

Development Watch Inc

PO Box 1076, Coolum Beach, QLD, 4573

ABN 53 627 632 278



www.developmentwatch.org.au

Email: president@developmentwatch.org.au

1 August 2020

Hon. Cameron Dick
Minister for Infrastructure and Planning
BY EMAIL: bestplanning@dsmip.qld.gov.au

Feedback to the Queensland Government In Relation to the Proposed

STREAMLINING PLANNING ASSESSMENT TO VALUE-ADD TO QUEENSLAND'S ECONOMY

Background

Development Watch Inc. (DW) is a not-for-profit 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 alike. We attended forums and lodged submissions on both the Sunshine Coast Planning Scheme 2014 and the Planning Act 2016.

General Comments

DW congratulates the Queensland Government on developing strategies to assist the community deal with the COVID 19 pandemic and in working with interested parties to explore opportunities to encourage economic activity during this difficult time. This open consultation is applauded and indeed is a welcomed approach in enabling all stakeholders to have a say on changes that may affect their day to day lives. Open and honest consultation with the community has not always been a hallmark of Local Government.

Of particular note is your worthy aim to:-

- Facilitate the removal of unnecessary barriers for low risk uses
- Provide incentives and certainty to ensure economic value-adding uses can recommence or be established across the state where appropriate.
- Encourage investment as soon as possible and in-line with community expectations.

It is also appreciated that any changes are temporary and are time limited to allow for an appropriate level of assessment of their impacts (either positive or negative) over time. It is also noted that the changes won't be mandatory but "opt in" for Local Government.

Each of the five proposals, in their general thrust, we believe have some merit, however, it will be their interpretation and implementation by the relevant local Council that may cause concern (not necessarily to the development industry) but to the communities that the Local Government serves, and could potentially result in the watering down of the planning tools that profess to protect community interests.

It is essential that any changes adopted do not impact negatively on rights of existing communities and surrounding landholders. Planning frameworks and planning Acts/regulations have been developed to protect the interests of both investors/developers and existing communities/adjacent land owners. Any changes should not negate or diminish the rights and responsibilities of the stakeholders.

Further, whilst repairing the economy will be an enormous and arduous task for us all, the general psyche of communities is fragile and any risk or adverse impact on people's day to day lives should be avoided.

The five proposals could, it be argued, be able to be interpreted by some Councils as a signal to push through inappropriate development against proper evaluation and community input. DW appreciates that this is not the outcome being sought by implementing these initiatives. However, if the proposals are incorrectly applied through error or by calculation the result in some areas could very well be undesirable or unacceptable.

Therefore DW is concerned that, unless significant care and oversight is in place, community and individual safeguards may be eroded. The identification of "low risk" and "consistent" with existing frameworks may be open to subjective interpretation and poor judgement leading to a skewing or tension between development, balanced growth and lifestyle issues.

The five proposals are dealt with separately hereunder.

Proposal 1 *A planning approval is not needed for a change in tenancy within an existing building, if the business is expected in that zone and only minor building work will occur.*

This proposal is generally supported. DW would strongly suggest however, that for planning approvals under this initiative, decisions should be able to demonstrate how this complementarity of tenancy exists or will be achieved within the zone. There should be a principle that no existing operators or adjacent landowners be disadvantaged (for example a café/restaurant/bar replacing a hairdresser in the town and operating under an extended hours arrangement close to residential areas etc.).

Proposal 2 *Reduce the level of development assessment for certain businesses seeking to establish where use is anticipated in that zone.*

DW has concerns with this proposal. The example used to demonstrate possible cases to be considered under this initiative could be subject to substantial creep.

Inadvertently or otherwise, Councils could approve developments in for example Enterprise Zones that are totally inappropriate or of such a magnitude to give rise to major community concern. It is considered there could be substantial conflict in how the concept of “is expected” or “could be anticipated” is actually interpreted and applied.

Consideration needs to be given to how the initiative should be suitably limited to ensure consultation is still required above a particular threshold.

Proposal 3 *Allow Businesses to make minor expansions without planning approval*

Although DW generally supports this initiative, care needs to be taken to ensure a group or consortium of “businesses” does not use this mechanism to band together in a strata title or multi tenancy building arrangement which could give rise to several or many businesses seeking exemptions collectively or progressively that when considered together exceed good planning principles. The suggestion of not triggering closer examination of GFA application increases particularly for car parking provision can in certain areas such as CBDs, town areas, etc. cause hardship for customers/workers/tourists/general public.

Proposal 4 *Allow low-risk uses in rural, tourism and residential zones that can support local economies as acceptable development*

DW has significant concerns with this initiative and its possible scope.

There are a number of separate but also overlapping issues here.

It is appreciated that diversification for example of rural businesses and associated activities can lead to welcomed economic development. However it is the size and scope of the diversification that could give rise to major community concern.

A case could be a rural zoned parcel of land being used for a major tourism and accommodation facility where the development may be considered by some as compatible at a superficial level but the scope of such development or drain of available infrastructure is not suitably considered or assessed. Creep can occur over time again leading to a reduction or ceasing of the original rural business. Consideration must be given to the scope of development and its relevant impacts. Specific benchmarks or limits need to be put in place to support future interpretation of what is considered “compatible” and “low risk”.

Facilitating home-based businesses in all residential zones again needs careful consideration in terms of how that home based business operates, its time of operation and traffic generated by customers and suppliers. Significant relaxation of regulations could inadvertently lead to loss of lifestyle of surrounding occupiers/tenants and lead to loss of value by adjoining land

owners. Again this area could be open to interpretation and ill informed decision making causing local conflict in the impacted community and neighbourhoods.

The concept of setting a maximum level of code assessment to attract investment in the tourism industry raises significant concern if the interpretation of "low risk" and what is "acceptable" is subjective and open to individual assessors/agents/Councils consideration. Through the adoption of this proposal, the setting of precedents in the first 12 months of its operation may be difficult to unwind if the specific development was later considered contentious or out of scope.

Proposal 5 Fostering community spirit by confirming that temporary events such as markets and community events do not require planning approval.

DW supports this proposal in principle and would encourage flexible planning assessments in this space. Care needs of course to be taken in terms of scale/scope of such events and impact of local road infrastructure, noise, safety and particularly parking arrangements and the impact on the immediate local area/residents/businesses.

Assessment of success of the various proposals

It is noted that the changes currently proposed are intended to be in place for 12 months. DW believes that such a trial period is appropriate, however, careful monitoring/selective auditing of approvals under these initiatives may be also appropriate during the course of the 12 month period.

It is further suggested by DW that the Queensland Government put in place a mechanism to capture community sentiment on how the proposals are being implemented during this trial period. This could take a number of forms but could also act as a reference point for individual councils/officers to seek advice before proceeding on any applications that they think would benefit from further discussion with Queensland Government planning officers.

DW would appreciate the opportunity to lodge a formal submission on these changes near the expiration of the 12 month period and before they are implemented permanently into the legislation.

We trust the advice contained herein is of benefit to your deliberations and should you require any clarification on the matters raised or further consultation please do not hesitate to contact us.

Yours faithfully



Lynette Saxton
President, Development Watch Inc.

