



Office of the
Premier of Queensland
Minister for the Arts

For reply please quote: *DILGP/ECP – TF/17/10278 – MC17/3645*

5 SEP 2017

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Dear Mr Walker

Thank you for your email of 28 July 2017 regarding the Mareeba Shire Council (the Council) and the proposed developments at Kuranda. I have been requested to reply to you on behalf of the Premier and Minister for the Arts.

It is understood that on 19 July 2017, the Council decided to approve a request from KUR-World to accept a development application for a subdivision (12 lots into 186 lots) under the superseded Mareeba Shire Planning Scheme 2004 (Amendment No 01/11) (known as the superseded planning scheme).

The Council adopted a new planning scheme, under the now repealed *Sustainable Planning Act 2009* (the Act) on 1 July 2016. The Act provides that within one year of making a new planning scheme, a person may ask the Council to assess and decide a proposed development application under the superseded planning scheme. If such a request is refused, the Council may be liable for a compensation claim from the applicant. The applicant and the Council appear to have followed this statutory process.

A development application must now be received by the Council within six months of this decision. The Council has advised that a development application for this proposal is yet to be received.

Should a development application be lodged with the Council (the decision-maker) by KUR-World, the application is likely to require referral to the State Assessment and Referral Agency (SARA) for assessment of state interests, such as impacts on state transport infrastructure. Depending on the proposal details, assessment of vegetation clearing by SARA may also be triggered.

The Council has a statutory responsibility under the Act for assessing applications against its planning scheme and for deciding requests to assess an application against a superseded planning scheme. The Council must assess any application lodged under the superseded planning scheme against the State Planning Policy and the *Far North Queensland Regional Plan 2009–2031*.


There is no provision for the Honourable Jackie Trad MP, Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning or the Department of Infrastructure, Local Government and Planning to override the Council's decision to assess an application against a superseded planning scheme.

Until a development application is lodged under the superseded planning scheme, there is no action possible by the Council or SARA in respect to matters of state interest.

Local issues are best dealt with at the local level, with all parties working together in good faith. It is recommended that you continue to seek to have your issues resolved by the Council. The Council can be contacted by email at info@msc.qld.gov.au or on telephone 1300 308 461.

Again, thank you for taking the time to write to the Premier and I hope this information is of assistance to you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DS' followed by a stylized flourish.

DENISE SPINKS
DEPUTY CHIEF OF STAFF