



Hon. Paul Lucas MP



Queensland
Government

Our ref: MC28871

Minister for
Transport and Main Roads

03 MAY 2007

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
Brisbane Qld 4000



sc 8/5/2007
LAID UPON THE TABLE OF THE HOUSE
THE CLERK OF THE PARLIAMENT

Dear Mr Laurie

**Re: petitions concerning dust nuisance from activities at 127 Eagle Farm Road,
Pinkenba**

I refer to petitions 770-07 and 788-07 lodged with the Legislative Assembly by Mr Gary Hooper on 6 February 2007 about dust nuisance from activities at 127 Eagle Farm Road, Pinkenba.

The activities at 127 Eagle Farm Road are carried out on land originally leased by Queensland Rail (QR) in April 2000 to Mr Ben Rubin. The lease covers a small portion within a larger block of QR freehold land at Pinkenba. A development application (DA) to establish a waste transfer station on the leased land was submitted by the lessee to the Brisbane City Council (BCC) in December 2001. I am advised that the lease was re-assigned to Byrne Earthmoving and Engineering Pty Ltd (Byrne) (the current lessee) in 2004 and that Byrne continued to undertake earth works to prepare the site for a waste transfer business.

Following the meeting of the Australia Trade Coast Community Cabinet on 29 May 2006, at which the nature and impact of the activities being undertaken on the site were raised with Government, officers of Queensland Transport (QT) made a number of enquiries and have had ongoing discussions with compliance officers of the BCC.

Since July 2006, BCC officers have been intensively investigating Byrne's operations on the leased site and in particular whether or not the lessee has been acting legally in compliance with the conditions of the BCC's original DA. It is now public knowledge that BCC has instigated legal proceedings against the company for, amongst other things, breach of DA conditions.

As I informed the Parliament on 22 February 2007 in response to a Question on Notice from Mr Tim Nicholls MP, Member for Clayfield, if the law has been broken and Byrne's lease allows for certain actions to take place as a result of that breach, then I would ask for those actions to be examined.

At this stage, the matter remains unresolved. Once the legal process has been completed and a court judgement handed down, the relevant officers from QT will be asked to investigate the options available in relation to the lease pursuant to the terms of the judgement.

I trust this information is of assistance.

Yours sincerely

PAUL LUCAS MP
Minister for Transport and Main Roads