

Our Ref: BNE1423-3
BNE2006/16449
E/06/01200
Your Ref: 756-06

Mr Neil Laurie
The Clerk of the Parliament
Queensland Parliamentary Service
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 4 December 2006 concerning a petition received by the Queensland Legislative Assembly requesting the House to intervene to prevent the development of the Reef Cove Resort on False Cape and for the Queensland Government to purchase this site.

The Department of Local Government, Planning, Sport and Recreation has advised that Reef Cove Resort Limited holds valid development approvals to conduct operational works and subdivide the land known as Reef Cove Resort at False Cape, near Cairns.

The proposed Reef Cove Resort development is the result of an historic development approval. The site was rezoned to the Special Facilities (Tourist Resort Development) zone in 1986. The development site was included in the Special Facilities zone under the relevant local government planning scheme in 1987. The provisions of the Special Facilities zone are reflected in the recently adopted CairnsPlan, the planning scheme prepared pursuant to the *Integrated Planning Act 1997*.

The Special Facilities zone is a use right conferred on the land and the Cairns City Council more recently issued a development approval to reconfigure the lot which was consistent with this zoning.

The Environmental Protection Agency (EPA) is aware of the high environmental values of the area which are specifically outlined in the Wet Tropical Coast Regional Coastal Management Plan and its listing as a key coastal site. However, given the proposal's historical legal standing, the Queensland Government has no statutory role in relation to the approvals for this development under State and Regional Coastal Management Plans.

.../2

The EPA has been advised that the development will be confined to the area below the 40 metre contour with most of the site not to be developed. The proponents of the development have donated a large proportion of the site to the Australian Rainforest Foundation and it will be managed for conservation purposes. This area comprises most of the higher biodiversity land and much of the more visible portion of the land where scenic amenity may be an issue.

The Cairns City Council, based on advice received from the EPA in its concurrence agency role under the *Coastal Management and Protection Act 1995*, has refused an application by the developer to construct an access road through State Land to the False Cape site. This matter is now subject to an appeal in the Planning and Environment Court.

All available acquisition funds are committed to high priority land purchases throughout Queensland. The Reef Cove Resort development site at False Cape has not been identified as a priority in terms of the current government funding commitments for protected area acquisitions and, therefore, it is not possible to give consideration to this request.

I hope this information is helpful to you.

Yours sincerely

Lindy Nelson-Carr MP
Minister for Environment and Multiculturalism