brisbane', images number 29721-0001-0001, and 29721-0001-0004 (these photographs show both entrances and each end of the retaining wall). The wall may have been erected as part of construction of the camp ('Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. 2001, p.10), or it may be of earlier construction.

<sup>64</sup> '38 (386th) Australian Heavy Anti-Aircraft (HAA) Battery, Victoria Park Golf Course', <https://www.anzacsquare.qld.gov.au/historic-places/queensland-wwii-history-map/38-386th-australian-heavy-anti-aircraft-haa-battery> (accessed 22 January 2025); Entry on the Queensland Heritage Register, *Heavy Anti-Aircraft Gun Station 385, Lytton* (650230). In late 1943 the other five batteries were located: just east of today's Bannister Park in Hendra (GS 389); north of the settlement of Pinkenba (GS 388, site now on airport land); on the hilltop in Balmoral Park in Morningside (GS 387); off Fleming Road in Tingalpa (GS 390, QHR 601353); and adjacent to Fort Lytton (GS 385, QHR 650230). Earlier HAA gun positions in Brisbane included Heath Park in East Brisbane (US 3-inch guns, later Australian 3.7 inch), and Colmslie (first position of GS 385 prior to moving to Fort Lytton), west of the Commonwealth Acetate of Lime Factory (QHR 602465). In 1942 there were also 3-inch gun stations at Amberley airfield (GS 391) and Archerfield airfield (GS 392). From 1943, the six HAA batteries' experienced gun crews were replaced by gunners drawn from the Australia Women's Army Service (AWAS) and 'C' Company, 4th Battalion of the Volunteer Defence Corps (VDC) and were designated as Troops (Static) – and GS 386 became 386 Troop. Brisbane's 3.7-inch gun emplacements had entrance corridors on one side, leading into the gun pit; and a central group of bolts for securing the gun's hexagonal metal base plate to the concrete floor of the pit. At least one of the gun emplacements, located on the former 17<sup>th</sup> (originally 8<sup>th</sup>) fairway, may still exist underground.

<sup>65</sup> National Archives of Australia, Item 3273301, 'Victoria Park - Site Plan [1/B/266]' 1946 (plan shows flagpole currently near the 1975 golf clubhouse as building No.27 in the HQ area – just southeast of administration building No.1 and near the southwest end of administration building No.3); wartime photograph of the flagpole, with administration building No.3 behind it, on interpretation board located between the driving range and the bistro, in February 2025; State Library of Queensland 'United States Service of Supply Camp at Victoria Park, Herston Brisbane', image number 29721-0001-0002 (shows the officers' club and the Gregory Terrace flagpole). The Brisbane City Council took control of the RAAF's flagpole in the HQ section of Camp Victoria Park in 1946 and preserved it 'in its present position' as it 'possesses some historical value' (Brisbane City Council *Minutes*, 1946, p.548, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969' (the minute also states that the flagpole was at the eastern end of 'Administration Building No.1')). The officers' club flagpole on Gregory Terrace was restored in-situ in the late 1980s (plaque on base of flagpole).

<sup>66</sup> *Newcastle Sun*, 13 September 1945 p.15; *Courier Mail*, 11 September 1945 p.3 and 18 January 1946 p.4. By January 1946 around 1,700 war wives, fiancées and children were positioned in and around Brisbane; approximately 4,500 were around Queensland, but not all wished to travel to the US. Victoria Park was the headquarters for the US Army officer in charge of transportation in Queensland and accommodated a number of war wives and children awaiting transport on one of the 'bride ships' to the US. *Sunday Mail*, 7 October 1945 p.1; *Courier Mail*, 17 January 1946 p.3 and 31 January 1946 p.1; *Telegraph*, 8 November 1946 p.7; *Queensland Times*, 11 September 1945 p.3.

<sup>67</sup> *Sunday Mail*, 1 August 1954 p.2.

<sup>68</sup> *Brisbane Telegraph*, 30 November 1953 p.3; *Queensland Times*, 15 February 1947 p.1; Laverty, 'Dissecting Victoria Park', 2010, pp.94, 96, 98-99; Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; Brisbane City Council, 'Recognising housing styles', <https://www.brisbane.qld.gov.au/planning-and-building/do-i-need-approval/restoring-and-researching-heritage-properties/fact-sheets/recognising-housing-styles>, May 2019, accessed June 2021; *Courier Mail*, 15 September 2014; Resources, aerial photograph QAP27569817, 29 January 1974 (surviving huts).

<sup>69</sup> Entry on the Queensland Heritage Register, *Centenary Pool Complex* (601240).

<sup>70</sup> J Gray, 'Oakman, Harry (1906-2002)', *Biographical Notes*, Council of Heads of Australian Herbaria, Australian National Herbarium, 2015; Laverty, 'Dissecting Victoria Park', 2010, pp100-101.

<sup>71</sup> Oakman requested permission for 1,000 trees in April 1959 and ordered 1,550 trees from the Forestry Department in July 1959, though reportedly 800 trees were ultimately planted. Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'; Laverty, 'Dissecting Victoria Park', 2010, p.105; Brisbane City Council Archives, images BCC-B54-12534 to BCC-B54-1236 (July 1959), BCC-D-120277 (1959), BCC-B54-26566 and BCC-B54-26467 (January 1967).

<sup>72</sup> Laverty, 'Dissecting Victoria Park', p.102. Species planted included *phoenix canariensis*, *pandanus pendunculatus*, *phoenix roebelenii*, *oreodoxa regia*, *arecastrum romanzoffianum*, *ravenala madagascariensis*, *strelitzia Nicolai*, *Cortaderia selloana*, *nolina longifolia*; as well as clumps of golden bamboo (*Phyllostachys aurea*), cocos/Queen palms (*Syagrus romanzoffiana*) and royal palms (*Roystonea regia*) (Brisbane City Council Department of Parks, *Proposed extension of layout, Gregory Terrace Frontage, Victoria Park*, November 1962, via Brisbane City Council Archives).

<sup>73</sup> Memorandum, *H Oakman to Secretary Metropolitan Works Board (Parks)*, 4 August 1960, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969';

Laverty, 'Dissecting Victoria Park', 2010, p.105; Brisbane City Council Department of Parks, *Redesign of Gregory Terrace Entrance to Park*, Plan No D83G1, April 1958. Three of the five beds originally planted were removed in 2014 (Google Earth Pro aerial imagery).

<sup>74</sup> Laverty, 'Dissecting Victoria Park', 2010, pp.102-104; Memo, *Re Lease of Playing Fields in Victoria Park – Brisbane Hockey Association*, c1951, in Brisbane City Council Archives, Park History File D0083, 'Victoria Park, Part 1 - General, 1890-1969'. Brisbane Hockey Association, Annual reports, various years. While the condition of Victoria Park hockey fields was not as good as others, particularly the St Lucia university grounds, Victoria Park was preferred for its central location. 'When [the finals] are played on other grounds, only the privileged few who have means of transport or are actually playing there can watch them.' (Brisbane Hockey Association, *Annual Report*, 1956, p.3); *Truth*, 25 May 1952 p.26; *Victoria Park – Archery Competition – Herston – 1950s* [image], Brisbane City Council Archives, BCC-B120-31536 and *The Great Moscow Circus in Victoria Park – Herston – 1968* [images], Brisbane City Council Archives, BCC-B54-29101 to BCC-B54-29103.

<sup>75</sup> The first dressing shed had been erected at a cost of £280 and partly funded by the Brisbane Hockey Association (*The Brisbane Courier*, 30 January 1930 p.12). A new, 200ft dressing shed had been designed by Council Architect AH Erwood in 1938 but was apparently not constructed. Following the 1947 fire, the Brisbane City Council Financial Committee recommended the calling of tenders for the erection of a kiosk, dressing room and lavatory facilities in 1950, but this also apparently did not happen (*Brisbane Telegraph*, 24 August 1949 p.30, *The Brisbane Courier*, 18 March 1950 p.6). The building was finally constructed in 1959 but not open for use for the sporting clubs until 1960. Lessees of the kiosk included soccer and cricket clubs. Brisbane Hockey Association, *Annual Report* 1959 p.8 and 1960 p.7. Laverty, 'Dissecting Victoria Park', 2010, p.105; Brisbane City Council Department of Parks, *Victoria Park Proposed Improvements to Spectators' and Parking Area*, Plan No D83P1, April 1961; aerial images QAP5121187 (1992), QAP562760 (1999).

<sup>76</sup> Laverty, 'Dissecting Victoria Park', 2010, pp.104-106. This also included a diversion of Gilchrist Avenue around the hospital carpark near Bowen Bridge Road: survey plan RA3232; aerial images QAP4020279 (1982) and QAP4260001 (1985). Two small portions of vacant land were added to Victoria Park but are located outside the heritage boundary.

<sup>77</sup> 'Victoria Park Golf Course. Assessment of the Application for entry of Victoria Park Golf Course in the Heritage Register, Report, Volume 1'. Catherine Brouwer Landscape Architects, 2001, pp.7, 10; 'Victoria Park Golf Course, Brisbane. An assessment of cultural significance for the Brisbane City Council', Allom Lovell Architects Brisbane, 2001, p.10; 'Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September 2023, p.44.

<sup>78</sup> Brisbane City Council Archives, *Victoria Park Ponds, Proposed Landscape Development*, D83 No 32, December 1985 and D83 No 33, February 1986; Development application CHCH03369912, 26 June 2012; Laverty, 'Dissecting Victoria Park', 2010, footnotes to p.286; Royal Geographical Society of Queensland, 'The Mystery of Gregory Grove' and 'The Gregory Grove mystery solved!', *RGSQ Bulletin*, Vol. 54 Nos. 7 & 8, August & September 2019, pp.8&4 respectively. The trees planted by the Society do not survive.

<sup>79</sup> The section of Gilchrist Avenue between Ithaca Street and the ornamental lake was closed as the Inner City Bypass was opened. In 2018 the Inner City Bypass was connected to Legacy Way. Additional roadworks were undertaken, but largely impacted areas outside the heritage boundary: SKM & Connell Wagner, *Northern Link Phase 2 – Detailed Feasibility Study*, September 2008, p12-27; Linkt, 'Escape the city to the western suburbs via the Inner City Bypass', <https://www.linkt.com.au/brisbane/using-toll-roads/news/escape-the-city-to-the-western-suburbs-via-the-inner-city-bypass>, 12 February 2019, accessed 12 May 2021; Google Earth Pro, 2001 aerial imagery; aerial images SEQ\_50cm\_SISP\_PerUrban (2008) and 2021; Survey Plan SP123915 (1999).

<sup>80</sup> ARCHAEO Cultural Heritage Services, *Archaeological Excavation of Victoria Park, Brisbane, Queensland, Vol 1, Main Report*, Brisbane: Unpublished report prepared for Brisbane City Council, 2001.

<sup>81</sup> E Jeanne Harris, G Ginn, and C Coroneos, 'How to Dig a Dump: Strategy and Research Design for Investigation of Brisbane's Nineteenth-Century Municipal Dump', *Australasian Historical Archaeology*, vol.22, 2004, p.25.

<sup>82</sup> UNITY, *Victoria Park Updated Detailed Archaeological Assessment, Revision A*, Brisbane: Unpublished report for CRRDA, 2020.

<sup>83</sup> Google Earth Pro, 2003, 2011-2015 aerial imagery; 'Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September 2023, pp.46-47.

<sup>84</sup> 'Victoria Park/Barrambin. Archaeological Management Plan', Urbis, for Brisbane City Council, September 2023, pp. 46-47, 50-51; 'Victoria Park', <https://victoriapark.com.au/our-story/> (accessed 6

---

February 2025); Certificate of Title 51299277 (Lot 3 SP185072), 2022. In 1999 the new operators had successfully tendered to the BCC to operate the 1975 clubhouse and develop new facilities.

