Our ref: PET10433

Your ref: Petitions

6 MAR 2013

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

Dear Mr Laurie

I refer to a petition number 2034-12 lodged with the Legislative Assembly on 13 February 2013 about stopping Port of Brisbane Pty Ltd from in-filling a lake on land at the Port of Brisbane.

In accordance with the *Transport Infrastructure Act 1994*, Port of Brisbane Pty Ltd (PBPL) has undertaken a Statement of Proposals process including public consultation. PBPL has also undertaken the required public consultation with respect to a draft amended Land Use Plan.

Note that no change to the existing 12 hectare dedicated shorebird roost site on Fisherman Islands is proposed under the draft amended Land Use Plan. The draft plan does provide for the retention pond on Fisherman Islands to be in-filled to increase capacity for port trade purposes.

PBPL has voluntarily referred the matter of in-filling the retention pond to the Commonwealth for review under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Commonwealth Department of Sustainability, Environment, Water, Population and Communities has subsequently confirmed that the proposed action (that is, in-filling the pond) would not be a controlled action and the proposed action would not require further assessment or approval under the EPBC Act.

If the petitioners have an issue with the Commonwealth's review, I would encourage them to write to the Federal Minister for Sustainability, Environment, Water, Population and Communities at PO Box 6022, House of Representatives, Parliament House, Canberra ACT 2600.

Yours sincerely

Scott Emerson MP
Minister for Transport and Main Roads