

Notice of decision

Given in accordance with s21.5, chapter 2 of the Minister’s Guidelines and Rules

I hereby advise the Gold Coast City Council (the council) of my decision that:

1. The council may proceed to adopt the proposed Major update 2 and 3 amendment package (proposed amendment) to the *Gold Coast City Plan 2016* (planning scheme), in part and subject to conditions. The part of the proposed amendment that may be adopted is those parts described as Items 10, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32 and 34 in the proposed amendment. **Part A** sets out the conditions that apply to the proposed amendment.
2. The balance of the proposed amendment may not be adopted. The part of the proposed amendment that may not be adopted is those parts described as Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, 20 and 30 in the proposed amendment. **Part B** provides my reasons why these parts of the proposed amendment may not be adopted.

Part A

The following are the conditions that apply to the part of the proposed amendment that I have decided may be adopted. These conditions apply to Items 16, 19, 22, 24, 32 in the proposed amendment.

CONDITION	TIMING
Condition 1 – Item 16	
Remove from the proposed amendment the overall outcome (3)(a)(vi)(A) for the Upper Coomera (Courtney Drive) Precinct of the Emerging community zone.	Prior to adoption.
Condition 2 – Item 19	
<p>Replace the Waterfront and marine industry zone purpose statement to read as follows:</p> <p>The purpose of the waterfront and marine industry zone is to provide for—</p> <ul style="list-style-type: none"> (a) marine industry; and (b) other uses and activities that— <ul style="list-style-type: none"> (i) need to be on or near water or a marine environment; or (ii) support marine industry activities and do not compromise the future use of premises for marine industry activities. <p>Note: Changes to the regulated requirements are shown in bold and underline for illustration purposes only.</p>	Prior to adoption.
Condition 3 – Item 22	
The planning scheme must not identify State interest policy (2) for State interest - biodiversity in part E of the State Planning Policy July 2017 (page 39) as being integrated into the planning scheme.	Prior to adoption.

CONDITION	TIMING
Condition 4 – Item 24	
<p>(1) Amend the Healthy Waters Code in the proposed amendment as follows:</p> <p>(a) Replace Item (1) ‘Erosion control’ of Table 9.4.5-5: ‘Stormwater design objectives’, which currently reads as follows:</p> <p><i>“(1) Minimise exposure of disturbed soils at any time”</i></p> <p>with the following from ‘Appendix 2 – Stormwater management design objective’, ‘Table A: Construction phase – stormwater management design objectives’ relating to ‘erosion control’ of the State Planning Policy July 2017:</p> <p><i>“(1). Stage clearing and construction works to minimise the area of exposed soil at any one time.</i></p> <p><i>(2). Effectively cover or stabilise exposed soils prior to predicted rainfall.</i></p> <p><i>(3). Prior to completion of works for the development, and prior to removal of sediment controls, all site surfaces must be effectively stabilised using methods which will achieve effective short-term stabilisation”.</i></p> <p>(b) Replace Item (2) and (3) ‘Sediment control’ of Table 9.4.5-5: ‘Stormwater design objectives’, which currently reads as follows:</p> <p><i>“(2). Design storm for sediment control basins should be based on retaining the maximum sediment quantity for the maximum volume of water run-off.</i></p> <p><i>(3). Site discharge during sediment basin dewatering should not exceed 50mg/L TSS and pH between 6.5 - 8.5”.</i></p> <p>with the following from ‘Appendix 2 – Stormwater management design objective’, ‘Table A: Construction phase – stormwater management design objectives’ relating to ‘sediment control’ of the State Planning Policy July 2017:</p> <p><i>“(1). Direct runoff from exposed site soils to sediment controls that are appropriate to the extent of disturbance and level of erosion risk.</i></p> <p><i>(2). All exposed areas greater than 2500 metres must be provided with sediment controls which are designed, implemented and maintained to a standard which would achieve at least 80% of the average annual runoff volume of the contributing catchment treated (i.e. 80% hydrological effectiveness) to 50mg/L Total Suspended Solids (TSS) or less, and pH in the range (6.5–8.5)”.</i></p>	<p>Prior to adoption.</p>

CONDITION	TIMING
(2) The planning scheme must not identify state interest policies (4) and (5) for State interest - water quality in the State Planning Policy July 2017 as being integrated into the planning scheme.	
Condition 5 – Item 32	
Remove all aspects of the proposed amendment that have been proposed in association with an item that may not be adopted as outlined in Part B of this notice.	Prior to adoption.