<sup>85</sup> The 2023 Masterplan was a result of planning commenced in 2019 ('Victoria Park Barrambin Master Plan 2023', Brisbane City Council, pp.iii, 2-3). The Masterplan refers to a park area of 64ha, although this includes land not yet under BCC ownership, in the southwest corner of the park (outside heritage boundary).

<sup>86</sup> 'Victoria Park', *The Telegraph*, 21 September 1877, p.3; 'Victoria Park', *Queenslander*, 22 September 1883, p.492; 'Rubbish and Victoria Park', *The Week*, 7 March 1885, p.6; 'The Victoria Park Reserve', *The Brisbane Courier*, 16 January 1886, p.5; 'Mass Meeting in Victoria Park', *Queenslander*, 20 September 1890, p.561; 'Wickham Terrace School', *The Telegraph*, 25 May 1892, p.6; 'Victoria Park', *The Telegraph*, 16 April 1901, p.4; 'University Site. Victoria Park Portion. MM.L.A. Protest Against Mayor's Action', *The Telegraph*, 13 January 1903, p.7; 'Stealing the Park of the People', *The Worker*, 17 January, 1903, p.3; 'Heading 'Em. An Incongruous Crowd. Victoria Park on the Lord's Day. Woodcraft With the Word.', *The Truth*, 13 September 1903, p.7; 'Victoria Park. Protest Against Leasing', *The Brisbane Courier*, 1 August 1928, p.16; 'Wanton Slaughter of Trees. Damage in Victoria Park. Strong Protest by Citizens. Unsightly Unemployed Camps.', *Sunday Mail*, 22 October 1933, p.2; 'Victoria Park Men to Arrange Public Meeting', *The Telegraph*, 4 February 1937, p.1; 'Looking Back 50 Years ... We Nearly Lost Victoria Park', *Sunday Mail*, 14 January 1951, p.16; Brisbane City Council Library, photograph IDs BCC-B54-29102 and BCC-B54-29103, 'The Great Moscow Circus in Victoria Park – Herston – 1968', 1968.

## ATTACHMENT B

**Dear Minister Fiona Simpson,  
Minister for Women and Women's Economic Security, Minister for Aboriginal and Torres Strait  
Islander Partnerships and Minister for Multiculturalism,**

*I acknowledge the First Peoples and Ancestors of the lands where I live, work and travel; their ancient physical, cultural and spiritual ties to lands, skies, waters and custodianship roles. I also acknowledge the impacts of colonisation in the lives, communities and countries of First Nation Peoples and ongoing struggles to maintain ancient connections. I pay respect to the Elders past and present for their guidance, wisdom and justice and spirit of reconciliation, healing and sharing.*

I would like to introduce myself and to seek to work with you and your Department regarding my people's connection and ongoing interest in the lands known as Barrambin Victoria Park.

I am Gaja / Aunty Kerry Charlton, Yagarabul First Nation person, Elder, Language and Cultural Custodian and Traditional Owner, verified Traditional Owners of Magandjin - Brisbane Region (East Yagara) by QSNTS and Anthropologist endorsed, in three native title claims in South East Queensland:

1. Quandamooka (Moreton Bay);
2. Yuggera Ugarapul Peoples (YUP - West Yuggera) and
3. Kabi Kabi Peoples. My tribes are: Koenpul, Jandewal (Jandai); Ngunda/Undanbi); and Walangama in NQ.

Gaja is a Yagarabul word for eldership / seniority; Aunty a contemporary version.

My work for my community includes

- founding member of Yagara Magandjin Aboriginal Corporation (YMAC);
- member of Minjerribah Morgumpin Elders In Council (MMEIC) and their Language Working Group; Queensland Many Voices Indigenous Languages Policy Working Group member.
- Co-Chair, 2017 - 2020 of Reconciliation Action Plan Steering Group, University of Queensland.

My qualifications include

Teacher,  
Trainer,  
Counselor,  
Language Fellow in School of Languages and Culture, University of Queensland.

My long term and ongoing areas of key focus include

Reconciliation, social justice, community organisation &  
cultural strength building,  
Healing & SEWB, Language and culture repatriation;  
family and community history research and writing.

I am seeking your support in your role as the responsible Minister for the Aboriginal Cultural Heritage Act 2003 to protect Barrambin Victoria Park's Aboriginal Cultural Heritage. Drawing on the *Act 2003* you will be aware that the definition of Aboriginal cultural heritage is anything that is—

- (a) a significant Aboriginal area in Queensland; or
- (b) a significant Aboriginal object; or
- (c) evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland.

The meaning of "significant Aboriginal area" is further elaborated, stating that it is "an area of particular significance to Aboriginal people because of either or both of the following—(a) Aboriginal tradition; (b) the history, including contemporary history, of any Aboriginal party for the area" . It also clarifies in section 12 that a significant Aboriginal area does not necessarily need to contain markings or other physical evidence.

I attach for your information a simple 'sketch' prepared by noted historian Dr Ray Kerkhove which gives you a brief indication of the area of significance to my people.



We are aware of your significant powers under the Act which include the following -

- to notify cultural heritage duty of care guidelines in the gazette, which identify reasonable and practicable measures for managing activities to avoid or minimise harm to Aboriginal cultural heritage. The Minister may consult with Aboriginal groups, industry groups, local governments, and other appropriate persons when formulating these guidelines.
- give a stop order for an activity if satisfied on reasonable grounds that a person is carrying out or is about to carry out an activity and the activity is harming, threatening to harm, or will have a significant adverse impact on Aboriginal cultural heritage. A stop order requires the person to stop the activity or prohibits them from starting it .
- acquire Aboriginal cultural heritage by purchase or gift for the purpose of its preservation
- may cause structures to be erected and other steps to be taken that are necessary or desirable to preserve Aboriginal cultural heritage

Given that we understand that the Queensland Government is proposing to develop and use Barrambin Victoria Park for the Olympic Games, and in accordance with the Act, we request that you

- Initiate consultations with my people as quickly as possible
- Issue a stop work order to GIICA because it has notified that it is starting work on this and other sites for the games
- Initiate, in concert with my people, a comprehensive cultural heritage study
- Include the Queensland Museum within this process because it has a role in the care of Aboriginal Cultural Heritage under the Act
- Request the chief executive to provide our people with access to any previous cultural heritage studies relating to this area
- Engage with suitable qualified historians who have done extensive work across Brisbane to gain their involvement with the necessary specific cultural heritage study required for this area

We are aware that land users have a cultural heritage duty of care. This obligation requires land users to take all reasonable and practicable measures to ensure their activities do not harm Aboriginal cultural heritage. To satisfy this duty, a land user must assess the risk of harm through voluntary or mandatory processes. We understand that Brisbane City Council is the trustee of several deeds of grant in trust for the ongoing land management of Barrambin Victoria Park. We are aware that the Land Management Plan for Barrambin Victoria Park was approved by the Minister for Resources when it was planned to undertake significant restoration and improvement of these lands. These circumstances are now drastically changed and we seek your direct engagement with the Brisbane City Council to ensure that no work is undertaken by GIICA on this site until there has been appropriate consultations with my people. We note that land users may develop voluntary agreements with Aboriginal and Torres Strait Islander parties.

We further note that the Act

- places a duty of care on all land users, including those undertaking pre or preliminary or investigatory works for construction work, to take reasonable and practicable measures to avoid or minimise harm to Aboriginal cultural heritage. This requires assessing the potential risks to cultural heritage before commencing work.
- Again land users may enter into voluntary agreements with Aboriginal and Torres Strait Islander parties to manage cultural heritage issues related to proposed construction.

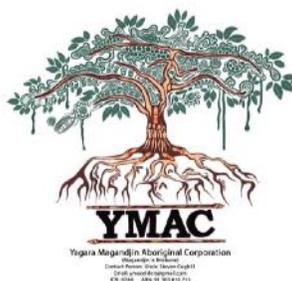
For larger projects such as what is involved at Barrmabin Victoria Park, a cultural heritage management plan needs to be developed to outline how activities will be managed to avoid or minimise impact on Aboriginal cultural heritage.

We further note that

- The Minister has the power to issue a stop order if construction work is likely to harm or have a significant adverse impact on Aboriginal cultural heritage.
- It is unlawful to harm Aboriginal cultural heritage without a reasonable excuse. Reasonable excuses include acting with the owner's agreement or if the harm is the result of an emergency.
- It is also prohibited to excavate, relocate, or take away Aboriginal cultural heritage without a reasonable excuse. Reasonable excuses include owning the cultural heritage or acting with the owner's agreement, or if it is necessary due to an emergency.

- It is important to note that the *Aboriginal Cultural Heritage Act 2003* specifically deals with cultural heritage significant to Aboriginal and Torres Strait Islander peoples and operates separately from the *Queensland Heritage Act 1992*, which concerns broader cultural heritage.

And finally, we alert you to the fact that much of the subject land is also protected by the Heritage Act administered by your colleague, the Hon Andrew Powell Minister for the Environment and Tourism and Minister for Science and Innovation, in concert with the Queensland Heritage Council. We would appreciate your collaboration in working with Minister Powell to ensure that the overlapping State heritage interests in this site are administered as simply as possible to ensure my people's interest and connection with the land is foremost in the process.



## **An Introduction to *Magandjin* People, History and Stories developed and written by Gaja Kerry Charlton, 16<sup>th</sup> April 2025**

We the Elders of the *Yagara Magandjin* Aboriginal Corporation (YMAC) are direct bloodline descendants of Yagara man *KerWalli* of Brisbane and *Naewin*, a *Ngundanbi* woman of *Gubbi Gubbi (Kabi Kabi)* country.<sup>1</sup> *Yagara* Country sits between the Pine River and Logan River. We Elders and family are described as one of the few families who can speak for Brisbane.<sup>2</sup> We, the YMAC Elders support this submission for all of Victoria Park to be Heritage listed to protect it as part of our Yagara cultural heritage and for the wider community to ensure such parklands remain for everyone to enjoy.

We ask that the story of *Magandjin*, our ancestors and birthright is correctly represented. The original name of Brisbane is *Yagara* word *Magandjin*. *Magan* means *tulipwood tree* and *-djinn* plural suffix so it's the place of many tulipwood trees. *KerWalli's* tribe was the *Gerr*<sup>3</sup> or *Gergum*<sup>4</sup> or *Kirkham*.<sup>5</sup> Our *Magandjin* Ancestors were recorded since the arrival of the Penal colony and early years of Brisbane Town.<sup>6</sup> The name Sandy was attached to *KerWalli* by newcomers, unable to say his names. Photos taken of them by early studios and others span the 1850s to 1905. The tribe's title evolved into the Moreton Tribe or Brisbane People. Our great grandfather *Mookin*, son of *Dinaba* (*Sarah*), the daughter of *KerWalli* and *Naewin* (*Sarah*), is recorded as the last *Yagara – Kabi Kabi* message stick bearer. He spoke over ten languages. *Mookin's* mother *Dinaba* (*Sarah*) and sister *Emily*, grandfather *KerWalli* and step-grandmother *Kitty Catchpenny* were all photographed and painted by *Oscar Fristrom*.<sup>7</sup> They all knew the old Victoria Park. *Mookin* (*Charlie Moreton*) and sister *Winyuba* (*Janie Sunflower*) stayed at Victoria Park in the 1950s on rare

---

<sup>1</sup> Dr. Ray Kerkhove, 2017. *Some Notes on the Provenance of Kerwalli (King Sandy)*, p.9. Brisbane.

<sup>2</sup> Kevin Smith, 2020. Queensland South Native Title Services Letter dated 6<sup>th</sup> March 2020.

