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OSCAR RESPONSE TO THE SCRC TLPI CONSULTATION

This email has been sent by the Organisation Sunshine Coast Association of Residents Inc (OSCAR).

The Organisation Sunshine Coast Association of Residents Inc. (OSCAR) is a non-partisan, not-for-profit umbrella/peak organisation covering resident and community organisations on the Sunshine Coast and Noosa Local Government Areas (LGAs) in South East Queensland.

OSCAR currently has over 35 member groups from the Pumicestone Passage to Noosa and from the Coast to the hinterland and ranges.

The OSCAR overarching Vision states: *"The residents of this region enjoy being part of a connected and engaged community living in an area of outstanding natural beauty. They recognise that they are custodians of the unique and abundant biodiversity, beaches and green spaces of the region."*

OSCAR aims to support member organisations by:

- 1 Advocating to local and state government and the public on policy issues that are of regional significance and of concern to our members;
- 2 Acting to resolve issues of strategic or region-wide relevance that are referred by member organisations;
- 3 Representing the member organisations on region-wide matters of interest to the community;
- 4 Maintaining awareness and responsiveness through frequent and regular ordinary meetings and dialogue with member organisations; and
- 5 Practising professional, honest and ethical conduct.

INTRODUCTION

OSCAR congratulates the Councillors on the actions undertaken by the Councillors at the August Ordinary Meeting (OM) where it determined to include community consultation on the Temporary Local Planning Instrument (TLPI). We would however have liked to have seen a revised Policy document outlining the anticipated costs of the proposed incentives/concessions to future Sunshine Coast Regional Council (SCRC) budgets also being part of the consultative process.

We also thank and congratulate the Council officers for their willingness to engage in person and via Teams with OSCAR member groups and other community members.

OSCAR members are aware that Council is desirous of encouraging high-end/upscale hotels to the region as a broadening of the accommodation offerings generally, but also in response to an apparent need for such accommodation during the 2032 Olympics.

OSCAR believes however the vehicle to achieve this is not a TLPI. Such instruments as defined in the Act are to provide a mechanism to protect all or part of the local government area from **adverse impacts in urgent and emergent circumstances** (Section 4(d)). This we believe would include such things as natural disasters or national/global events. It should not include changes to a planning regime where such a need is not clearly identified as urgent or an imperative to the Sunshine Coast community. This is particularly so as the redrafting of the Planning Scheme (PS) is already on foot and scheduled for delivery in 2025, some seven years before the Olympics are to be held in SE Queensland. It would appear that the suggested TLPI is purely for perceived “economic development” reasons, which maybe worthy in some form, but are not of sufficient grounds themselves to invoke such an instrument. Such a use in itself could lay a dangerous precedent by by-passing Town planning principles and public consultation.

OSCAR RECOMMENDATION

Council should urgently investigate other options of progressing any economic drivers to encourage hotel development including any possible changes to planning schemes as part of the current PS 2025 exercise. The use of a TLPI in this instance is inappropriate.

and

Council should consider the option of negotiating with the Maroochydore City Centre PDA (Sun Central) for the development of an upscale hotel within the PDA. The plans for this centre include a Convention and Exhibition Centre to which world class events will be attracted. It would be logical to see an upscale hotel in the vicinity of such a development and also within a short distance of a Transit Centre.

It is important that in any changes to a LG Planning regime such as this TLPI should be considered in the context of the State Planning Act 2016 where the Purpose of the Act (Section 3) states:

*(1) The purpose of this Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (**planning**), development assessment and related matters that facilitates the achievement of ecological sustainability.*

(2) Ecological sustainability is a balance that integrates—

(a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and

(b) economic development; and

(c)the maintenance of the cultural, economic, physical and social wellbeing of people and communities.

In discussions with staff it was clear that the TLPI is purely an **economic** initiative.

