

# RUSSELL ISLAND DEVELOPMENT ASSOCIATION INC.

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## **Standing Committee on Environment and Heritage**

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1 June May 2000

Dear Committee Members,

This Association wishes to add to its submission Case 16 pages 66-68 including a correction for page 3) in the light of an extraordinary Cabinet Decision that shows the extent to which “public good conservation measures” are now being contemplated for the landholders of Russell Island and the likely impact of these.

Yours faithfully

Ian Olsson  
President

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## Case 16 The aftermath – State Cabinet’s Shocker Decision

The State Government’s response to the Southern Moreton Bay Islands Land Use and Development Strategy was released on 29 May 2000. This is probably the most revolutionary response to “public good conservation measures” that any government is likely to contemplate and it is argued that the propositions are not only preposterous but are also a indictment of freehold rights. Development entitlements to be protected will be those which presently exist for land on the Southern Moreton Bay Islands under the relevant provisions of Council’s current planning scheme but if land is on-sold, the provisions of the new statutory planning instrument will bind the new owner. The Integrated Planning Act in Queensland has provisions where Injurious Affection may be claimed in such instances but apparently these will not apply. In effect thousands of island residential lots would continue as non-conforming uses until they were on-sold and then they could have building prohibition such as being in environmental areas or that lot sizes were too small to build and the new owner would have to amalgamate etc. This will have a devastating effect on the market. Properties will become unable or almost impossible to be sold. For such properties that are zoned Residential A and subject to a water levy and electricity levy for over 10 years, there are reasons to expect that Cabinet itself has approved a plan of action so unreasonable that a full public inquiry should be now undertaken and those ultimately responsible for planning in Queensland requested to step aside while this inquiry takes place. Remember the vacant Res A land stock is equivalent of that presently available elsewhere in the Brisbane Region.

On Wednesday 31 May, RIDA Inc contacted the Criminal Justice Commission in Queensland and queried the aspects where an attempt to do this outside normal legislation and on the scale contemplated may be seen to be a conspiracy to defraud owners of their freehold land rights which would lead to lower values. The Criminal Justice Commission has suggested that RIDA Inc submits a report. RIDA has yet to decide whether submission of a report is the best avenue to achieve social justice to those involved or rather that it should push for a bridge so that equity is found through increased development.

Other aspects of the report include a the idea that there should be amalgamation of Residential lots to limit population and this will not work without street redesign which is not an option, currently the housing preference is for a single lot, Amalgamation is contrary to urban consolidation goals of 15 lots per hectare. Amalgamation will hold up services and in the event of sewerage being delayed, there will be increase public risk of septic pollution and increased threat to the integrity of Moreton Bay. Besides the study found “alternatives such as increasing minimum lot sizes and subdivision restructuring were examined but assessed as being impractical at the scale required to achieve any real impact”. This repudiates the plans push for incentives to promote lot amalgamation whilst finding such restructuring to be impractical.

The wording of the Queensland State Government’s response is as follows

### **“The Government’s Response to the Draft South Moreton Bay Islands Land Use and Development Strategy.**

#### BACKGROUND

The Draft Southern Moreton Bay Islands Land Use and Development Strategy which was released in January 1999 was a joint State Government and Redland Shire Council study to address a range of long-standing planning and development issues on the Southern Moreton Bay Islands. The potential loss of existing development entitlements if the recommendations of the draft Strategy were implemented was one issue which consistently emerged. After detailed consideration and review of the draft Strategy and the issues raised by island residents and landowners, the Government has adopted a modified implementation strategy to that recommended in the draft Strategy. This modified implementation strategy reflects the Government’s position that current landowners should be able to personally exercise their existing development entitlements. The Minister for Planning has also stated in Parliament he does not support compulsory acquisition of land as recommended in the draft Strategy.

On 29 May 2000 Cabinet agreed to the following measures which are intended to address the development, servicing and environmental issues affecting the Southern Moreton Bay Islands. They have the aim of achieving sustainable population levels on the Islands, but also take into account the concerns many landowners have raised in respect of the original implementation measures contained in the Draft Southern Moreton Bay Islands Land Use and Development Strategy.