<sup>3</sup> Thomas A. Darragh and Roderick J. Fensham (Editors), *Memoirs of the Queensland Museum | Culture Volume 7 Part 1 The Leichhardt diaries Early travels in Australia during 1842-1844*.

<sup>4</sup> John Layton, 1846. *List of Tribes and localities*

<sup>5</sup> Kerry Charlton and Barry A. Brown, 2019. *An Introduction to the Languages of Moreton Bay, Yagarabul, its Jandewal dialect and Moreton Island's Ngugi*.

<sup>6</sup> Raymond Martin, 2023. *Yagara People Anthropological Connection Report*.

<sup>7</sup> William Ross Johnston, 2013. *Catalogue: Oscar Fristrom's Aboriginal Paintings*, Honorary Research Curator, Queensland Memory State Library of Queensland, Brisbane, 2013.

visits from Cherbourg Aboriginal Settlement.<sup>8</sup> We continue connections too. Due to this history and bloodlines the Moreton Tribe are recognised in three neighbouring native title claims *Quandamooka, Kabi Kabi and Yuggera Ugarapul* Peoples (YUP).<sup>9</sup>

In the 1820s, the head of the *Magandjin* tribe was described as the ‘big king billy’ or the ‘celebrated’ King Billy and later ‘the fighting king’. His two sons *Malroobin* and *KerWalli* succeeded him as leaders. In the year following the arrival of the Petrie family and five-year-old Tom Petrie to *Magandjin*, a newspaper reports on four warriors belonging to the *Kirkham (Gerrgum)* tribe seen crossing the Brisbane River near Breakfast Creek. They were *Malroobin*, then chief of *Magandjin* and brother *Delackey (Wallapy /Eulopy /KerWalli)*, chief of the Amity Tribe, with *Papooniya* and Dr Barlowe.<sup>10</sup> These are the original tribe of *Magandjin* who have been written out of the correct history of *Magandjin* due to the writings of Tom Petrie and many others.

In 1842, *Wallupy* was a guide with Andrew Petrie’s first trip from Brisbane Town. A large influx of Aboriginal people in 1842 prompted an article titled “The *Oonda* take over Brisbane.”<sup>11</sup> This was the *Ngunda, Naewin’s* group, also known as *Ngundanbi, Undanbi, Undumbi and Joondabarri* to which *Turrbal* belonged.<sup>12</sup> A later mission set up at Humpy Bong with the *Turrbal* opened doors to their presence in *Magandjin*.<sup>13</sup> All the coastal groups were highly skilled knowledgeable fisherman. <sup>14</sup>

In 1841, the Duke of York’s area was described “on the left side are Duke of York’s, the Pine River natives, the *Ninge Ninge, Umpie Boang* and *Yun Monday*.<sup>15</sup> In 1838 it was reported that Duke of York’s tribe were nearly all fishermen between Pine Rivers and Bribie Island.<sup>16</sup> The Duke of York’s land sat where the second mission was set up between Eagle Farm and Humpy Boang. *Wargon* labelled Duke of York by soldiers in the early settlement days<sup>17</sup> reportedly married a sister of King Billy.<sup>18</sup> This resulted in a leadership role offering a native labour force in Brisbane.

---

<sup>8</sup> Moreton Family History and Oral History from Moreton Elders, 1960s - .

<sup>9</sup> Department of Aboriginal and Torres Strait Islander Partnerships, State Government 2018. Community and Personal Histories Moreton Familial Report.

<sup>10</sup> Australian (Sydney, NSW: 1824 - 1848), Saturday 22 December 1838, p 3.

<sup>11</sup> Archibald Meston, 1890. Queensland Railway And Tourists Guide

<sup>12</sup> Moreton Family Oral History; CPH Moreton Familial Report 2012, 2018.

<sup>13</sup> James Craig, 1875. Conversations with former missionary Rev. Hausmann.

<sup>14</sup> Moreton Elders Oral History, pers. Comm. 1960 - .

<sup>15</sup> Eipper, 1841.

<sup>16</sup> Australian Thursday 13 December 1838, p 2. National Library of Australia <http://nla.gov.au/nla.news-article36861279>

<sup>17</sup> Fyans

<sup>18</sup> Real estate advertisement 1860s. Wickham telling story of King Billy, Duke of York and others.

Sightings of *Malrooben* and his Queen *Gulpin (Goolpin)* were mentioned in newspapers.<sup>19</sup> In 1853, *Molrooben* was assassinated. The Duke of York was a support as *KerWalli* was away on Tom Petrie's timbering trips. He later became head of the *Magandjin* tribes. In 1860, *KerWalli* battled a stranger from Rockhampton. 1862, he was on Petrie's Aboriginal timber-getters blanket request list, noted absent from Brisbane.<sup>20</sup>

In 1875, King Sandy (*Kerwalli*) informed James Craig, a visiting Naturalist, that he was "King of the tribe of the land where Brisbane now stands."<sup>21</sup> Although, historians describe the Victoria Parklands area as a meeting place, this doesn't accurately represent the presiding Goori lore-laws for inter-country visits on Yagara country. Large gatherings occurred for various reasons like Boras, seasonal festivals, celebrations, funerals, sporting tournaments and conflicts. Theories about Yagara territories and inter-country affiliations free use of meeting or intersection of pathways without prior consent are post-colonial constructs.

Due to colonial impacts Yagara Country was overrun by others, ancestors eradicated, and survivors rounded up and incarcerated on missions while writers of *Magandjin* history kept on writing and compiling language words and information without their input. Their many errors from not speaking to *Magandjin* ancestors enabled two ambiguous native title claims, *Turrbal* and the *Yuggera Yugarapul*, both negatively determined and deregistered by National Native Title Tribunal in 2017. In 1842, Leichhardt lists *Turrbal with* Toorbal Point.<sup>22</sup> In 1970, *Mookin's* grandsons Edward and Alfred Moreton state to Nils Holmer that *Darabul (Turrbal)* is the proper name for Toorbal Point, the tribe, area and language. Variations in spellings and ignorance have brought some confusion. *KerWalli* is not connected to anyone in the *Yuggera Yugarapul (YYP)*, *Turrbal* nor *Jagera* claim groups, and none are originally from Brisbane. The 2017 determination impacts our native title rights as genuine *Yagarabul* People.<sup>23</sup>

We support this submission in the spirit of Truth-telling, Treaty and Reconciliation.



On behalf of Yagara Magandjin Aboriginal Corporation. (YMAC)

16<sup>th</sup> April 2025.

---

<sup>19</sup> Bulimba History Group

<sup>20</sup> Ray Kerkhove, 2017. *ibid*

<sup>21</sup> James W. Craig, Australian Joint Copying Project, National Library of Australia. and State Library of New South Wales: Papers of James Whitelaw Craig [microform]: [M978] 1873–1877; entries 5 and 23 December 1875.

<sup>22</sup> Thomas A. Darragh and Roderick J. Fensham

<sup>23</sup> Kerry Charlton, 2024.

**MORETON-YUGGERA ELDERS CULTURAL CUSTODIANS STATEMENT 2018 - 2019 photos - 6 GENERATIONS OF THE MORETON TRIBE OF YUGGERA COUNTRY**



Kerwalli, warriors, Family group c.1860s c. 1860 Charlie c.1865 Kerwalli 1887 & c.1900



Di:naba/Sarah c.1860-'70 Fristrom pic 1887 Paintings 1893 & 1915 Sarah at Wynnum 1900 & 1905



Mookin, Cherbourg c.1920 - 1930, Emily & twin sons c.1904, William, c.1930 Janie, Cherbourg c.1930-1960



Mookin's son Alfred & wife Lavinia, 6 of their 9 children current generational Elders (YMAC 2022-'23)

The date and reason Kerwalli got brass king plate still not established. Kerwalli was still known as Sandy and Kerwalli in the Tom Petrie's 1862 blanket request letter. In 1875 he relates to James Craig that "the government gave me this brass plate and took my land." He was seen at the Nudgee waterholes wearing his king plate by Cobb and Co. passengers.

C



Above two photos of Moreton Ancestors Dandruba and Dinaba sit side by side in the Packer family album, owners of Durundur Station, Woodford, with names Charlie and Sarah written below. (Michael Aird, 2015. "Captured" photographic exhibition held at Brisbane Museum, Brisbane.) Group photo l to r: William, King Johnny, King Fred, King Sandy in Brisbane Blacks by Michael Aird, 2001.

## ATTACHMENT C

### Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025

#### Preliminary Analysis

#### INTRODUCTION

This document has two parts-

##### OVERALL BRIEF

This is intended to provide the reader with an overall perspective of what is contained in the Bill, Explanatory Notes and Statement of Capability.

##### WORKING GUIDE

This goes into a little more detail about the contents and structure of the proposed changes envisaged by this legislation.

This is really only an *'descriptive'* document in that it does not draw conclusions about the contents and intent of the legislation.

A more critical assessment will be made as soon as time permits.

**The Bill is a challenge because it combines two very different changes to planning in Queensland. One part of the Bill enhances the need for community engagement in planning [for particular types of development] and the other part seeks to reduce community engagement in planning [for particular types of development].**

#### OVERALL BRIEF

Documents Reviewed

- "5825T425.pdf" (Bill)
- "5825T426.pdf" (Explanatory Notes)
- "5825T427.pdf" (Statement of Compatibility)

#### Executive Summary:

The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 introduces significant amendments to several key pieces of Queensland legislation, primarily focusing on incorporating social impact and community benefit considerations into the planning process and facilitating the development of infrastructure for the Brisbane Olympic and Paralympic Games. Key themes include the introduction of mandatory social impact assessments (SIA) and community benefit agreements (CBA) for

certain developments, streamlining processes related to Games infrastructure, and addressing potential impacts on human rights, particularly property rights and the right to privacy. The Bill aims to ensure positive legacy impacts for communities from development and the Games, while acknowledging potential limitations on existing rights for the timely delivery of Games infrastructure.

### **Key Themes and Important Ideas/Facts:**

#### 1. Social Impact and Community Benefit in Planning:

##### Mandatory SIA and CBA:

The Bill introduces a requirement for development applications for certain prescribed material changes of use to be accompanied by a Social Impact Assessment (SIA) report and a Community Benefit Agreement (CBA). This is a central element of the "Social impact and community benefit amendments" detailed in Chapter 2 of the Bill. The Explanatory Notes state this is to "improve the consistency of how renewable energy projects are assessed and ensure that there are positive legacy impacts for local communities."

##### Regulation-Prescribed Development:

The types of development requiring SIA will be prescribed by regulation. The Bill states that a regulation "may prescribe development that is a material change of use of premises to be development for which social impact assessment is required." (Clause 21, Section 106T)

##### Definition of Social Impact:

The Bill defines "social impact" in relation to development requiring SIA as "the potential impact of the development on the social environment of a community in the locality of the development." This includes impacts on "the values of the community; and the provision of services to the community, including, for example, education services, emergency services or health services." (Clause 21, Section 106R)

##### Definition of Impact:

The Bill clarifies that a reference to an "impact" includes "a positive or negative impact," "a direct or indirect impact," and "a cumulative impact of the development and other uses." (Clause 21, Section 106S)

##### Community Benefit Agreements:

A CBA is defined as having the meaning given in the Planning Act, section 106Y(1). While the exact content is not detailed in these excerpts, the Explanatory Notes indicate that the decision to enter into a CBA and its contents are "agreed between the parties, most often the local government and the proponent."