Section 4 of the Planning Act 2016 outlines the -

System for achieving ecological sustainability and states:

The system to facilitate the achievement of ecological sustainability includes—

(a)**State planning policies** (including temporary ones) setting out planning and development assessment policies about matters of State interest; and

(b)**regional plans** setting out integrated planning and development assessment policies about matters of State interest for particular regions of the State; and

(c)**planning schemes** setting out integrated State, regional and local planning and development assessment policies for all of a local government area; and

(d)**temporary local planning instruments (TLPIs)** setting out planning and development assessment policies to protect all or part of a local government area from adverse impacts in urgent or emergent circumstances;

SPECIFIC ISSUES REGARDING THE CURRENT TLPI PROPOSAL (within the context of the Purpose of the Planning Act)

If Council is still of a mind to seek the State Minister's approval in 2025 of a TLPI, then such case to the Minister should clearly address what other options were considered and why this planning instrument, a TLPI, is considered imperative and superior at this point in time. If a TLPI is to be progressed in its current form then OSCAR member groups still wish to raise our very serious concerns re the proposal, some of which relate to possible unintended consequences as well as actual impacts of the proposal on community amenity and the environment.

It is not clear to us whether SCRC in its investigations considered the realities of the TLPI on the Sunshine Coast now and into the future beyond securing a possible upscale hotel or boutique hotel accommodation.

The following specific issues have been identified by community members

1. SPP Guidelines – Biodiversity Policy 2 avoided by using Code instead of Impact assessment

The reclassification of assessment from *Impact* to *Code* restricts assessment to only relevant codes in the current PS. Code Assessment avoids consideration of the whole PS and other relevant matters. By coincidence, this action **bypasses the DESI State Interest identified by MSES mapping** (SPP, Biodiversity Policy 2) along the whole LGA coastline. These recent amendments defining the specific locations of State Interests are not in the current PS, but are required by the State in the new PS.

Thus, Code assessment will intentionally avoid consideration of more stringent lighting conditions, particularly restricting rooftop use at night, and other requirements of SPP Biodiversity Policy.

We remind Council that the Sunshine Coast has been declared a Biosphere under UNESCO designation? As the SCRC website states:

The Sunshine Coast Biosphere is not just a place; it's a commitment to a sustainable future. Recognised internationally by UNESCO, we are now part of a world network of biosphere reserves.

These reserves showcase how communities and nature can live in harmony together. The Sunshine Coast Biosphere is a way of life, caring for our environment, creating thriving communities and growing our local economy.

OSCAR Recommendation – that any hotel submissions for coastal areas not be considered unless applicants are prepared to follow the SPP Biodiversity Policy 2, or that such applications be Impact Assessable and dealt with under the new PS which will go towards satisfying Section 3 Parts 1 and 2 of the Planning Act 2016.

2. Land Use changes ought to be PS Amendments not masked and undisclosed in a TLPI. Undisclosed as this outcome has been, it can be resolved by rejecting the TLPI, in its current form, and modifying the TLPI locations to include only *Principal Centre* and *Major Centre zones*.

Whilst there is a demonstrated need plus economic benefits of new hotel accommodation on the Sunshine Coast, facilitating new hotel development, by way of land use changes, is not supported in either *Residential* or *Tourism (protected) zones*. Incentives should not be available for any proposed land use change within these two zones. Where unanticipated development is considered, it ought to remain subject to *Impact*, not *Code* assessment.

Of concern is the **lack of transparent disclosure of two land use changes** within the TLPI, overriding the purpose and overall outcomes of these zone codes. There was no discussion at the August Ordinary Meeting (OM) nor any mention in the supporting documentation. The TLPI is not an appropriate instrument to mask land use changes. A Planning Scheme zone amendment is the appropriate instrument to achieve these changes, openly and by disclosure.

Development that undermines the SCPS and fragments any residential zone, jeopardises the delivery of development for residential accommodation in that zone whilst being detrimental to the zone character, identity, functionality and viability.

One would also wonder why consideration would be given to change a landuse zone where a high density hotel, with a height relaxation of up to 12 metres and an open top roof bar with potential noise issues would be considered appropriate to be adjacent to a high density residential building.

