

*L. C* 3 October 2005

THE CLERK OF THE PARLIAMENT

MC05.3050 – TPA23235  
P/05/01839



Mr Neil Laurie  
Clerk of the Parliament  
[TableOffice@parliament.qld.gov.au](mailto:TableOffice@parliament.qld.gov.au)

Dear Mr Laurie

Thank you for providing me with a copy of the wording of petition no. 439-05 regarding adherence to the objectives of the Burnett Shire Council's Strategic Plan (items 11.5.2 and 11.5.5(2)) in relation to development of land on The Esplanade of Elliott Heads.

I have responded directly to the principal petitioner (Mr/Ms M Phillips) and a copy of my reply is attached for your information.

Yours sincerely

**Desley Boyle MP**  
**Minister for Environment**  
**Minister for Local Government and Planning**  
**Minister for Women**

Att.

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Mr/Ms M Phillips  
Principal Petitioner  
Elliott Heads & District Ratepayers  
and Residents Assoc Inc  
27 Bathurst Street  
ELLIOTT HEADS QLD 4670

Dear Mr/Ms Phillips

The Clerk of the Parliament has forwarded me a copy of the wording of your petition, lodged with the Legislative Assembly of Queensland on 23 August 2005, regarding adherence to the objectives of the Burnett Shire Council's Strategic Plan (items 11.5.2 and 11.5.5(2)) (the Strategic Plan) in relation to development of land on The Esplanade of Elliott Heads.

The achievement of specific objectives of Council's Strategic Plan is primarily the responsibility of Council. The Strategic Plan forms a part of the Council's Planning Scheme and outlines broad land use policy and planning directions for the Shire. If an application is in conflict with Council's planning scheme, the *Integrated Planning Act 1997* (IPA) requires Council to refuse the application, unless there are sufficient planning grounds to justify the approval.

I understand you are specifically concerned about the impact of a recent development approval on land to the north of Atkinsons Road at Elliott Heads, and the ability of Council to ensure the foreshore becomes either esplanade or park.

Officers of the Department of Local Government, Planning, Sport and Recreation have contacted Council who advise the land was the subject of a number of applications dating back to the 1970s. In December 2004 the most recent application was refused in part by Council. Council also imposed conditions requiring that a 60 metre wide area of land adjacent to the foreshore be surrendered to Council for park and other purposes. This decision is consistent with the conditions of an earlier rezoning approval applying over this land and with the provisions of Council's Strategic Plan.

Imposing reasonable and relevant conditions on individual planning approvals is an appropriate means for ensuring desired outcomes of a planning scheme are achieved, and in this instance foreshore areas of Elliott Heads are provided in public ownership.

I am also advised the most recent approval is subject to a current appeal in the Planning and Environment Court. This is the independent judicial body established to resolve disputes about planning and development matters and is the appropriate means for the views of Council, the applicant and submitters to be heard, tested and determined. Under the circumstances it would be inappropriate for me to comment any further on matters before the Court.

Council is currently preparing an IPA compliant Planning Scheme to replace the current scheme. The draft IPA planning scheme seeks to ensure that esplanades are provided in the Shire's coastal villages, with foreshore areas proposed to be included in the Community Zone. The planning scheme intends that land in the community zone is used only for public purposes, such as parks and open space.

Council is currently considering submissions made during the draft planning scheme's public notification period, and I anticipate this scheme will be operational in early 2006.

Yours sincerely

**Desley Boyle MP**  
**Minister for Environment**  
**Minister for Local Government and Planning**  
**Minister for Women**