Part B

The following are my reasons why Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 15, 20 and 30 in the proposed amendment may not be adopted.

Items 9 and 11

Items 9 and 11 include substantial changes to the bulk, scale, form, design and intensity of developments throughout the planning scheme, including (but not limited to) the Medium density residential and High density residential zones, and Light rail urban renewal area overlay.

These locations are critical to delivering the required housing supply and diversity sought under the *Planning Act 2016* (Planning Act), State Planning Policy July 2017 (SPP) and South East Queensland Regional Plan 2017 (*ShapingSEQ*).

Additionally, since the former Planning Minister's approval to proceed to public consultation, there has been unprecedented shifts in:

- housing need and affordability across the Gold Coast, following the accelerated growth experienced during the COVID-19 pandemic, causing a shortage of housing and affordable housing
- construction costs, following shortages in building material and labour, causing pressure on development feasibility.

These unprecedented shifts have placed further pressure on market feasibility and the supply of housing on the Gold Coast.

Accordingly, based on the evidence submitted to date, I cannot conclude:

- the extent to which these changes will impact housing supply, and
- if these changes, will impact market feasibility, and constrict supply of housing.

Therefore, I cannot be satisfied these items integrate the State interests in housing supply and diversity sought under the Planning Act, SPP and *ShapingSEQ*.

Items 1, 2, 3, 4, 5, 6, 7, 8, 15, 20 and 30

The department has identified other items in the proposed amendment, being Items 1, 2, 3, 4, 5, 6, 7, 8, 15, 20 and 30, that rely upon and are interconnected with items that may not be adopted, including Items 9 and 11. I am of the view that these items will cause issues with the workability of the planning scheme, if adopted into the planning scheme.

Note: The policy underpinning these Items 1, 2, 3, 4, 5, 6, 7, 8, 15, 20 and 30 (except for Item 15 as described below) is otherwise supported.

Item 15

The proposed amendment seeks to increase the planned dwelling supply in Biggera Waters, Labrador, Southport and Runaway Bay (the targeted growth areas). One aspect of the proposed amendment under Item 15 is a proposed impact assessment process for certain residential activities, where site cover controls are exceeded.

I am of the view that this proposed change has the potential to restrict the delivery and supply of housing (including affordable housing) by providing regulatory barriers:

- in areas identified to accommodate planned dwelling supply
- for a development type that is generally expected in the areas and designated zones.

Accordingly, I am not satisfied the 'Efficiency' guiding principle in the SPP and the State's interests relating to housing supply and diversity in the Planning Act, SPP and *ShapingSEQ* have been met because the level of assessment is not proportionate to the potential impacts and level of risks of the development. An impact assessment process in its current form, is not considered to be necessary and may impede the efficient delivery of housing supply.

In making my decision under section 21.5 in chapter 2 of the MGR, I had regard to the Briefing Note **MBN21/1803** and its attachments including the following documents:

- (a) the Planning Assessment Report (PAR) prepared by officers in the Department of State Development, Infrastructure, Local Government and Planning, and its appendices, including:
 - (i) Appendix 1 – Former Planning Minister approval to proceed to public consultation
 - (ii) Appendix 2 – Request for adoption
 - (iii) Appendix 3 – Public consultation reports
 - (iv) Appendix 4 – Supporting reports
 - (v) Appendix 5 – Council's response to the department's request for further information
 - (vi) Appendix 6 – State Planner notice about changes to comply with the Ministerial Conditions
 - (vii) Appendix 7 – Department's consideration of significantly different changes
 - (viii) Appendix 8 – Description of policy items and State interests
- (b) the draft Notice to the council.

Dated this 17th day of October 2022



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