

Bushland Battle – a report by SORB, written prior to the P&E Court judgment

Western Suburbs community group, Save Our Riverfront Bushland (SORB), has challenged Brisbane City Council's decision to approve a 7 hectare residential development on land including a bushland ridge overlooking the Brisbane River in Seventeen Mile Rocks.

Following the appeal lodged by SORB in April this year, the Planning and Environment Court before Judge Brabazon sat for a total of 7 days in October and November to hear evidence presented by SORB and its opponents. Respondents to the appeal (Appeal No. 1625 of 2000) were BCC and the developers Queensland Cement Limited (QCL) and Wingate Properties Pty Ltd.

The Court adjourned on 3 November to allow the Judge to consider his verdict and at the time of writing the judgment has yet to be issued.

SORB cited ten grounds of appeal including significant conflicts of the approved development with provisions of the City of Brisbane 1987 Town Plan, the Western Gateway Plan and various planning policies. The land in question lies between Fremont Street and the Brisbane River in Seventeen Mile Rocks. The land is owned by QCL who used the riverside portion of the site for a coral loading facility for an overland conveyor to the former Darra cement plant.

A key part of the appeal objected to the proposed residential development on land designated in the 1987 Town Plan as Non Urban Category 'A'. That category was the highest form of protective zoning short of Conservation or Environment Protection zoning. Other land to be developed was zoned Future Urban, but was subject to environmental and scenic constraints. SORB contended that the development on that land did not satisfactorily respond to the planning constraints.

The whole of the land in contention has been considered important enough to be registered in the Brisbane Conservation Atlas, a document called up in the Town Plan, and it is also covered by a Vegetation protection Order (VPO).

In essence, Council traded the Town Plan's acknowledged natural values of the bushland ridge, allowing residential development there instead, in exchange for the developer handing over the derelict and degraded riverfront land for a future urban parkland.

In driving the appeal process, SORB tabled four separate expert reports covering town planning, ecology, landscape and visual assessment, with each expert witness presenting evidence before the Court at the hearing. While the earlier preparation for the case was handled directly by SORB members, for the Court hearing itself SORB engaged Barrister Stephen Keliher, with instructing Solicitors being the Environmental Defenders Office (Qld).

There are considered to be significant matters of public interest in the manner of Council's handling of this development assessment. This assessment process was complicated by the transition from the 1987 Town Plan to the new City Plan gazetted on 30 October 2000, just prior to conclusion of the Court hearing. The concerns about the processes may be canvassed in more detail in the future, after release of the Court's judgment.

SORB acknowledges that the concept of an urban parkland at the riverfront is worthwhile, but challenges the efficacy of trading increasingly rare and threatened remnant urban bushland to achieve that. Evidence led by SORB at the hearing showed that, in planning terms, the negative impact of destruction of bushland in one location could not be justified by the benefits of a future parkland in another location. Instead, Council should have acted to protect the bushland by purchase of the areas defined for such protection in the Town Plan.

Report submitted by
Save Our Riverfront Bushland (SORB)