OSCAR Recommendation

a) That Councillors reject the TLPI in its current form, and if intent on continuing with a TLPI process that they modify the TLPI locations to include only *Principal Centre* and *Major Centre zones* and not facilitate new hotel development, by way of land use changes for example in either *Residential* or *Tourism (protected) zones*.

b) That Incentives should not be available for any proposed land use change within these two zones. Where unanticipated development is considered, it ought to remain subject to *Impact*, not *Code* assessment.

c) Such a change would also support Section 3 Parts 1 and 2 of the Planning Act 2016.

3. Increased heights

The current heights as set out in the planning scheme have been through a process of Community and Governmental review. They have been developed with consideration for surrounding land uses, environmental impacts and resident amenity. To change this on an ad hoc basis, for a select

market, makes a mockery of the planning scheme process and the concept of it being the right plan for all of the region and its residents.

We understand this TLPI provides for greater room and entertainment capacity for the proposed hotels and therefore greater profitability however we believe that comes at a cost that outweighs the benefit to the region. We believe the proposed height increases in the TLPI, as shown below, represent a significant deviation from what has been identified as appropriate for the area as per the current Planning Scheme and therefore will result in development that is substantially different to what is existing or planned.

For the identified sites in the TLPI, the Building Heights are mapped in the SCPS to:

- 12 metres, an additional increase of 12 metres is a 100 % increase to 24 metres; and
- 18 metres, an additional increase of 12 metres is a 67% increase to 30 metres; and
- 25 metres, an additional increase of 12 metres is a 48% increase to 37 metres; and
- 37.5 metres, an additional increase of 12 metres is a 32% increase to 49.5 metres

A number of the identified zones are beachfront locations. Residents on the Sunshine Coast have been very vocal about not wanting high-rise along our coastal corridor, overshadowing the beach. The TLPI, if approved, would allow for some areas, extra height of up to 12m. This has a significant impact on neighbouring properties and the look and feel of the area with impacted residents given no avenue to protect their amenity.

Whilst this TLPI may only result in 1 or 2 hotels, it is still going against the character and identity of the region. It also means a precedent would be set and could open the possibility of further high-rise development (beyond what is in the Planning Scheme) along the coastal corridor.

Further to this, several of the zones are adjacent to residential zones, with one identified site being in a high-density residential zone. This means residents living in these vicinities could be faced with a building up to 12m beyond what could be put there now and have no say about it. They will also be impacted by possible on street parking overflows, noise from roof top bars and buildings that are higher and out of character with the area they have bought into.

This aspect in particular is inconsistent with the 2016 Planning Act Section 3 Part 2b and 2c. *Ecological sustainability is a balance that integrates—*

(a)the protection of ecological processes and natural systems at local, regional, State, and wider levels; and

(b)economic development; and

(c)the maintenance of the cultural, economic, physical and social wellbeing of people and communities.

OSCAR recommendation

That should SCRC continue with a TLPI that the height allowances be removed from the TLPI and that the incentives package as per the policy passed at the OM of August 2024 only apply to applicants prepared to build within the existing parameters of the SC Planning scheme.

4. Parking allowance reductions

In the discussions amongst community members and also raised in the Teams and person to person sessions with Council officers the issue of parking reductions was a common response and of great concern.

At the Teams meeting of Thursday October 3 one of the participants asked whether there would be additional Parking Centres constructed by the hotels or Council to deal with the reduced provision of parking. Given the 50% reduction in Infrastructure charges under the Incentives Policy we do not see SCRC building such structures. Private operators were mentioned to which the participant responded that a recent stay in a Brisbane Private parking facility cost \$70 per day!

There was also considerable discussion about the assumptions made in developing the TLPI in relation to current and future Public Transport availability, frequency, distribution, travel time and linkages.

A number of popular and well visited locations across the Sunshine Coast can only be accessed by motor vehicle or a tour organised by a private operator. This includes locations such as the hinterland towns, the Glass House Mountains, Eumundi markets, Pumicestone Passage Ramsar site and the many National Parks across the Local Government Area (LGA).

Further to that we also ask how officers see how visitors to the SC will be able to take in the values of the Biosphere in which we live, work and play, by visiting many tourist locations where there is minimal or no available public transport and will require travel by private motor vehicle or guided tour.

