



Deputy Premier  
Minister for Transport and  
Minister for Infrastructure and Planning

Our ref: MC17/3946

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20 SEP 2017

ABN 90 856 020 239

Mr Neil Laurie  
Clerk of the Parliament  
Parliament House  
Corner of Alice and George Streets  
BRISBANE QLD 4000

Dear Mr Laurie

Neil,

Thank you for your letter of 23 August 2017 regarding petitions 2810-17 and 2757-17 to the Legislative Assembly about the mosque development at 161/161A Underwood Road, Eight Miles Plains.

I appreciate the concerns of the petitioners about the development. The development application for a development permit for a material change of use (place of worship) and reconfiguration of lot (two lots into three lots) which was assessed by the Brisbane City Council (the council) was refused on 16 May 2014. The applicant, the Brisbane Islamic Centre, then appealed the council's decision to the Planning and Environment Court (the P&E Court).

As noted in its decision, the P&E Court considered the issues that have subsequently been raised in this petition that included, but were not limited to the following:

- whether the development would have an unacceptable impact on the ecological and waterway values of the subject land
- whether the development would conflict with the council planning scheme applicable at the time, the *City Plan 2000*, having regard to the Rural zoning of the land
- whether there were sufficient grounds to justify a decision to approve the development given the material conflict with the *City Plan 2000*.

After hearing the appeal, the P&E Court approved the development application, subject to conditions, on 16 December 2016. In accordance with the relevant section of the planning legislation at the time, being the *Sustainable Planning Act 2009* (SPA), every decision of the P&E Court is final and conclusive.

However, SPA allows for a party to a proceeding to seek leave to appeal the P&E Court's decision on the grounds of error or mistake in law, or that the P&E Court had no jurisdiction or had exceeded its jurisdiction. In this instance, the council, the Department of Transport and Main Roads and the Brisbane Islamic Centre were the only parties involved in the appeal and hence, would be the only parties then able to seek leave to the Court of Appeal.

It is also noted that the development application was impact assessable under the *City Plan 2000*, which afforded the community the ability to have their say on the development. It is noted that anyone who made a submission about the development application would have also been given the opportunity to join the appeal. Further, the council and the P&E Court were required to consider these submissions when making their respective decisions.

I also note concern regarding the enforcement of the requirements of the council's Natural Assets Local Law (NALL). Under the conditions of the order of the P&E Court, the Court specifically ordered that, "*all necessary permits under the NALL have been issued to carry out works on protected vegetation on the site*". The Court also ordered this must occur prior to carrying out works on protected vegetation.

If the petitioners believe the developer has not complied with this condition, or any other condition imposed by the P&E Court, I would encourage them to contact the council outlining their concerns. The council can be contacted on 3403 8888, by writing to GPO Box 1434, Brisbane Qld 4001 or via its website at [www.brisbane.qld.gov.au](http://www.brisbane.qld.gov.au).

If not already done so, they may wish to lodge a formal written complaint directly to the council's Chief Executive Officer, Mr Colin Jensen, who can be contacted at PO Box 1434, Brisbane Qld 4001 or by email at [colin.jensen@brisbane.qld.gov.au](mailto:colin.jensen@brisbane.qld.gov.au). The council will advise what action, if any, it intends to take in relation to the complaint.

If further information is required, I encourage petitioners to contact Mrs Megan Bayntun, Acting Executive Director, Policy and Statutory Planning in the Department of Infrastructure, Local Government and Planning on 3452 6822 or by email at [megan.bayntun@dilgp.qld.gov.au](mailto:megan.bayntun@dilgp.qld.gov.au).

Yours sincerely



**JACKIE TRAD MP**  
**DEPUTY PREMIER**  
**Minister for Transport and**  
**Minister for Infrastructure and Planning**