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Sunshine Coast Regional Council

CEO

Ms Emma Thomas

By Email

Dear Emma

RE: Clarification of some points from the Special Meeting 8 November in response to Councillors questions about support for declaration of a PDA for the Airport.

At the Special Meeting on Monday 8 November 2021, a number of questions were asked relating to the role of Council if a PDA at the Airport is declared. We seek clarification from SCRC of the responses made at the meeting and written in the report. These questions are very significant as we believe that some Councillors made their decision on the responses to those questions and if their understanding was not correct were not corrected.

Part A) Page 17 of 39 in the Agenda states: (Note emphasis is OSCAR's)

*If a PDA is declared for the SCA site, Council would continue to maintain its role as **landowner of the site** and would be an **advice agency** in the context of **both the preparation and consideration of the development scheme (and any amendment to the development scheme)** and in the context of any **development applications made under the approved development scheme**.*

To ensure our understanding is quite clear, the significant words here are:

- Landowner, advice agency,
- preparation and consideration of development scheme
- amendment to the development scheme
- in the context of any development application made under the approved development scheme

It is our understanding that The Economic Development Act (EDA) makes reference to referral agencies only in the context of development transitioning from the Planning Act to a PDA. The ED Act does not make mention of "Advice agency". The questions we ask then are:

1. How does council know now that it will be granted status of an Advice Agency? Has the Minister already said such or is it covered by other terms in the ED Act that makes its role similar to that of an Advice Agency?
2. If there is such a role as an "**advice agency**" or such advice has been received from the State in relation to the PDA, it is our understanding that as an *advice* agency, advice is sought by Economic Development Queensland (EDQ), but may not necessarily be followed should the assessing agency disagree. That is Council has **no** refusal role over the preparation or amendment of the development scheme? **Can you please confirm or correct our understanding?**

Part B) The second part of that paragraph states:

As landowner, Council's consent for any application over the site must be obtained, hence this provides a significant and key lever for Council in the context of any development proposal that may be considered to be incompatible with the Airport objectives and/or the approved development scheme for the site.

Again to ensure our understanding is quite clear we ask the following:

3. To the lay person the paragraph is saying Council is only able to **refuse** consent **for** a development application if the development application is considered to **be incompatible with the Airport objectives and/or the approved development scheme for the site**."

Is our interpretation of this point correct?

4. Are we correct in assuming that Council's only involvement with respect to refusing or amending a development application is by withholding consent at the application stage?

Part C)

We note that the officers did not use the word veto but one of the councillors did and did so several times and was not corrected if that councillor misunderstood the process.

5. We ask is the word "veto" or "refusal" (by Council) a correct term to use in the context of application approvals within a PDA?

Summary

6. In summary, is the process that SCRC is an **advice** agency in the development and amendment of the scheme and can withhold consent (refuse) in the approval of any developments under the development scheme of Airport objectives?

7. Council's reporting at the meeting and also some councillors then and since, made much of the Conflicts of Interest raised in the report and that a PDA was a means of overcoming such. It would appear to us somewhat hypocritical that Council during that meeting made so much of the opportunities afforded to Council as landowner to refuse applications, while it still holds the same Conflicts of Interest. We ask you to explain/clarify this?

Part D)

Issue NOT addressed in the SCRC Special Meeting

Section 115 of the ED Act makes reference to potential development of a levy:

115 Levying special rates or charges

*MEDQ may make and levy on **owners** or occupiers of rateable land in a priority development area, or rateable land that is PDA-associated land for a priority development area, a special rate or charge on the land if—*

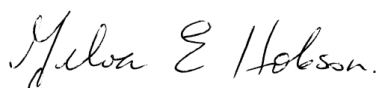
(a) the rate or charge is for a service, facility or activity provided by MEDQ, or by a local government or someone else at MEDQ's request; and (b) in MEDQ's opinion—

(i) the land, or the owner or occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or

(ii) the owner or occupier of the land, or the use made or to be made of the land, has, or will, specially contribute to the need for the service, facility or activity.

8. In discussions with the State Government re the possibility of a PDA declaration and associated arrangements has the issue of a potential levy been raised by the State Government, SCRC or Palisades? Will you guarantee that should such a levy be raised that it would not be passed onto ratepayers in any way, shape or form?

Yours sincerely



Melva Hobson PSM

President

OSCAR

(Organisation Sunshine Coast Association of Residents)\\x