## MODIFIED IMPLEMENTATION MEASURES

### 1. Preparation of a Statutory Land Use Plan and Infrastructure Plan

Redland Shire Council has been requested to prepare a statutory planning instrument, such as a local area plan, and associated Infrastructure Charges Plan (ICP) for the Southern Moreton Bay Islands in accordance with the requirements of the Integrated Planning Act 1997 (IPA). State Government agencies will assist Council in this work.

The level of detail required in a statutory planning instrument will allow for more thorough site or area specific assessment of development constraints and opportunities, than that which occurred for the draft Strategy. One of the concerns of residents and landowners has been that the draft Strategy identified certain properties for conservation purposes, which did not reflect conservation values on the ground. The preparation of a statutory planning instrument will allow Council, in consultation with the community, to check the accuracy and appropriateness of conservation proposals and other proposed land use allocations. It is the Government's intention the statutory planning instrument be prepared in such a way as to allow sufficient flexibility for individual and exceptional local circumstances to be considered when determining the final outcome.

The LAP instrument will provide clarity and certainty about the range of land uses and level of infrastructure and services to be provided on the Islands. It is anticipated as a consequence the property market will be given greater certainty, which will hopefully be reflected over time in more stable property valuations.

In the interim, landowners will continue to seek development approval from Council for their properties in the normal manner.

### 2. Arrangements for Existing Landowners

The Government will make special arrangements, through either the statutory planning instrument or specific legislative amendments, to ensure current landowners can personally exercise their existing development entitlements into the future (subject to normal engineering requirements) if they are changed under the new statutory planning instrument.

The development entitlements to be protected will be those which presently exist for land on the Southern Moreton Bay Islands under the relevant provisions of Council's current planning scheme. However, if land is on-sold, the provisions of the new statutory planning instrument will bind the new owner.

This will address the concerns of landowners who purchased land with an intention to erect a dwelling and live on the site at some time in the future.

### 3. Voluntary Land Amalgamation, Restructure and Swap Options

The Government together with Council will provide advice and assistance where requested, to current landowners on choices to either exit the Islands or about ways for achieving their development intentions, within the context of the new statutory planning instrument. Options for consideration could include:

- voluntary amalgamations of lots to achieve suitable lot sizes satisfying development and waste disposal requirements;

- property exchanges between owners of land on the Islands who wish to remain but do not have developable properties, with owners who do but wish to exit the Islands; and

- subdivision restructure schemes for identified precincts on the Islands where groups of landowners are prepared to voluntarily participate on the basis of their equity in the scheme, to achieve a better pattern of development than the existing subdivision layout.

#### 4. Enhanced Infrastructure Subsidy Program

To assist Council in ensuring development on the Islands is provided with infrastructure and services in keeping with the planning intent of the statutory planning instrument in a timely manner, the Government will increase its subsidy contributions to the Council for water supply, sewerage, and wastewater re-use infrastructure on the Bay Islands.

This will be in the form of a special subsidy scheme specific to the Southern Moreton Bay Islands only, where the subsidy level will be increased from 40% to 60%. Normal infrastructure subsidies will apply for other infrastructure.

The balance of required infrastructure funding will be provided through 'user-pays' contributions under an Infrastructure Charges Plan for the Bay Islands and general contributions through Council rates.

#### 5. Rates Review

Another issue consistently raised by landowners is concern about a perceived inequity in Council's existing rating regime, particularly with regard to the level of service provided on the Islands.

Any revised delivery strategy will only be successful if an appropriate and equitable rating regime is also put in place to support the strategy. Government will work with Council to help develop an appropriate regime which supports the final form of development and services expected on the Islands."

In effect there will be a new plan so the island landholders are set to get another study for another two years but no social justice and equity in a planning process that is hell bent to attain sustainable population levels no matter what. It is not right to use "public good conservation measures' in such a contentious manner and to affect landholders rights so grossly.

**CORRECTION on page 3 of RIDA Inc.'s submission of 19 May 2000 there is the following**

- c) Federal funding of acquisition programs should only be based on guidelines being met. The case of Redland Shire Council trying to obtain Federal grant funds for its acquisitions on Russell Island by the Committee is recommended.

It should read

- c) Federal funding of acquisition programs should only be based on guidelines being met. The case of Redland Shire Council trying to obtain Federal grant funds (administered by the State) for its acquisitions of inappropriate residential land for conservation purposes on Russell Island and without proper environmental study should be fully investigated by the Committee.