

Development Watch Inc

PO Box 1076, Coolum Beach, QLD, 4573



ABN 53 627 632 278

www.developmentwatch.org.au

Email: president@developmentwatch.org.au

10 February 2017

The Honourable Jackie Trad MP
Deputy Premier, Minister for Infrastructure, Local Government
and Planning and Minister for Trade and Investment
c/- State Interest Feedback Planning Group
Department of Infrastructure, Local Government and Planning
By Email: planningpolicy@dilgp.qld.gov.au

Dear Deputy Premier,

Submission on draft SPP, SDAP and Planning Regulation

Thank you for the opportunity to make submissions on these draft Policies, Provisions and Regulation.

Development Watch is a community group based in Coolum Beach on the Sunshine Coast. One of our primary aims is to encourage policies and planning practices that preserve and enhance the quality of life in the Coolum and surrounding district for both residents and visitors. We were also extensively involved in the formulation of the Sunshine Coast Planning Scheme 2014. We have prepared this submission with these points in mind.

There is a great deal of uncertainty within the Sunshine Coast community at present due to the push to drive the economy not only from the development and business sectors but also at a Local Government level. What has become evident is that the current Planning provisions are not providing the certainty they were meant to. This has caused much stress and confusion amongst communities in many parts of the Sunshine Coast who thought they had the protection and certainty of Planning at all levels. For this reason all levels of planning including the SPP and SDAP need to be clear and succinct in order to provide certainty and to reduce the creation of angst amongst communities.

The **State Planning Policy (SPP)** declares the matters the State Government considers most important to protect in Queensland in planning decision making, being *State interests*.

The **State Development Assessment Provisions (SDAP)** provide the criteria by which impacts to the State interests are assessed. The SPP and SDAP are powerful in that they can dictate the result of many development decisions that affect matters of prime importance to Queensland. They therefore need to be used more boldly and clearly by the State Government to ensure that these key matters are adequately and consistently protected across Queensland.

DRAFT STATE PLANNING POLICY (SPP)

We make the following comments in relation to some of the State Interests:

1. State Interest – Development and construction

We definitively agree with the statement *“This planning provides certainty for the government, industry (including developers and investors) and the community ...”*. However, in the corresponding overview of this State Interest, reference is made to competing businesses and retail stores. Smaller retailers cannot compete against big box retailers and big box retail stores do not aesthetically complement areas of smaller retail type stores due to their height and size (sometimes 5 times the height and size of a small retail store selling similar goods). Big box developments therefore need to be categorized and treated in isolation to smaller retail stores and this needs to be reflected more clearly in this State Interest.

We fully support the statements: “Appropriate infrastructure required to support all land uses is planned for and provided” and “Land Uses are consistent with the strategic intent of the zone”.

2. State Interest – Tourism

We agree with the following comments:

- “(3) The delivery of sustainable tourism development is facilitated where it:
- (a) is complementary to and compatible with other land uses, including sensitive uses;
 - (b) promotes the protection or enhancement of the character, landscape and visual amenity and ... environmental values of the natural and built assets associated with the tourism development;
 - (c) Appropriate infrastructure ... “

In relation to (a) above, we would like to add that both the lifestyle of the community and the experience for tourists need to be protected particularly when a tourism precinct is located in or close to a residential area eg. Noise, privacy for residents and tourists, exclusivity for tourists etc. It would be advantageous for this to be expanded upon eg “is complementary to and compatible with other land uses including residential and sensitive uses”.

3. State Interest – Coastal Environment

The effects of climate change eg. rising sea levels, more frequent extreme weather events can no longer be ignored. It is an improvement that the SPP now provide better recognition of actions we need to take to adapt to climate change, particularly around coastal development and likely sea level rise. We are more often than ever reminded of these effects when we bare witness to houses/buildings falling into the sea, icebergs breaking off and melting in the Arctic regions etc. Any development on coastal

foreshores must seriously consider these effects and greater setbacks and greater protection of foreshore dunes needs to be implemented.

