



Speech by

## Dr Mark Robinson

MEMBER FOR CLEVELAND

Hansard Thursday, 4 June 2009

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### LOCAL GOVERNMENT BILL

**Dr ROBINSON** (Cleveland—LNP) (3.10 pm): I rise to speak to the Local Government Bill 2009. I want to speak to several aspects of the bill, particularly in regard to council roads and traffic flow issues, council overlays on private and state owned land, some financial aspects of local government and the consultation processes between local and state governments. Further, I want to consider these aspects of the Local Government Bill 2009 with reference to state development in local government areas and in doing so draw on a recent case to demonstrate anomalies within the operation of the bill.

I note that the intent of the bill, according to the local government minister's second reading speech, is to assist and support councils to provide the best possible services and infrastructure to Queenslanders. I agree with the minister that this should be the purpose. However, I note that in practice it does not always work out that way and that government statements have not always been backed up with appropriate actions.

I would like to highlight the case of the Redland City Council in the development project of a new state school in Thornlands south that demonstrates inadequacies in some aspects of the legislation. In April 2009 the clearing of state owned land by the state government was completed to make way for the Thornlands South State School on Ziegenfusz Road. The Redland City Council was provided very little real consultation by the state government in the planning of the site. Despite the low level of consultation, the council provided two submissions to the state government about the project between July and December 2008. These submissions raised various issues that the council requested be considered for their local impact. The Redland City Council put out a statement on 29 April 2009 that described the state government's planning process for council involvement in state development. The title of the media release was 'Council submissions on school ignored by state government'. I table the media release.

*Tabled paper:* Media release by the Redland City Council, dated 29 April 2009, titled 'Council submissions on school ignored by state government' [\[334\]](#).

In that media release the mayor, Melva Hobson, stated—

The Redland City Council has expressed dismay and disappointment at the clearing of six hectares of significant bushland in Thornlands last week to make way for a new state school in Ziegenfusz Road.

The Thornlands South State School development highlights several concerns relevant to this Local Government Bill 2009 for the residents of Cleveland and others.

I note that the bill deals with the assessment of impacts on roads from certain activities. I note also that a different set of criteria is applied to state development projects under the State Development and Public Works Organisation Act 1971. The role of councils in easing traffic flows is important. In Cleveland there has been much growth in recent years but without the necessary upgrading of roads by the state government. In the Thornlands South State School case the council advised the state government that the school's location would have an impact upon the local traffic flow as there was already undue stress. Ziegenfusz Road is a busy road in southern Thornlands. The area in which the school is being built is already fully developed. The traffic problems in the area are further compounded by the fact that another school already exists on Ziegenfusz Road. The Redland City Council mayor stated—

In its original submission, council acknowledged the state government had no obligation to comply with the Redland planning scheme and codes (because the development is for community infrastructure), but encouraged the state to address major environmental and traffic issues associated with the site.

Council had identified a potential dangerous traffic situation on Ziegenfusz Road given the use of the site as a school and was of the view that the state government should be aware of this fact and be fully accountable to the community for its actions.

On all privately owned land councils have provisions for various overlays—for example, roads and water, and in some regions, like the electorate of Cleveland, habitat overlays for fauna, particularly koalas. To gain development approval private landowners must comply with these council overlays, especially if the application involves koala habitat. But the situation is less than clear when it comes to council involvement on state government owned land. I believe that it is important for state government to work closely with councils in any developments on state government land.

The case of the Thornlands South State School is a prime example of current planning anomalies that exist. The mayor made it clear that the council wanted to ensure that significant environmental values on the property were identified, protected and managed in the long term. In speaking of the government's actions in this case with respect to the environment in local government planning, Mayor Hobson said—

Council was especially concerned about working with them to protect our natural environment and we are extremely disappointed with the way the state has chosen to undertake this project.

Councillor Henry added her concerns which included the lack of tree mapping and that the fauna and flora lists did not fully reflect the range of species at the site. Most disturbing is the fact that the report made no mention of koalas which have been observed at the site or other endangered species, including the grey-headed flying fox and glossy black cockatoo. The site is recognised as a fauna movement corridor in council's draft green infrastructure mapping and we stress to the state government that any design of the school should address fauna movement and habitat retention where possible.

Instead of listening to the council's environmental concerns, the government sent its fleet of bulldozers in between late 2008 and April 2009 and bulldozed the site in what could only be compared to Amazon jungle clearing. If the new Minister for Climate Change and Sustainability was truly concerned about the koalas and other wildlife she would have come out to Cleveland and stopped the bulldozers, but she did not. She continued with the bulldozing and clearing at the site. Then on 23 May she released a statement titled 'Bligh government reaffirms koala response strategy' in which she said—

A freeze on clearing state government land will continue and koala habitat will more strongly influence planning and development approvals.

In fact, the minister's involvement—

**Ms BOYLE:** I do not doubt the honourable member is concerned about the matters that he is speaking about, but it has nothing to do with the Local Government Act. I put relevance before you as a point of order.

**Madam DEPUTY SPEAKER (Ms Farmer):** I remind the member to focus on the purpose of the bill.

**Ms BOYLE:** If I might clarify, planning and development are matters for the Integrated Planning Act and are managed by the Minister for Infrastructure and Planning; they are not matters for the Local Government Act.

**Madam DEPUTY SPEAKER:** I ask the member to continue but bear in mind the relevance.

**Dr ROBINSON:** I go to the example of the Thornlands South State School and continue to look at that in the way it relates to local government relationships with state government. The government's approach to excessive clearing of the koala habitat could be seen as being inconsistent and hypocritical when it comes to the environment.

I am concerned about the process of consultation and the way in which this government at times relates to local government. The consultation process is often inadequate and I refer to comments made by the mayor of the Redland City Council. She said—

In its second submission, Council expressed concern at the incompleteness of information provided by the state government in support of the school development, and that most of the matters raised in Council's original submission had been ignored in the subsequent development report and design.

...

Almost none of the concerns and issues raised by Council in either submission were addressed in the final design of the site.

These are the 'two rounds of consultation' the Education Minister refers to.

Clearly, the consultation with the council was inadequate. Further, residents in the surrounding areas were surprised at the level of clearing. In my view, the Minister for Education and Training needs to

explain why there was this excessive clearing of koala habitat, which was done against the wishes of the residents and the council.

The residents of my electorate hold the government accountable for the way in which it has handled this project. The government has acted as though it is not accountable to the people. I note that the Minister for Local Government addressed this issue of intent and accountability in her second reading speech. She stated—

Residents not only want to understand how local government processes work but also want to know who is accountable for the delivery of services.

The minister stated further—

Importantly, the Local Government Bill 2009 articulates Queenslanders' expectations that their elected representatives will look after the interests of all residents.

The process is clearly inadequate and needs to be addressed. When the government cleared the site at Thornlands South State School, it did so without any plan to compensate the Redland City Council for the lost vegetation. The mayor has written to government ministers and requested offset vegetation compensation for the loss of koala habitat. I support the mayor in her bid for compensation in this case and call on the minister to immediately make generous reparations to the council for the destruction that the minister's bulldozers have made in my electorate.

Finally, in the spirit of this bill—of esteeming and working together with local government—I call on the Minister for Education and Training and the Minister for Climate Change and Sustainability to respond to the Redland City Council mayor's claims about what they knew about the local council koala habitat overlays at Thornlands South State School and to explain their action of the excessive clearing of the koala habitat. To that end, the shadow minister for climate change and sustainability and I have submitted questions on notice and look forward to honest and timely answers.