##### Limitations on Appeal Rights:

The Bill limits appeal rights for persons other than the applicant regarding conditions of a development approval related to social impacts or a failure to impose such conditions. (Clause 21, Section 106ZJ)

**Fees for SIA and CBA:**

Local governments may charge a fee for considering the SIA report and negotiating a CBA, regardless of whether an agreement is reached. (Clause 21, Section 106ZM)

**Chief Executive's Reserve Power:**

The chief executive of the department administering the Planning Act has a reserve power to allow a development application to be lodged without a SIA and/or CBA, and to impose conditions for social impacts. (Explanatory Notes)

**2. Brisbane Olympic and Paralympic Games Amendments:**

**Purpose of Amendments:**

A key purpose of these amendments is "to facilitate the timely delivery of authority venues, other venues and villages for the games" and "to maximise the legacy benefits from the games." (Clause 45)

**Identification of Venues and Villages:**

The Bill provides for the identification of "Authority venues," "Other venues," and "Villages" in schedules. (Clause 47, Sections 5A, 5B, 5C, and Schedules 1, 2, 3)

**Delivery of Venues and Villages:**

The focus is on timely delivery of these facilities in accordance with allocated funding. (Clause 53) The Games Independent Infrastructure and Coordination Authority (GIICA) has a changed role to "deliver authority venues, and monitor the delivery of other venues, in time for the games." (Clause 45)

**Lawfulness of Development:**

Development, use, or activities for the construction of Games infrastructure (venues, villages, and related transport infrastructure) are declared lawful despite various other Acts, including planning and environmental legislation. This is a significant provision designed to expedite development. "The development, use or activity is taken to be lawful despite the following Acts (each a relevant Act)..." (Clause 66, Section 53DD(1))

**Exemption from Requirements:**

Requirements under relevant Acts are "taken to have been complied with," and provisions that would "prohibit, restrict or limit the carrying out of the development, use or activity does not apply." (Clause 66, Section 53DD(2))

**Immunity from Offence and Civil Proceedings:**

Carrying out such development, use, or activity does not constitute an offence against a relevant Act, and civil proceedings are limited. (Clause 66, Section 53DD(2)(c) and (3))

**Cultural Heritage Provisions:**

The Bill includes provisions for cultural heritage, outlining processes for initiating a "part 3 plan," negotiation, and mediation through the Land Court. A default plan is also included in a schedule. (Clause 66, Part 3 and Schedule 5)

**Immunity from Prosecution for Cultural Heritage Harm:**

Nothing in this part makes the State liable to prosecution under an Act for acts or omissions under this part in relation to harm caused to Aboriginal cultural heritage or Torres Strait Islander cultural heritage. (Clause 66, Section 53DX)

**Access to Necessary Games Infrastructure:**

Relevant entities are entitled to access, connect to, or otherwise use necessary games infrastructure. (Clause 66, Section 53EA)

**Village Infrastructure Charges:**

Regulations may prescribe matters about village infrastructure charges, and the Minister may impose such charges on the owner of land on which villages are located. These charges are intended to contribute towards infrastructure costs. (Clause 66, Part 5)

**Exemption from Other Infrastructure Charges:**

The Bill sets out exemptions from infrastructure charges under other Acts. (Clause 66, Section 53EF)

**Finality of Particular Decisions:**

Unless affected by jurisdictional error, certain decisions related to the delivery of Games infrastructure and cultural heritage plans are declared final and cannot be challenged or reviewed through various means, including the Judicial Review Act 1991, except for jurisdictional error. (Clause 66, Section 53EG)

### **3. Human Rights Considerations:**

**Compatibility with Human Rights Act:**

The Statement of Compatibility concludes that the Bill is compatible with human rights.

**Property Rights (Section 24):**

The Bill acknowledges that limitations may be imposed on property rights, including the potential for compulsory acquisition of land for venues or villages. However, it states that existing rights and protections under land acquisition legislation, including the right to compensation, remain in place. "In some instances, a person may be deprived of their property entirely through compulsory acquisition... However, the rights and protections under the legislation... including the right to compensation, remain in place." (Statement of Compatibility)

**Right to Privacy (Section 25):**

The Bill recognises that interference with a person's privacy may occur, particularly during the construction phase of Games infrastructure. The Statement of Compatibility asserts that such interference would be lawful as it is authorised by the Act and would only limit the right

if it is "arbitrary," meaning "capricious, unpredictable, unjust, or unreasonable in the sense of not being proportionate to the legitimate aim sought." Whether the interference is arbitrary will be considered under section 13 of the Human Rights Act (Limitations on Human Rights).

Legitimate Aim:

The purpose of the limitations on rights is stated as ensuring the timely and efficient delivery of Games venues, villages, and related transport infrastructure to meet the State's obligations and maximise legacy benefits. This is deemed a "proper purpose" due to the public interest and ensuring a return on investment.

#### **4. Other Amendments:**

The Bill includes amendments to the City of Brisbane Act 2010, the Local Government Act 2009, the Economic Development Act 2012, the Planning Act 2016, and the Planning and Environment Court Act 2016. These amendments cover various aspects including cost-recovery fees, registers, and the jurisdiction of the Planning and Environment Court. (Chapters 2, 3, 4, 5)

#### **Implementation Considerations:**

Chapter 2 (Social impact and community benefit), Chapter 4 Part 3 (Brisbane Olympic and Paralympic Games amendments commencing by proclamation), Chapter 5 (Other amendments), and Schedule 1 commence on a day to be fixed by proclamation. (Clause 2)

Additional funding and resourcing "may be sought" for compliance and enforcement officers within the Department for development requiring SIA where the Chief Executive (SARA) is the assessment manager. (Explanatory Notes)

Some costs of administering the changes (facilitating mediation, Chief Executive's discretionary power) are anticipated to be met within usual departmental resourcing. (Explanatory Notes)

#### **Summary:**

The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 represents a significant legislative undertaking with two primary goals:

- (1) integrating social impact and community benefit considerations into the planning framework and facilitating the timely delivery of infrastructure for the Brisbane Olympic and Paralympic Games.
- (2) The introduction of mandatory SIA and CBA marks a notable shift in planning assessment, aiming to ensure positive outcomes for communities. Simultaneously, the Bill provides mechanisms to expedite Games-related development, including declarations of lawfulness and limitations on review, while acknowledging and addressing potential impacts on human rights within the framework of the Human Rights Act. The commencement of key parts of the Bill will be determined by proclamation.

This guide covers key aspects of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025, focusing on the amendments related to social impact assessment, community benefit agreements, economic development, and the Brisbane Olympic and Paralympic Games. The Bill amends several existing Acts, including

- the City of Brisbane Act 2010,
- Local Government Act 2009,
- Planning Act 2016,
- Planning and Environment Court Act 2016, and
- the Brisbane Olympic and Paralympic Games Arrangements Act 2021.

**A significant portion of the Bill addresses facilitating development for the Brisbane 2032 Olympic and Paralympic Games, including provisions for venues, villages, and associated infrastructure, alongside cultural heritage considerations and infrastructure charges.** The Bill also introduces provisions for social impact assessment and community benefit agreements in the planning process.

#### **WORKING GUIDE Key Areas**

- Social Impact Assessment (SIA) and Community Benefit Agreements (CBA): Understand the introduction of mandatory SIA and CBA for prescribed material changes of use development. This includes the process for requiring SIA reports, negotiating and entering into CBAs, and the role of the chief executive and local governments.
- Planning Act 2016 Amendments: Focus on the insertion of new sections related to development requiring social impact assessment (Part 6B), including definitions, regulation-making powers, requirements for SIA reports and CBAs, chief executive notices and directions, decision-making for applications, and limitations on appeal rights.
- Brisbane Olympic and Paralympic Games Amendments: Review the extensive changes to the Brisbane Olympic and Paralympic Games Arrangements Act 2021. This involves understanding the classification of
  - venues (authority and other),
  - villages,
  - games-related transport infrastructure, and
  - the legal framework facilitating their development and use.

Pay attention to the provisions regarding the lawfulness of development and use for Games purposes, cultural heritage provisions, and village infrastructure charges.

- **Role of Government Entities:** Understand the responsibilities and powers of various government entities under the amended legislation, including local governments, the chief executive of the department administering the Planning Act, the Games Independent Infrastructure and Coordination Authority (GIICA), and the Minister.
- **Human Rights Considerations:** Review the Statement of Compatibility with Human Rights, particularly regarding the potential limitations on property rights and the right to privacy in the context of Games-related development. Understand the justification for these limitations.
- **Commencement Provisions:** Note which parts of the Bill commence on assent and which require a proclamation for commencement.

#### **WORKING GUIDE Q&A [A sample of issues [of note] within the documentation]**

***What is the primary purpose of Chapter 2 of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025?***

The primary purpose of Chapter 2 is to introduce social impact and community benefit amendments to various pieces of legislation, including the City of Brisbane Act 2010, Local Government Act 2009, and the Planning Act 2016.

***Under the amended Planning Act 2016, what two documents are required to accompany a development application for development requiring social impact assessment?***

A development application for development requiring social impact assessment must be accompanied by a social impact assessment (SIA) report and each community benefit agreement (CBA) for the application, or a notice from the chief executive stating they are not required.

***Under the new section 106Y(1) of the Planning Act 2016, what is the definition of a community benefit agreement?***

A community benefit agreement means an agreement mentioned in section 106Y(1) of the Planning Act. This section defines it as an agreement entered into under this division.

***What types of impacts are included in the reference to "impact" in relation to development requiring social impact assessment, as defined in the new section 106S of the Planning Act 2016?***

A reference to an impact in relation to development includes a positive or negative impact, a direct or indirect impact, and a cumulative impact of the development and other uses.

***What is the purpose of the new Chapter 3A inserted into the Brisbane Olympic and Paralympic Games Arrangements Act 2021?***

The purpose of the new Chapter 3A is to provide provisions facilitating development etc. for the Brisbane Olympic and Paralympic Games, including matters related to lawfulness of development and use, cultural heritage, and necessary games infrastructure.

***According to the Bill, what is the legal status of development, use, or activity for Games purposes despite other relevant Acts?***

Development, use, or activity for Games purposes is taken to be lawful despite other relevant Acts listed in section 53DD(1), and requirements under those Acts are taken to have been complied with.

***What is the purpose of the new Part 5 concerning Village Infrastructure Charges in Chapter 3A of the Brisbane Olympic and Paralympic Games Arrangements Act 2021?***

The purpose of Part 5 concerning Village Infrastructure Charges is to enable a contribution to be recovered from the owners of the land on which villages are located towards infrastructure costs.

***Under the amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021, what is the role of the Games Independent Infrastructure and Coordination Authority (GIICA) concerning authority venues?***

The main functions of the authority (GIICA) concerning authority venues include seeking funding allocations and delivering each authority venue in time for the Games in accordance with the allocated funding.

***Section 53EG of the Brisbane Olympic and Paralympic Games Arrangements Act 2021 outlines that certain "relevant decisions" are final and conclusive. Under what circumstance can these decisions be challenged in the Supreme Court?***

- Relevant decisions can be challenged in the Supreme Court only to the extent that the decision is affected by jurisdictional error under the Judicial Review Act 1991.

***The Statement of Compatibility discusses potential limitations on which two human rights in relation to the Bill's impact on property and privacy?***

- The Statement of Compatibility discusses potential limitations on property rights (section 24(2) of the Human Rights Act) and the right to privacy (section 25(a) of the Human Rights Act).

