

24 February 2022

Ms Melva Hobson
President
Organisation Sunshine Coast Association of Residents Incorporated
PO Box 105
COOLUM BEACH QLD 4573

Via email: mail@oscar.org.au

Dear Ms Hobson

**Re: Sunshine Coast Airport
Designation as a Priority Development Area (PDA) under Section 37(1) of the
Economic Development Act 2012
Clarification of points from the Special Meeting of Council on 8 November 2021**

I refer to your letter received via email on Friday 10 December 2021, in relation to the Special Meeting held on the 8 November 2021, which seeks further clarification of the responses provided at that meeting. The questions you asked are responded to below.

Question

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?*

Response

The *Economic Development Act 2012* (EDA) provides that the Minister of Economic Development Queensland (MEDQ) must consult with the local government in preparing a proposed development scheme. Council provides advice to the MEDQ in this context. (refer Section 58 of the Act).

In relation to the Maroochydore City Centre Priority Development Area (PDA), the MEDQ issued an Instrument of Delegation and Direction to Sunshine Coast Regional Council (SCRC) to prepare the proposed development scheme and amendment. In this case Council's role is to act as an agent for the MEDQ in preparing the proposed scheme.

Economic Development Queensland (EDQ) refers notices of properly made applications to Council for comment given Council's role in the plan making process and on the basis that Council is a party to the infrastructure agreement and the future asset custodian. This is

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protocol established by EDQ assessment team and is similar to the operational arrangements for the Caloundra South Priority Development Area, where EDQ refers applications to Council for comments and advice in relation to compliance with the infrastructure agreement.

Question

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?*

Response

In relation to the preparation or amendment of a Proposed Development Scheme, the EDA requires the MEDQ, before preparing the proposed scheme, to consult with the relevant local government. This is when Council would act as an advice agency to the MEDQ in relation to the preparation or amendment of the development scheme.

While Council is consulted and has a role in providing advice to MEDQ during the preparation a proposed development scheme, under the EDA the responsibility for “making” the development scheme rests with the MEDQ.

Similarly, although EDQ may refer a development application for Council’s advice about the proposed development, the MEDQ has the ultimate decision-making role in relation to the application.

Question

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?*

Response

Council may refuse to grant landowner’s consent to enable the lodgement of a properly made application with the MEDQ. This would only occur if, acting in its capacity as landowner, Council considers the proposal to be contrary to the Airport objectives as stated in the lease agreement.

Question

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?*

Response

The Minister for Economic Development Queensland (MEDQ) is the planning authority and has ultimate decision-making role in relation to deciding an application once it has been “properly made”.

Council, acting in its capacity as the landowner and in accordance with administering the terms of the 99-year lease, may elect to refuse to grant landowner’s consent should it consider

the granting of such consent would be detrimental to the Airport objectives as stated in the lease agreement. In the process of acting in its capacity as landowner, Council would not be making a judgment or determination based on planning merit.

Question

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?*

Response

The Minister for Economic Development Queensland (MEDQ) is the planning authority and has ultimate decision-making role in relation to deciding development applications in a PDA. This distinction is clearly expressed in the report to Council.

Question

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?*

Response

Council is consulted in the preparation of a proposed development scheme, but the ultimate decision-making role to make or amend a development scheme rests with the MEDQ.

Under the provisions of the EDA an applicant must obtain the consent of the landowner to submit a development application as part of EDQ's process of determining the application is “properly made”.

An applicant would approach Council in its capacity as the landowner (not the planning authority) to seek such consent. Council would make an assessment of whether or not to grant landowner's consent based on the extent to which the proposed development is consistent with the Airport objectives as stated in the lease agreement.

Question

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?*

Response

Council has several roles in relation to the Sunshine Coast Airport.

By declaring a PDA, Council is separating the planning functions from its role as landowner. Having the State Government performing the planning functions significantly reduces the conflict that exists when Council is the owner of the land on which the Airport is located, the financial beneficiary of the Airport's operations and the planning authority for the Airport.

Council, acting in its capacity as the landowner and in accordance with its role in administering the terms of the 99-year lease with Palisades, may elect to refuse to provide landowner's consent should it consider the provision of such consent would be contrary to the Airport

objectives as stated in the lease agreement. In doing so, Council would not be making a judgment or determination based on planning merit.

Question

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?

Response

The potential for a levy has not been raised by the State Government, SCRC or Palisades.

I trust this letter responds to the matters raised in your letter. Should you wish to further discuss this project, please contact Debra Robinson, Director Major Projects and Strategic Property on mobile 0408 001 276 or via email at debra.robinson@sunshinecoast.qld.gov.au

Yours sincerely



Emma Thomas
CHIEF EXECUTIVE OFFICER

cc. Mayor and Councillors – Sunshine Coast Regional Council
Debra Robinson, Director Major Projects & Strategic Property, Sunshine Coast Regional Council