4. **State Interest – Natural Hazards, Risk and Resilience**

Similarly, the effects of climate change and frequency of extreme weather events are paramount when considering public safety. As mentioned above, just as we are reminded of sea level rises when houses fall into the sea, we are also reminded of the devastating floods that have occurred in recent years in all parts of the country. Natural hazard areas are not suitable for residential development and need to be retained in order to serve their purpose and to mitigate against the potential risks to public safety eg. Bushfire prone areas must not be developed and must contain sufficient buffers. Flood hazard areas, landslide hazard areas, storm tide inundation areas and erosion prone areas should not be developed. Additionally, any residual flood plains that have remained undeveloped should remain so in order to protect existing development which may have been inappropriately approved on flood prone land previously. This needs to be reflected in the State Interest very clearly and succinctly.

5. **Additional Comment**

To provide certainty the use of words such as “**flexible**” in the State Interests is not beneficial. The word “flexible” does not create certainty and terms such this are pounced upon by sectors driving development in order to support their case for inappropriate development.

STATE DEVELOPMENT ASSESSMENT PROVISIONS (SDAP)

(a) **‘Avoid’ must mean avoid – strengthen wording to increase certainty of protections**

Too often in the SPP and SDAP, impacts are required to be *avoided*, but if that’s not possible, impacts can then be *minimised* or *mitigated*. There is no guidance provided to help decision makers in determining when avoiding the impact is not possible, and therefore when it is appropriate to allow mitigation or minimisation of impacts instead, which are themselves vague and undefined. Words such as “avoid” again, do not provide certainty.

DRAFT PLANNING REGULATION

1. **Access to information could be improved through more online access**

The new draft Planning Regulation specifies a detailed list of documents which must be made available to the public either by inspection and purchase, inspection and/or on a local government or assessment manager’s website. This list must ensure the public can access all necessary information to be meaningfully involved in planning decision-making in an easy, inexpensive way. Given the pervasive use of the internet for seeking information today, there should be a greater requirement for documents to be

made available online, e.g. the register of development applications made to a 'chosen assessment manager' should be provided online.

All documents relating to development applications (including, for the sake of transparency, representations made by a developer to and details of meetings with the Local Government prior to the lodging of a development application) should be made available to the public online, once the development application has been lodged. These documents should be made available instantaneously and free of charge, and at the click of a button be able to be downloaded by the public.

2. ***Longer public notification periods for complex/high risk developments should be provided***

There is a power in the new *Planning Act 2016* that a regulation can provide for a requirement for longer public notification periods. Currently there is nothing provided in the draft Planning Regulation to enact this power. Prior to 2013, the *Sustainable Planning Regulation 2009* (Qld) (**SPR**) provided for certain high risk developments, such as development within 100 metres of critical habitat or applications for large tourist resorts, were required to undertake public notification for at least 30 business days.

The Schedules that provided for these further notification periods were quietly repealed by the previous government in March 2013. These schedules should be replaced in the new Planning Regulation to ensure adequate public notification is provided for the community to respond to applications for complex, high-risk developments.

Our volunteer Organisation has previously been involved in assessing and submitting on large tourist resorts and/or other developments. This can prove to be a very complicated and timely process for our Organisation alone, let alone the general public. Often the assistance of a Town Planner is required and their availability is quite often not immediate. There is no comparison with assessing for example an Application for the construction of a small unit complex compared to that of assessing a development application for a large tourist resort or commercial development. With all due respect, there should be provision for longer public notification periods for complex/high risk developments.

3. ***Support that requirement to assess applications against SDAP now in Regulation***

The new requirement that development applications which trigger assessment of State interests *must* be assessed against the SDAP is welcomed, to replace the discretion provided to the assessors in the current SPR whether to use the SDAP. This increases the certainty, transparency and accountability behind how State interests are assessed.

Yours faithfully



Lynette Saxton,

President, Development Watch Inc.