## WORKING GUIDE Key Terms

1. **Authority Venue:** A site or facility listed in Schedule 1 of the Brisbane Olympic and Paralympic Games Arrangements Act 2021, identified for games-related use and legacy use.
2. **Community Benefit Agreement (CBA):** An agreement entered into under the new Division 4 of Part 6B of the Planning Act 2016, related to development requiring social impact assessment.
3. **Cultural Heritage Notice:** A notice that a proponent may give to initiate the development of a part 3 plan under the cultural heritage provisions for Games-related development.
4. **Default Plan:** A plan for cultural heritage management that takes effect under the cultural heritage provisions if a negotiated part 3 plan is not agreed upon.
5. **Development Requiring Social Impact Assessment:** Development prescribed by regulation under section 106T(1) of the Planning Act 2016, which is a material change of use of premises.
6. **Enforcement Authority:** An entity defined in section 160A(1) of the Planning Act 2016, which can be an officer of a public sector entity or another prescribed person.
7. **Games-related Transport Infrastructure:** Infrastructure related to transport for the Brisbane Olympic and Paralympic Games, as defined in Schedule 4 of the Brisbane Olympic and Paralympic Games Arrangements Act 2021.
8. **Games-related Use:** The intended use of a venue or village for the Brisbane Olympic and Paralympic Games, as identified in the relevant schedules.
9. **GIICA:** The Games Independent Infrastructure and Coordination Authority, whose role is amended by the Bill to deliver authority venues and monitor the delivery of other venues.
10. **Infrastructure Charge:** A charge in relation to infrastructure, as described in section 53EF of the Brisbane Olympic and Paralympic Games Arrangements Act 2021.
11. **Jurisdictional Error:** An error that affects the legal validity of a decision, as referenced in the context of challenging certain decisions under the Judicial Review Act 1991.
12. **Legacy Use:** The intended use of an authority venue, other venue, or village after the Brisbane Olympic and Paralympic Games, as identified in the relevant schedules.
13. **Necessary Games Infrastructure:** Infrastructure defined in the Brisbane Olympic and Paralympic Games Arrangements Act 2021 that is essential for the Games.
14. **Negotiating Party:** The persons involved in negotiating a part 3 plan for cultural heritage for Games-related development.
15. **Other Venue:** A site or facility mentioned in Schedule 2 of the Brisbane Olympic and Paralympic Games Arrangements Act 2021, identified for games-related use and legacy use.

16. **Part 3 Plan:** A plan developed under the cultural heritage provisions (Part 3 of Chapter 3A) for Games-related development.
17. **Proclamation:** An official public announcement that signifies the commencement of certain provisions of the Bill.
18. **Proponent:** The person or entity proposing development that may impact cultural heritage under the Games-related provisions.
19. **Relevant Act:** Various Acts listed in section 53DD(1) of the Brisbane Olympic and Paralympic Games Arrangements Act 2021, which are deemed not to apply in certain circumstances for Games-related development.
20. **Relevant Application:** A development application for, or a change application relating to, development requiring social impact assessment.
21. **Relevant Decision:** A decision or purported decision of an administrative character related to the delivery of Games venues, infrastructure, or cultural heritage plans, as defined in section 53EG of the Brisbane Olympic and Paralympic Games Arrangements Act 2021.
22. **Responsible Entity:** For a change application, the entity defined in section 78A of the Planning Act 2016.
23. **Social Impact:** The potential impact of development requiring social impact assessment on the social environment of a community in the locality of the development, including impacts on community values and services.
24. **Social Impact Assessment (SIA) Report:** A report detailing the assessment of the social impact of development requiring social impact assessment.
25. **Village:** A site or facility listed in Schedule 3 of the Brisbane Olympic and Paralympic Games Arrangements Act 2021, identified for games-related use and legacy use.
26. **Village Infrastructure Charge:** A charge imposed on the owner of land on which a village is located, towards infrastructure costs.

## **WORKING GUIDE: Some Key Points for Review**

### **What is the main purpose of the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025?**

The primary purpose of the Bill is to amend several existing pieces of legislation in Queensland, Australia, specifically the Brisbane Olympic and Paralympic Games Arrangements Act 2021, the City of Brisbane Act 2010, the Economic Development Act 2012, the Local Government Act 2009, the Planning Act 2016, and the Planning and Environment Court Act 2016. The amendments aim to achieve specific objectives related to social impact and community benefit on one hand and on the other hand to streamline the delivery of infrastructure for the Brisbane 2032 Olympic and Paralympic Games. In regard to the former, the key focus is on ensuring that development requiring social impact assessment is properly considered and that there are mechanisms for securing community

benefits. In regard to the latter, the primary focus is to remove existing checks and balances that inform the current arrangement for planning in the State, with the prime purpose of enabling development for the proposed Olympic Games.

**How does the Bill address social impact and community benefit in planning?**

The Bill introduces new provisions within the Planning Act 2016 that specifically address development requiring social impact assessment (SIA). A regulation may prescribe material changes of use that require a SIA. For such developments, a social impact assessment report and a community benefit agreement (CBA) must accompany the development application. The Bill defines "social impact" in relation to development as the potential impact on a community's social environment, including its values and the provision of services. A CBA is defined as a written agreement between a local government and a development entity requiring SIA. The Bill outlines the process for entering into, amending, and mediating community benefit agreements. It also specifies that local governments can charge fees for considering SIA reports and negotiating CBAs.

**What is the role of the Planning Regulation 2017 in implementing the social impact and community benefit amendments?**

The Planning Regulation 2017 is empowered by the Bill to prescribe the specific types of material change of use development that will require a social impact assessment and a community benefit agreement before a development application can be lodged. The Minister can only recommend such prescriptions if satisfied that the development has the potential to impact the social environment of the community. The regulation will also detail the process for managing development applications that were made but not decided before they became subject to the new SIA requirements.

**How do the amendments affect cost-recovery fees for local governments and Brisbane City Council?**

The Bill amends both the City of Brisbane Act 2010 and the Local Government Act 2009 to allow Brisbane City Council and other local governments in Queensland to fix cost-recovery fees for activities related to the community benefit system, specifically those mentioned in the Planning Act, section 106ZM(2). This means they can recover costs associated with considering social impact assessment reports and negotiating community benefit agreements. Both Acts will also require a register of these cost-recovery fees to be maintained.

**What provisions are included regarding development and infrastructure for the Brisbane Olympic and Paralympic Games?**

The Bill includes significant amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021. These amendments aim to facilitate the timely delivery of authority venues, other venues, and villages for the Games and to maximise legacy benefits. Specific provisions address the lawfulness of development and use related to Games infrastructure, stating that such activities are generally taken to be lawful despite requirements in other relevant Acts. The Bill also includes provisions for the use of "necessary games infrastructure" by relevant entities and

introduces the concept of "village infrastructure charges" that may be imposed on landowners where Games villages are located, as prescribed by regulation. Cultural heritage provisions related to Games development are also included, outlining a process for cultural heritage notices, negotiation, and mediation of "part 3 plans".

**How does the Bill impact appeal rights related to development requiring social impact assessment?**

The Bill limits the appeal rights of persons other than the applicant regarding development applications that require social impact assessment. Specifically, a person other than the applicant may not appeal against a condition of the development approval related to social impacts or a failure to impose such a condition.

**What happens if a development application requiring social impact assessment is submitted without a social impact assessment report and/or community benefit agreement?**

The Bill amends section 51 of the Planning Act 2016 to require development applications for development requiring social impact assessment to be accompanied by a social impact assessment report and each community benefit agreement, or a notice from the chief executive stating these are not required. This is a requirement for a "properly made application." However, the Bill also provides a reserve power for the chief executive to allow a development application to be lodged without a SIA and/or CBA. Furthermore, a relevant application cannot be refused solely because a community benefit agreement was not included or did not adequately manage or mitigate social impacts.

**How does the Bill address potential limitations on human rights, such as property rights and privacy?**

The Statement of Compatibility accompanying the Bill acknowledges that it may impose limitations on property rights and the right to privacy. Potential limitations on property rights are identified in relation to infrastructure charges on landowners with villages and potential impacts on property access during construction. The Bill also notes that compulsory acquisition of land for venues or villages may occur. However, the Statement asserts that any limitations on human rights are considered reasonable and demonstrably justifiable in a free and democratic society. It highlights that existing legislation for land acquisition, including compensation rights, remain in place and that human rights implications would be considered in compulsory acquisition decisions. The interference with privacy is deemed lawful as it is authorised by the Act and is assessed for proportionality under section 13 of the Human Rights Act to determine if it is arbitrary.

**WORKING GUIDE Timeline/Key Dates**

- 2021: The Brisbane Olympic and Paralympic Games Arrangements Act 2021 is enacted, laying the groundwork for the Games.

- Pre-2025: The Games Independent Infrastructure and Coordination Authority (GIICA) is established and initially possesses land acquisition and planning powers for Games venues and villages.
- 2025: The Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 is proposed and enacted by the Parliament of Queensland.
- Commencement on Assent (Part 2 of Chapter 4): Amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021 relating to the Games begin. Key changes taking immediate effect include:
  - ◆ Amending the main purposes of the Act to reflect the changed role of the Games Independent Infrastructure and Coordination Authority (GIICA).
  - ◆ Replacing the sections defining Authority venues, Other venues, and Villages, and inserting new sections relating to their delivery.
  - ◆ Inserting a new section establishing the Games Leadership Group and requiring the Corporation's functions to have regard to its decisions and advice.
  - ◆ Introducing provisions facilitating development for the Games, including declaring certain development, use, or activity related to Games venues, villages, and transport infrastructure as lawful despite other Acts.
  - ◆ Introducing cultural heritage provisions for development related to the Games, including processes for cultural heritage notices, negotiation proposals, information notices, negotiation periods, mediation, and default plans.
  - ◆ Introducing provisions for the use of necessary games infrastructure, granting relevant entities the entitlement to access or use such infrastructure.
  - ◆ Introducing provisions for Village infrastructure charges, allowing regulations to prescribe matters related to their imposition on landowners.
  - ◆ Establishing that certain relevant decisions related to Games delivery and infrastructure are final and conclusive and cannot be challenged except for jurisdictional error.
- Commencement by Proclamation (Chapter 2, Chapter 4 Part 3, Chapter 5, and Schedule 1): Provisions related to social impact and community benefit amendments, further Brisbane Olympic and Paralympic Games amendments, and other legislative amendments will commence on a date to be fixed by proclamation. These include:
  - ◆ Amendments to the City of Brisbane Act 2010 and Local Government Act 2009 allowing cost-recovery fees for activities related to the community benefit system.
  - ◆ Significant amendments to the Planning Act 2016, introducing requirements for Social Impact Assessment (SIA) reports and Community Benefit Agreements (CBAs) for prescribed development. This includes provisions for changing development applications related to SIA, making regulations about development requiring SIA, outlining requirements for SIA reports, detailing the process for entering into and amending CBAs, and providing for chief executive notices and directions.

- ◆ Amendments to the Planning and Environment Court Act 2016 regarding declaratory jurisdiction for matters under the Planning Act, including those related to social impact assessment reports.
  - ◆ Amendments to the Economic Development Act 2012 to improve efficiency and flexibility in Economic Development Board procedures.
  - ◆ Further amendments to the Brisbane Olympic and Paralympic Games Arrangements Act 2021, particularly concerning the composition and procedures of the board, including the reduction of membership and the roles of the President and Vice President.
  - ◆ Minor amendments to other legislation mentioned in Schedule 1, including the Building Act 1975, Planning Act 2016, and Planning and Environment Court Act 2016.
- Post-2025 (Upon Proclamation): The legislative changes related to social impact assessment and community benefit, along with the further Games amendments and other legislative changes, come into effect.
- ◆ A regulation may be made prescribing types of development requiring social impact assessment and community benefit agreements.
  - ◆ The chief executive of the department administering the Planning Act gains reserve power to allow development applications without SIA and/or CBA, and to impose social impact conditions.
  - ◆ Transitional provisions clarify how the new SIA and CBA requirements apply to existing development applications that have not yet been decided.
  - ◆ Compliance and enforcement officers may be established within the Department for development requiring SIA.
  - ◆ The process for village infrastructure charges on landowners may be implemented through regulation.

