



Speech by

**Dr LESLEY CLARK**

**MEMBER FOR BARRON RIVER**

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Hansard 14 October 2003

**INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT BILL**

**Dr LESLEY CLARK** (Barron River—ALP) (3.05 p.m.): It is with pleasure that I rise to support the Integrated Planning and Other Legislation Amendment Bill. This legislation amends the operation of various aspects of the Integrated Planning Act, including several provisions for planning schemes and planning scheme policies. In December last year Minister Cunningham extended the deadline for local governments to prepare Integrated Planning Act compliant planning schemes to 30 June 2004. In order that local governments can focus their resources and attention on this task, this bill proposes a more limited agenda for change than did the Integrated Planning and Other Legislation Amendment Act 2001. Thus the primary focus of this bill is to carry forward those initiatives from the Integrated Planning and Other Legislation Amendment Act 2001 that are necessary for operational reasons but that do not compromise local governments' current plan making obligations, including such things as infrastructure planning and changing framework amendments.

I am pleased to report that local authorities in far-north Queensland are making good progress in preparing their IPA compliant planning schemes. The Johnstone Shire Council plan should be ready for the public consultation phase soon while the Mareeba Shire Council plan is currently on public display. I note in the *Cairns Post* last week that the Kuranda based environment group Envirocare has raised concerns that the draft plan lacks protection for the environment and will limit community input into future development. Members are particularly concerned that the wildlife corridors utilised by rare and endangered species such as the cassowary are not adequately protected.

Minister Cunningham has this week signed off on the Cairns City Council plan, which means it will be able to go on public display shortly. This long awaited plan will help to guide growth and change in Cairns for the eight-year duration of the plan, and like the Mareeba shire plan will be closely scrutinised by residents and community organisations. I will be very interested to hear from the communities of Redlynch, Edge Hill, Whitfield and the Marlin Coast where residential and commercial development applications have given rise to strong objections. Those communities are looking to the new planning scheme to protect the environment and their lifestyle in the face of population growth and development.

The rainforest-clad mountains that surround Cairns are a vitally important feature that makes our city such a beautiful place to live, appreciated by locals and visitors alike. While I have been actively involved over many years in protecting our hill slopes, and with some success, there is a widespread belief that residential development should be further limited in this sensitive area. However, one problem that has been very difficult to tackle is the legacy of past residential zonings of hill slopes which are now inconsistent with community expectations and values.

The preparation of a new planning scheme has presented the council with an opportunity to address this issue by proposing a change of preferred land use from residential to open space or conservation for key parcels of hill slopes land to preserve the green face of Cairns. Under IPA 'use it or lose it' provisions, a landowner would still have two years to exercise their development rights but if they failed to develop the land in that period then the new zoning would apply and no compensation would be payable.

Both myself and members of the Whitfield and Edge Hill based Save our Slopes community organisation are concerned that council may not have fully utilised this opportunity to prevent

inappropriate residential development of the Cairns hill slopes. In particular, residents have expressed a strong desire to preserve public access and enjoyment of a hilltop site at Whitfield which offers the only 360 degree views of Cairns city, Redlynch and the Marlin Coast and which is adjacent to the Mount Whitfield Conservation Park. This site is earmarked for residential development and members of Save our Slopes had hoped to see it become zoned as conservation in the new plan. At the very least, I would like to see the new Cairns plan designate some area of this site as open space so the community can continue to enjoy access to the hilltop and the wonderful views. The developer's proposal could result in a gated residential subdivision excluding all but the wealthy residents and is not acceptable either to me or to the surrounding community.

There is an opportunity to extend an existing walking track from the Mount Whitfield Conservation Park along the ridge line through the proposed development site which could be linked to other areas and create a great walking experience. I will be meeting with members of Save Our Slopes to discuss their submissions to the Cairns plan when they have had the opportunity to study the document and I will work with them to get the best outcome possible for the Whitfield hillslopes and other parts of the Cairns Scenic Rim so as to preserve its scenic and environmental values.

The residents of Redlynch will also be looking very closely at the new town plan, hoping that their representations regarding future road links have been successful. They are seeking protection for a popular swimming spot on Freshwater Creek from a road that has been proposed to cross the creek, linking a future residential area with the main road through the Redlynch valley.

This is just one aspect of a major expansion of a residential development that has had them concerned about the quality of life in the valley and has attracted some 547 objections. I commend Peter Hammer and the other residents involved in this community campaign and wish them every success in the forthcoming appeal in the Planning and Environment Court.

A further controversial planning issue involves the attempt by Trinity Beach residents to preserve both their lifestyle and gallery rainforest among Moores Gully, which is an endangered ecosystem on the northern beaches where residential development and agriculture has cleared most of the original coastal vegetation. A proposed residential subdivision would open narrow Panguna Street to additional traffic, creating a safety hazard for existing residents. The new road would also dissect an important wildlife corridor used by cassowaries and other fauna moving from Moores Gully to the adjacent Smithfield Conservation Park.

I have supported local residents who, led by Denis Moser, convinced the councillors to reject their officer's recommendation to approve the subdivision, but once again residents are being forced to defend the council's decision against appeal in the Planning and Environment Court. I just hope that the vegetation mapping of the Queensland Herbarium survives challenge after having been found wanting in a similar recent case. I have taken up this issue with both Local Government and Environment ministers and I will be watching the outcome of this case very carefully to determine if further action is required by the government to support residents in such circumstances.

These examples confirm that one of the most enduring concerns of Barron River residents is the preservation of lifestyle and environment in the face of development. The anticipated growth and development similar to that of the early 1990s will only increase those concerns. It is essential that the new Cairns City Council planning scheme provides a framework that has the confidence of residents to deliver the certainty that they are seeking in the years ahead.

I conclude therefore by encouraging everyone who is interested in the future of their community, whether in Johnstone shire, Mareeba shire or Cairns city, to study the draft plans and have their say regarding the proposed new schemes. All submissions must be considered by the relevant council, and the state government takes account of the council response to these submissions before Minister Cunningham finally approves each planning scheme. I commend the bill to the House.