As part of the 2032 Olympics team staff not staying in the Olympic village and who are sponsored by other organisations and business who may be looking for Upscale hotels as part of the sponsorship will no doubt use spare time to visit the many natural and cultural assets of the SC LGA, which even in 2032 will still only be accessible by private vehicle or tour group vehicle.

Community members are very aware that currently parking in a number of coastal locations is already at capacity with many private vehicles and “toys” (boats, trailers, caravans and motor homes, jet skis etc.) being parked in the local streets. OSCAR members who live in medium density areas as well as those living in traditional style suburbs have commented that accessing their residential premises is constricted and at times dangerous.

OSCAR recommendation

Either, that if SCRC wish to give parking relaxations to upscale hotels they and the hotels concerned should consider the provision of other parking option at a reasonable price for people arriving by or hiring a vehicle for their stay – not \$70 per day or \$20 for 2.5 hours

Or

SCRC address the issue of on street parking for “toys” (boats, trailers, caravans and motor homes, jet skis etc.) ensuring that streets are used for cars by ruling that people have to find alternative locations e.g. storage sites for these “toys/assets” if unable to accommodate them within the boundaries of their own property as is done in other jurisdictions and States.

5. Setting a precedent

OSCAR member groups are very concerned that should this TLPI be signed off by the Minister it will lead to pressure on Councillors and Council officers to include in the new PS the provisions of

the TLPI to additional locations plus height and parking relaxations to areas outside those recommended in the current TLPI. Council undertook a very consultative approach to the design of the new PS in their Preliminary Non-Statutory Consultation in 2022. The community does not wish to see this process destroyed by undue pressure from vested interests including Planning Consultants.

The community across the Board has maintained for many years that they do not wish to be another Gold Coast! That sentiment has not changed. It is indeed the very market differentiator for high value clients and families alike.

6. Is a TLPI the right instrument to achieve this economic outcome?

OSCAR does not believe that a TLPI under the Planning Act is a suitable instrument to achieve the outcome being sought by Council. We draw particular attention to the Section 23 of the Planning Act "Making or amending TLPIs" clearly states:

S 23 Making or amending TLPIs

- (1)A local government may make a TLPI if the local government and Minister decide—*
(a)there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; and
(b)the delay involved in using the process in [sections 18 to 22](#) to make or amend another local planning instrument would increase the risk; and
(c)the making of the TLPI would not adversely affect State interests.

We ask the question – Is this TLPI being sought to “protect” all or part of the LGA or is it being sought to avoid State Planning Policies such as Biodiversity Policy 2 that are to be required by the State to be included in the new PS?

We also question whether this topic is both “urgent and emergent” such that it requires use of such an instrument? It is a topic that has been discussed for a number of years. Could it be addressed by a PS amendment or provision in the new PS?

The Officer’s Report to Council’s Ordinary Meeting of August 2024 referred to the risk (p10) that the proposed *Temporary Local Planning Instrument (Accommodation Hotel Incentive Measures)* results in development outcomes that are inconsistent with or perceived to be inconsistent with the reasonable expectations of the community.

Officers also in the Report to Council commented that for example, visual assessments of a proposal seeking additional heights to that of the current PS have been included in the assessment process and that they are modest in nature and have been carefully designed and *is “unlikely to result in development that is substantially different to that in the Local Plan Area”* (p10). Evidence from experiences in the Planning and Environment court demonstrates that such a statement often does not hold up in the court.

Conclusion

It is recommend that the current TLPI proposal be withdrawn and that the Council review the Outcomes desired. Given the intent of the PS and the inconsistencies between the TLPI proposal and the current PS, the inconsistencies with the concept of Ecological Sustainability as defined in the Planning Act and considerable opposition from Community members with either the whole or parts of the proposal, that the current TLPI as is, be withdrawn and the Council review how the

outcomes being sought might be achieved through the new Planning Scheme. Should that not be possible then perhaps a more limited TLPI could be developed.

Yours sincerely,

A handwritten signature in black ink, reading "Melva E Hobson". The signature is written in a cursive style with a large, stylized 'M' and 'H'.

Melva Hobson PSM

President Organisation Sunshine Coast Association of Residents Inc. (OSCAR)