### **WORKING GUIDE Key Players**

1. **Parliament of Queensland:** The legislative body responsible for enacting the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025.
2. **Queensland Government:** The executive body of Queensland, responsible for implementing the enacted legislation and making commitments for the 2032 Delivery Plan.
3. **Minister for State Development, Infrastructure and Planning):** Holds significant powers under the legislation, including the ability to recommend regulations about development requiring social impact assessment, give notices and directions to infrastructure entities regarding necessary games infrastructure, impose village infrastructure charges, and make decisions related to the delivery of Games venues and infrastructure. Also nominates certain directors to the board related to the Games.

4. **Chief Executive** (of the department administering the Planning Act): Possesses reserve power to allow development applications without a Social Impact Assessment (SIA) and/or Community Benefit Agreement (CBA) and to impose conditions for social impacts. Also receives information and assistance from the Games authority relating to venue delivery.
5. **Games Independent Infrastructure and Coordination Authority (GIICA)**: Initially had land acquisition and planning powers, but these are removed by the 2025 Bill. Its changed role focuses on delivering authority venues and monitoring the delivery of other venues for the Brisbane 2032 Olympic and Paralympic Games.
6. **Brisbane City Council**: Subject to amendments allowing it to fix cost-recovery fees for activities related to the community benefit system.
7. **Local Governments (in Queensland)**: Subject to amendments allowing them to fix cost-recovery fees for activities related to the community benefit system.
8. **Assessment Manager**: Responsible for receiving and assessing development applications, including those requiring social impact assessment.
9. **Applicant**: A person or entity making a development application or change application for development requiring social impact assessment.
10. **Proponent**: In the context of cultural heritage, a person or entity who may give cultural heritage notices and negotiation proposals for development in a project area.
11. **Negotiating Parties**: For a cultural heritage management plan, these are the persons involved in the negotiation process.
12. **Supreme Court**: Retains the power to review certain relevant decisions related to Games delivery and infrastructure if they are affected by jurisdictional error.
13. **Land Court**: Involved in mediation for cultural heritage matters when negotiation fails.
14. **President of the Australian Olympic Committee**: A nominated director on the board related to the Games.

15. **Honorary Life President of the Australian Olympic Committee:** A nominated director on the board related to the Games.
16. **President of Paralympics Australia:** A nominated director on the board related to the Games.
17. **Members of the International Olympic Committee from Australia:** Nominated directors on the board related to the Games.
18. **Members of the Governing Board of the International Paralympic Committee residing in Australia:** Nominated directors on the board related to the Games.
19. **Prime Minister:** Nominates a director to the board related to the Games.
20. **Lord Mayor:** Nominates a director to the board related to the Games.
21. **Mayor:** Nominates directors to the board related to the Games.
22. **Distributor-retailer:** An entity that may be required to give information, documents, or assistance to the Games authority and is a type of infrastructure entity.
23. **Government Entity:** A type of infrastructure entity that may be required to give information, documents, or assistance to the Games authority and is subject to directions regarding necessary games infrastructure.
24. **Infrastructure Entity:** An entity that owns or controls necessary games infrastructure.
25. **Owner of land on which villages are located:** Subject to the potential imposition of village infrastructure charges.
26. **Jarrod Bleijie:** Deputy Premier, Minister for State Development, Infrastructure and Planning, and Minister for Industrial Relations, who provides the Statement of Compatibility for the Bill.

## ATTACHMENT D

### Proposed Changes to the Brisbane Olympic and Paralympic Games Arrangements Act 2021 (BOPGA Act):

#### INTRODUCTION

Drawing on the following documents, which relate to the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 -

- 5825T425.pdf (Bill)
- 5825T426.pdf (Explanatory Notes)
- 5825T427.pdf (Statement of Compatibility)

the following is a list of NINE CHANGES which appear to open up the most significant problems or issues with the proposed new Bill. For each CHANGE I have prepared an explanation of the change using the material provided by the proposed Bill itself.

#### CHANGE ONE

- **Change:** Amendment of section 3 (Main purposes of Act) of the BOPGA Act.
- **Meaning:** The main purposes of the Act are amended to reflect a new focus on the delivery of authority venues and monitoring the delivery of other venues in time for the Games. New purposes are inserted to facilitate the timely delivery of authority venues, other venues, and villages for the Games, and to maximise legacy benefits from the Games.

#### EXPLANATION

Regarding the amendment of section 3 (Main purposes of Act) of the Brisbane Olympic and Paralympic Games Arrangements Act 2021, the sources detail the updated responsibilities of the Games Independent Infrastructure and Coordination Authority (GIICA) and the roles of State government departments concerning the delivery of Games venues. The amendment of section 53AA of the Act changed the Authority's name from the Games Venue and Legacy Delivery Authority to the Games Independent

Infrastructure and Coordination Authority, but this change affected only the name and did not establish a new authority.

Here is a breakdown of the responsibilities concerning “Authority” venues as described in the sources:

#### **GIICA's Responsibilities for Authority Venues:**

- GIICA's functions and powers have been changed to align with its role to **deliver**, or monitor the delivery, of Games venues. The main purposes of the Act have been amended to reflect this changed role, functions, and powers to deliver the Authority Venues listed in the Act.
- GIICA is to **seek one or more allocations of funding** from the Queensland Government for each authority venue.
- GIICA is responsible for the **construction** of authority venues.
- GIICA must **deliver authority venues** in time for the Brisbane 2032 Olympic and Paralympic Games in accordance with approved funding.
- GIICA must **monitor the delivery of other venues**, including the Gold Coast Arena and the Gold Coast hockey venue.
- GIICA must **ensure compliance with relevant games agreements** as they relate to the delivery of an authority venue.
- In performing its functions, GIICA must have regard to the financial resources and identified parties involved, including the state and local governments.
- GIICA's status is changed to **represent the State**, reflecting its role to act for and on behalf of the Queensland Government.
- GIICA must cooperate with the chief executive of the department in good faith.
- GIICA is required to share information with the chief executive of the department.
- GIICA is to be appropriated through the Department of State Development, Infrastructure and Planning for capital expenses consistent with funding partner investments decisions, and operational expenses through State Budget processes.

#### **State Department's Responsibilities and Roles (including the Minister and Chief Executive) related to Venues:**

- With the shift towards delivery (by GIICA), some functions previously attributed to GIICA are to be undertaken by the Queensland Government.
- Queensland Government departments will perform essential functions in delivering the Games. This includes, for example, the Department of State Development, Infrastructure and Planning; the Department of Transport and Main Roads; and the Department of Sport, Racing, and Olympic and Paralympic Games.

- The changes made through the Bill reflect these changes in departmental roles.
- The Department of State Development, Infrastructure and Planning is responsible for appropriating GIICA for capital and operational expenses.
- The Department of Transport and Main Roads is intended to prepare the Transport and Mobility Strategy, a function previously associated with GIICA.
- The Department of Sport, Racing, and Olympic and Paralympic Games will prepare the Games Coordination Plan, also a function previously associated with GIICA.
- The **appointment of the chief executive officer of GIICA will be the responsibility of the Minister**, following consultation with the GIICA board and a recruitment process led by the GIICA board.
- The Minister may nominate persons to the GIICA board only if they are appropriately qualified. The Bill removes limitations on certain people who can be appointed to the board. A member of the Legislative Assembly, including a Minister, is not prevented from holding the office of a director.
- A Minister's nominee must attend board meetings.
- Powers that already exist for the State, including the powers in the State Development and Public Works Organisation Act 1971 for land acquisitions, should they be required by GIICA, will be available. The Bill removes the direct acquisition of land powers that were previously afforded to GIICA.
- The chief executive of the department may ask GIICA to give information held or controlled by GIICA that relates to the delivery of an authority venue or other venue. The chief executive may also ask GIICA to make arrangements for assistance.
- Development for Authority Venues, Other Venues, games-related transport infrastructure, or Villages listed in the Bill is lawful and not subject to compliance or approval under the Planning Act 2016 or other relevant Acts listed, providing an expedited pathway for delivery.
- There is an alternative process established for Aboriginal and Torres Strait Islander cultural heritage matters. This process modifies the application of the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003. The entity undertaking the development (which could be GIICA) must give a notice to the chief executive and a negotiation proposal to the relevant Aboriginal and Torres Strait Islander parties.

In summary, GIICA is now primarily focused on seeking funding, constructing, and delivering the specific Authority Venues and monitoring other venues, while ensuring compliance with relevant agreements. The State, through its departments and the Minister, provides funding appropriation, holds broader powers like land acquisition (available for GIICA's use), oversees GIICA, appoints key personnel like the CEO, and is responsible for preparing related strategies and plans previously handled by GIICA. The State framework also provides expedited planning and cultural heritage processes for venue delivery.

---

## CHANGE TWO

- **Change:** Insertion of a new Chapter 3A into the BOPGA Act.
- **Meaning:** This new chapter, titled "Provisions facilitating development etc. for the games", aims to facilitate the timely delivery of development for or relating to authority venues, other venues, villages, and games-related transport infrastructure. It also aims to protect the public interest in ensuring the State is ready to host the Games and perform its obligations, and to facilitate legacy uses after the Games.

## EXPLANATION

The insertion of the new Chapter 3A into the Brisbane Olympic and Paralympic Games Arrangements Act (BOPGA Act) is stated to have the primary purpose of facilitating the timely delivery of development for or relating to authority venues, other venues, villages, and the construction of Games-related transport infrastructure. Importantly, the purpose also explicitly includes **protecting the public interest** in ensuring the State is ready to host the Brisbane 2032 Olympic and Paralympic Games and perform its obligations under relevant Games agreements, and to facilitate legacy uses after the Games.

While the sources frame the timely delivery, readiness, meeting obligations, and facilitating legacy uses as being *in* the public interest, they also detail specific processes introduced alongside this new chapter that relate to public interest protection, particularly concerning cultural heritage.

Here's how the public interest is addressed in relation to Chapter 3A:

1. **Stated Purpose:** The new Chapter 3A's fundamental purpose is declared to **protect the public interest** by ensuring the State is ready to host the Games, fulfil its Games-related obligations, and enable legacy uses for venues, villages, and transport infrastructure. The facilitation of timely delivery of these developments is seen as serving this public interest.
2. **Expedited Development Pathway:** The chapter facilitates development by deeming it lawful despite requirements under the Planning Act 2016 and other relevant Acts. This provides an expedited pathway for delivery. This bypassing of standard planning processes, which typically include public notification and consultation, is part of facilitating timely delivery for the stated public interest purpose of Games readiness.

3. **Cultural Heritage Management:** Chapter 3A, Part 3 specifically modifies the application of the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003. This establishes a dedicated regime for the management and protection of Aboriginal and Torres Strait Islander cultural heritage in areas where development, use, or activities for venues, villages, and Games-related transport infrastructure occur. This serves a specific public interest in protecting cultural heritage.

- The entity undertaking the development must give notice to the chief executive and a negotiation proposal to the relevant Aboriginal and Torres Strait Islander parties.
- The goal is to negotiate an agreement, known as a part 3 plan, for managing and protecting cultural heritage in the area.
- Negotiating parties must negotiate in good faith.
- If parties agree and the plan is signed, it takes effect and is considered an approved cultural heritage management plan.
- If no Aboriginal or Torres Strait Islander parties can be identified, a default plan automatically applies to protect cultural heritage found during construction.
- Carrying out development, use, or activity in accordance with the part 3 plan does not constitute an offence against a cultural heritage Act.

In summary, beyond the overarching purpose of ensuring Games readiness and legacy, the sources highlight the specific mechanism within Chapter 3A for protecting the public interest concerning Aboriginal and Torres Strait Islander cultural heritage during the expedited development process. The standard planning processes that might protect other aspects of the public interest (like those related to the new social impact and community benefit system) are bypassed for these specific Games developments.

---

### CHANGE THREE

- **Change:** Replacement of section 5A (Venues and villages) of the BOPGA Act.
- **Meaning:** This replaces the existing provisions and introduces new sections 5A, 5B, and 5C.
  - **Section 5A (Authority venues):** Identifies sites or facilities listed in Schedule 1 as authority venues for the Games. Schedule 1 will state the games-related use and legacy use for each authority venue.

- **Section 5B (Other venues):** Identifies sites or facilities mentioned in Schedule 2 as other venues for the Games. Schedule 2 will identify the games-related use and legacy use for these venues.
- **Section 5C (Villages):** Identifies sites or facilities listed in Schedule 3 as villages for the Games. Schedule 3 will identify the games-related use and legacy use for these villages.

## EXPLANATION

The new **section 5A** defines what constitutes an **Authority venue** for the Brisbane 2032 Olympic and Paralympic Games. It states that a site or facility mentioned in **schedule 1, column 1 is an authority venue**. The replaced section 5A also included new sections 5B for Other venues (referencing schedule 2) and 5C for Villages (referencing schedule 3). Schedule 1 lists the Authority venues.

Looking at Schedule 1: Authority venues, the sources list the following sites relevant to your query:

- A stadium to be located on land within the precinct known as **Victoria Park, Herston Road, Herston** is listed in Schedule 1, Column 1. Its Games-related use is described as a new stadium with seating for approximately 60,000 people, including a warm-up track and associated facilities. Its Legacy use is described as a stadium with permanent seating for approximately 63,000 people and associated facilities.
- A facility to be known as the National Aquatic Centre, to be located on land within the precinct known as **Victoria Park, Gregory Terrace, Spring Hill** is listed in Schedule 1, Column 1. Its Games-related use is described as a new national aquatic centre, including main and secondary indoor pools, with seating for approximately 25,000 people. Its legacy use is described as a national aquatic centre, including main and secondary indoor pools, with permanent seating for approximately 8,000 people

Therefore, under the replaced section 5A (now the new section 5A) of the Act, **both the stadium at Victoria Park (Herston Road) and the National Aquatic Centre at Victoria Park (Spring Hill) have been classified as Authority venues.**

---

## CHANGE FOUR

- **Change:** Insertion of new section 5D (Delivery of venues and villages).
- **Meaning:** Defines "delivery" of an authority venue, other venue, or village as completing the detailed design and construction for its games-related use, including temporary structures.

## EXPLANATION

The replacement of section 5A (Venues and villages) of the Brisbane Olympic and Paralympic Games Arrangements Act 2021 introduced new sections, including section 5D titled "Delivery of venues and villages". This new **section 5D** describes the 'delivery' of an authority venue (as well as other venues or villages). According to this section, the 'delivery' consists of **both** of the following:

- **Completing the detailed design and construction** of the venue for its games-related use.
- Including any **temporary structures**.

Therefore, under the Act, the '**delivery**' of an authority venues like the Victoria Park Stadium and the National Aquatic Centre involves finalising its detailed design, constructing it for its specific use during the Games, and incorporating any necessary temporary structures for that purpose.

---

## CHANGE FIVE

- **Change:** Insertion of new Schedules 1-5 into the BOPGA Act.
- **Meaning:** These schedules list the authority venues (Schedule 1), other venues (Schedule 2), and villages (Schedule 3). Schedule 4 lists Games-related transport infrastructure, and Schedule 5 contains the Cultural heritage—default plan. The current list of venues and villages in the Brisbane Olympic and Paralympic Games Arrangements Regulation 2024 is superseded by the bill, and the regulation is repealed.

## EXPLANATION

Based on the sources and our conversation history, the Planning (Social Impact and Community Benefit) and Other Legislation Amendment Bill 2025 introduces new schedules 1, 2, 3, 4, and 5 into the Brisbane Olympic and Paralympic Games Arrangements Act 2021.

The sources provide the classification (title) for the first three schedules and describe what they contain, but the specific *lists* of contents for most schedules are not provided in the excerpts.

Here is a list of the schedules and their classification as found in the sources:

- **Schedule 1: Authority venues**

- This schedule lists sites or facilities that are classified as Authority venues under the Act. The replacement of section 5A of the BOPGA Act defines "Authority venues" by referencing Schedule 1.
- This schedule includes :
  - **A stadium to be located on land within the precinct known as Victoria Park, Herston Road, Herston** [BOPGA Act conversation history]. This is intended for use as a new stadium with seating for approximately 60,000 people for the Games, with a legacy use as a stadium with permanent seating for approximately 63,000 people [BOPGA Act conversation history].
  - A facility to be known as the **National Aquatic Centre, to be located on land within the precinct known as Victoria Park, Gregory Terrace, Spring Hill** [BOPGA Act conversation history]. This is intended for use as a new national aquatic centre with main and secondary indoor pools and seating for approximately 25,000 people for the Games, with a legacy use as a national aquatic centre with main and secondary indoor pools and permanent seating for approximately 8,000 people [BOPGA Act conversation history].

- **Schedule 2: Other venues**

- This schedule lists sites or facilities classified as Other venues under the Act. The new section 5B of the BOPGA Act defines "Other venues" by referencing Schedule 2.
- However, the provided sources **do not contain the specific list** of venues included in Schedule 2. They only provide the schedule's title and purpose.

- **Schedule 3: Villages**

- This schedule lists sites or facilities classified as Villages under the Act. The new section 5C of the BOPGA Act defines "Villages" by referencing Schedule 3.
- However, the provided sources **do not contain the specific list** of villages included in Schedule 3. They only provide the schedule's title and purpose.

- **Schedule 4:**

- The sources state that Schedule 4 is inserted into the Act.
- However, the provided sources **do not provide a title or any content** for Schedule 4.

- **Schedule 5 - Default Cultural Heritage Plan**

This default plan is part of the new framework for cultural heritage management for games projects, which is introduced in Chapter 3A, Part 3 of the Act. This part of the Act provides an alternative process for developing a cultural heritage management plan (referred to as a

"part 3 plan"). A "part 3 plan" can be either a plan negotiated between the proponent and Aboriginal or Torres Strait Islander parties, or, if Division 5 applies, the default plan.

The sources indicate that the **default plan automatically applies** and takes effect as an approved cultural heritage management plan under the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003 **under specific circumstances**. This happens if, for instance, no Aboriginal or Torres Strait Islander Parties can be identified for the project area through the specified processes, or if negotiations fail to reach agreement on a plan within the required period.

A significant detail is that once the default plan has taken effect under section 53DS(1), it **cannot be amended or replaced by the negotiating parties**.

The key details of the default cultural heritage plan itself, as provided in the table of contents for Schedule 5 in the sources, cover a range of processes and procedures. These include:

- Definitions and Interpretation relevant to the plan.
- Requirements and responses related to information notices.
- The role and function of a Coordinator.
- Provisions for a Cultural heritage study.
- Processes for Written and Oral submissions related to reports and master plans.
- Requirements for the Final report to be given to the proponent.
- Considerations for the Design consultant.
- Information notice and submission processes for Draft masterplans.
- Details concerning Cultural heritage training, including Mandatory cultural heritage training.
- Procedures for the Management of finds and the Management of cultural heritage-human remains.
- Access rights for the Cultural heritage party to the register and keeping place.
- Provisions for Reimbursement for cultural heritage party's costs.
- Guidelines regarding Notices.
- Clauses on Intellectual property.
- Provisions covering Confidentiality.

## CHANGE SIX

- **Change:** Amendments to the BOPGA Act relating to governance, project delivery, and planning pathways to enable implementation of the 2032 Delivery Plan.
- **Meaning:** These changes are intended to streamline processes to ensure timely delivery of venues and villages.

## EXPLANATION

The key points covered by these amendments, specifically related to governance, project delivery, and planning pathways, include:

### 1. Improved Governance and Oversight:

- **Establishment of the Games Leadership Group:** The Bill establishes the Games Leadership Group as the senior-most decision-making governance body for the Games. This group comprises representatives from the Queensland Government, the Commonwealth Government, and the Brisbane City Council.
- **Role of the Leadership Group:** Its main functions include providing strategic direction for the delivery of the Games, facilitating collaborative decision-making among Games entities, and providing oversight and advice. Both the Games Independent Infrastructure and Coordination Authority (GIICA) and the Organising Committee must have regard to the decisions and advice of this group when performing their functions.
- **Streamlined Corporation Board:** The Bill reduces the size of the Organising Committee Board from 24 to 15 directors. This change is aimed at achieving more efficient decision-making and is expected to result in cost savings. The appointment process for independent directors is also streamlined.
- **Increased Government Oversight:** The Bill provides for a Queensland Government observer to be appointed to attend all Corporation Board and Committee meetings, with entitlement to receive all papers.

### 2. Clarified Project Delivery Roles and Processes:

- **GIICA's Core Focus:** The Bill clarifies that GIICA's core focus is now on the oversight and **delivery of venues**. Its main functions, as amended, specifically relate to Authority Venues.
- **Delivery Responsibility for Authority Venues:** The Bill ensures that GIICA **must lead the design and construction** of Authority Venues, including being responsible for funding and delivery.

- **Funding Proposals:** GIICA is required to develop funding proposals and designs for Authority Venues for consideration by Cabinet or the Cabinet Budget Review Committee. GIICA must seek funding allocations and be responsible for construction.
- **Monitoring Other Venues:** GIICA is also given the function of monitoring the delivery of Other Venues.
- **Shift in GIICA's Powers:** The Bill removes the land acquisition powers and planning powers previously afforded to GIICA. The sources indicate that existing State land acquisition powers (like under the *State Development and Public Works Organisation Act 1971*) are considered sufficient.
- **Funding Mechanism:** GIICA is to be appropriated for capital expenses through the Department of State Development, Infrastructure and Planning, and for operational expenses through State Budget processes.
- **Cooperation and Information Sharing:** GIICA is required to cooperate with State representatives in good faith and provide information on an ongoing basis.

### 3. Streamlined Planning Pathways:

- **Lawfulness of Development:** A significant change is that **development** for Authority Venues, Other Venues, Villages, and Games-related transport infrastructure listed in the Bill **is declared lawful and is not subject to compliance or approval** under the Planning Act 2016 or other relevant Acts listed in the Bill. This directly streamlines the process by removing the need for standard development applications and approvals.
- **Limited Review Rights:** The Bill also limits review rights in relation to these projects. The sources state that this is intended to ensure there are no delays to delivery through legal challenges. The sources acknowledge that this may potentially raise issues with fundamental legislative principles regarding rights and liberties, but justify it by the need for timely delivery to meet contractual commitments.
- **Alternative Cultural Heritage Process:** As we previously discussed, the Bill provides an **alternative process for Aboriginal and Torres Strait Islander cultural heritage matters**. This involves engagement and consultation, and the preparation of a cultural heritage management plan. Schedule 5 of the Act contains the "default plan" that applies under specific circumstances if a negotiated plan is not reached .
- **Building and Safety Requirements:** While exempt from standard planning approvals, **all venues and villages will still be required to comply with necessary building and safety requirements**. Villages, in particular, are expected to comply with building works approvals under Schedule 9 of the Planning Regulation 2017.

- **Village Infrastructure Charges:** The Bill includes a framework to enable a contribution to be recovered towards infrastructure costs for the development of the villages. Other existing infrastructure charging frameworks under other Acts will not apply.
- **Definition of Delivery:** The Act defines "delivery" of a venue or village as completing the detailed design and construction for its games-related use, including any temporary structures.

These key changes collectively aim to provide a clear pathway for the delivery of the necessary infrastructure by the fixed deadline of the Games, ensuring appropriate oversight and clear accountability.

---

## CHANGE SEVEN

- **Change:** New requirements for GIICA's performance of functions.
- **Meaning:** GIICA must ensure compliance with requirements for authority venue delivery under relevant Games agreements. GIICA must cooperate with the chief executive of the department in good faith. GIICA must have regard to decisions and advice of the newly established Games Leadership Group.

## EXPLANATION

Here are the key new requirements for GIICA's performance of functions:

1. **Core Focus on Venue Delivery:** The Bill clarifies that the **core focus of GIICA is on the oversight and delivery of venues**, particularly Authority Venues. Its amended functions specifically relate to Authority Venues.
2. **Lead Design and Construction for Authority Venues:** GIICA **must lead the design and construction** of Authority Venues.
3. **Funding Responsibility:** GIICA **must seek allocations of funding** from the Queensland Government for each Authority Venue and **be responsible for the construction** for these venues. GIICA is to be appropriated for capital expenses through the Department of State Development, Infrastructure and Planning, and for operational expenses through State Budget processes.
4. **Monitor Other Venues:** GIICA has the function to **monitor the delivery of other venues**.
5. **Represent the State:** The Bill provides that **GIICA represents the State**. This amendment reflects GIICA's role to act for and on behalf of the Queensland Government.
6. **Cooperate and Share Information:** GIICA is required to **cooperate with nominated State representatives**, including providing **information, reports, and records on an ongoing basis**. It must **cooperate with the chief executive of the department in good faith**.

7. **Have Regard to Key Factors:** In performing its functions, GIICA **must have regard to:**
  - Relevant financial resources.
  - Identified parties, including the state and local governments involved in the delivery.
  - Legacy outcomes for Authority Venues.
  - Venues as legacy assets that will be in State and local government control long after the Games.
  - Decisions and advice of the Games Leadership Group, the senior-most decision-making governance body for the Games.
8. **Ensure Compliance:** GIICA must **ensure compliance with the relevant Games agreements** as they relate to the delivery of Authority Venues.
9. **Compliance with Building and Safety:** While exempt from standard planning approvals, GIICA must ensure Authority Venues and Villages **comply with necessary building and safety requirements.**
10. **Shift in CEO Appointment:** The appointment of the Chief Executive Officer for GIICA will be the **responsibility of the Minister**, following consultation with the GIICA board and a recruitment process led by the board.
11. **Changes to Board Composition:** Amendments are made to the composition of the GIICA board, including removing limitations on who may be nominated to ensure flexibility and appropriate skills.
12. **Removed Functions and Powers:**
  - The requirement for GIICA to undertake the 100-day review is omitted.
  - The requirements for GIICA to prepare the Transport and Mobility Strategy and the Games Coordination Plan are removed; these responsibilities are intended to shift to the Department of Transport and Main Roads and the Department of Sport, Racing, and Olympic and Paralympic Games, respectively.
  - The land acquisition powers previously afforded to GIICA are removed, as existing State land acquisition powers are considered sufficient.
  - Specific planning powers previously afforded to GIICA are removed, primarily because development for listed venues and villages is declared lawful and not subject to compliance or approval under the Planning Act 2016 or other specified Acts.

These changes collectively refine GIICA's role to focus clearly on the delivery of infrastructure by working in close cooperation with and representing the State Government, while removing functions and powers deemed unnecessary or more appropriately housed elsewhere.

NOTE:

Regarding the issue of what constitutes 'relevant Games arrangements' a "**relevant games agreement**" is defined for Chapter 3A of the Brisbane Olympic and Paralympic Games Arrangements Act 2021 as meaning any of the following:

- the **host contract** [42(a)].
- an agreement entered into by the State to enable it to enter into the **host contract** [42(b)].
- an agreement entered into for the primary purpose of supporting the delivery of authority venues [42(c)].

The sources state that Brisbane was elected as host by the International Olympic Committee (IOC) on 21 July 2021, and under the **Olympic Host Contract**, the IOC entrusts the Brisbane Organising Committee for the 2032 Olympic and Paralympic Games corporation, the State of Queensland, Brisbane City Council, and the Australian Olympic Committee with the planning, organising, financing, and staging of the Games. The Bill seeks to ensure the State complies with its obligations under these **relevant games agreements**.

Therefore, the Act explicitly requires GIICA to ensure compliance with the **host contract**, agreements related to entering the host contract, and agreements specifically for delivering authority venues.

The "final bid document" is not listed as one of the "**relevant games agreements**" that GIICA must ensure compliance with under this specific framework for the lawfulness of development.

Similarly, while the Games must be staged in accordance with the terms of the host contract and the IOC's Olympic Charter, GIICA's specific statutory compliance requirement is directed towards the defined "**relevant games agreement**" which includes the **host contract**, rather than all potentially broader "IOC's requirements" that may exist outside of these agreements. The overall purpose of the Bill, however, includes protecting the public interest in ensuring the State is ready to host the Games and perform its obligations under **relevant games agreements**.

---

**CHANGE EIGHT**

- **Change:** Development, uses, and activities related to venues, villages, and games-related transport infrastructure are taken to be lawful despite provisions in certain listed "Relevant Acts".
- **Meaning:** This removes the requirement to comply with the listed Acts that would normally apply to the development and use of these facilities. The purpose is to facilitate timely delivery. This approach is acknowledged as potentially inconsistent with fundamental legislative principles regarding the rights and liberties of individuals and conferring immunity from proceedings without adequate justification. The justification provided is the need to deliver venues on time and meet contractual commitments.

## EXPLANATION

Here's what is being set aside and the relevant Acts, as described in the sources:

- **Development, use, or activity** carried out after the commencement of the relevant part of the Act for the construction of **Authority Venues, Other Venues, or Villages** (to the extent the development relates to a games-related use),,
- **Development, use, or activity** for the construction of **Games-related transport infrastructure**,,
- A **games-related use or legacy use** of an Authority Venue, Other Venue, or Village,,
- An **activity carried out by a person** for the purpose of the development mentioned above,,

For these specific developments, uses, and activities, the Act declares they are **taken to be lawful despite the following Acts (each a relevant Act)**,,. This means that certain requirements under these Relevant Acts are removed,:

- **A requirement under a relevant Act to obtain a licence, permit, agreement, or other approval** in relation to the development, use, or activity,.
- **A requirement under a relevant Act to notify or consult other persons** in relation to the development, use, or activity,.
- **A requirement under a relevant Act to comply with the principles of procedural fairness** in relation to the development, use, or activity,.
- **Any provision of a relevant Act, or action taken under a relevant Act, that would otherwise prohibit, restrict, or limit** the carrying out of the development, use, or activity does not apply.
- A person carrying out the development, use, or activity **does not commit an offence against a relevant Act**.

The purpose of these changes is explicitly stated as facilitating the **timely delivery** of development for venues, villages, and the construction of games-related transport infrastructure, and to protect the public interest in ensuring the State is ready to host the Games and perform its obligations under relevant agreements,,.

The sources indicate that this streamlining involves removing the **usual approval and review processes** that would normally apply,,,,. It also involves **limiting review rights** for decisions related to the delivery of these projects, other than for jurisdictional error,,,,.

### **What is NOT being entirely set aside:**

It is important to note that not all existing legal requirements are being set aside:

- **Commonwealth legislation** such as the *Environment Protection and Biodiversity Conservation Act 1999* still applies where relevant.
- **Building and safety requirements** still apply. Building work for venues must comply with the relevant provisions for building work under the *Building Act 1975*,,,,. Building work for villages requires a development permit under the *Planning Regulation 2017* Schedule 9,,. This ensures compliance with safety requirements and disability access.
- **Aboriginal and Torres Strait Islander cultural heritage matters** are not simply set aside but are subject to an **alternative process** established by the Bill,,,,,. This process modifies the operation of the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*,. It involves negotiation for a cultural heritage management plan, with a default plan provided in Schedule 5,.

In summary, the new Act sets aside standard planning approval requirements, associated notification, consultation, and procedural fairness mandates under the *Planning Act 2016* and other unnamed "Relevant Acts" for listed Games venues, villages, and transport infrastructure, in order to expedite delivery. However, Commonwealth environmental laws, state building and safety requirements, and a specific alternative cultural heritage process remain in effect.

---

### **CHANGE NINE**

- **Change:** The Bill amends the *Planning Act 2016*, *City of Brisbane Act 2010*, *Local Government Act 2009*, and *Planning and Environment Court Act 2016*.
- **Meaning:** These amendments are part of the overall framework to facilitate Games-related development. For example, potential inconsistencies with fundamental legislative principles related to making development applications and regulating pre-existing applications under the *Planning Act* are noted.

### **EXPLANATION**

It is correct to say that the Bill makes changes to the Planning Act 2016, City of Brisbane Act 2010, Local Government Act 2009, and Planning and Environment Court Act 2016 . The Bill **amends** these Acts, and it also includes specific provisions that **set aside** or declare lawful development *despite* requirements within these and other relevant Acts for Games-related projects. It's not a simple either/or; it uses both mechanisms.

Here's a breakdown:

1. **The Bill Amends the Listed Acts:** The very title of the Bill, "Planning (Social Impact and Community Benefit) and Other Legislation Amendment Act 2025", indicates it amends multiple pieces of legislation.

- The Bill includes specific parts dedicated to **amending** the City of Brisbane Act 2010, the Local Government Act 2009, and the Planning Act 2016.
- Amendments are also made to the Planning and Environment Court Act 2016.
- These amendments introduce new requirements, modify existing procedures, or clarify how these Acts interact with the changes related to social impact, community benefit, and Games infrastructure delivery. For example, the Bill introduces social impact assessment requirements into the Planning Act 2016 for certain types of development applications generally, not just Games-related ones, and amends provisions for cost-recovery fees in the City of Brisbane Act and Local Government Act. It also adjusts the jurisdiction of the Planning and Environment Court.

2. **The Bill Sets Aside or Declares Lawful Certain Development Despite Those (and Other) Acts:** In addition to amending the Acts, the Bill introduces specific provisions within the Brisbane Olympic and Paralympic Games Arrangements Act 2021 (BOPGA Act) that state that certain Games-related development, uses, and activities are **taken to be lawful despite** provisions in a list of "relevant Acts".

- This applies specifically to the construction and use of listed **Authority Venues, Other Venues, and Villages**, and **Games-related transport infrastructure**.
- For these specific projects, the Bill declares that requirements under these "relevant Acts" that would normally need to be complied with for the development to be lawful are **taken to have been complied with**.
- Furthermore, provisions in these "relevant Acts" that would otherwise **prohibit, restrict, or limit** the carrying out of this development **do not apply**.
- A person carrying out this development **does not commit an offence** against a relevant Act.

3. The "**Relevant Acts**" in s53DD: Source lists the "Relevant Acts" referred to in s53DD. This list includes:

- City of Brisbane Act 2010
- Coastal Protection and Management Act 1995
- Economic Development Act 2012
- Environmental Offsets Act 2014
- Environmental Protection Act 1994
- Fisheries Act 1994
- Integrated Resort Development Act 1987
- Local Government Act 2009
- Nature Conservation Act 1992
- Planning Act 2016
- Queensland Heritage Act 1992
- Regional Planning Interests Act 2014

This means that for the specific Games-related developments, many of the standard requirements, approvals, and prohibitions found within these twelve Acts (including the Planning Act, City of Brisbane Act, and Local Government Act) are effectively overridden or disregarded to ensure timely delivery.

In summary, the Bill both **amends** the named Acts to change their general operation (e.g., adding new assessment requirements) and **specifically overrides** or sets aside certain provisions within those and other listed Acts *only* for designated Games infrastructure projects to streamline their delivery.