

c/- Director, Development Assessment Services, Development Assessment Division

Department of Housing, Local Government, Planning and Public Works

Attention: Honourable Meaghan Scanlon MP

By email only: ministerial.callin@dsdilgp.qld.gov.au

Dear Ms Scanlon

Representations on the proposed call in notice dated 15 April 2024 to reassess and re-decide a development application by Arundel Estate Developments Pty Ltd at Lot 21 Arundel Drive, Arundel

PPTY: Lot 18 SP231562 and Lot 21 SP144763 (Lot 18 and Lot 21 Arundel Drive, Arundel)

I upon the invitation by the Minister to make written representations about the proposed intention to call in this development application under section 102(2) of the Planning Act 2016 ("the Act") make the following representations.

Preliminary

Although the Minister must properly determine whether exceptional circumstances arise to exercise powers granted under section 91 and 104 of the Act, no distinguishing feature of the development application appears to warrant the intervention by the Minister on the assessment and decision making processes under the Act based upon economic or environmental interests of the State as opposed to the private commercial interests of the applicant.

Assessment of the development application impacts

On comprehensive assessment undertaken by Gold Coast City Council ("Council") of the development application lodged by the applicant (including all supporting information) under section 45(5) of the Act against the assessment benchmarks, disclosed despite the matters advanced by the applicant in the supporting material and grounds relied upon by the applicant in the appeal filed 28 February 2024 [which contains multiple bland assertions of compliance or ability to comply by way of conditions with the assessment benchmarks contained within City Plan 2016 and alleged errors made within the assessment manager's reasons for refusal], significant conflict was identified by the Council. Any conflict and the extent of same and whether it warrants refusal of the development application is yet to be determined by the Planning and Environment Court within its specialist jurisdiction under the Act with the onus put on the applicant to establish on the hearing anew whether the development application should be approved ensuring the purpose of the Act are achieved.

On the basis that City Plan 2016 as the local categorising instrument properly reflects the reasonable expectations of the community at large, apart from any direct impacts on local residents of a call in to reassess and re-decide the development application by the Minister which may result in approval of the development application, despite significant conflicts with the assessment benchmarks contained within City Plan 2016, neither advances the purpose of the Act as detailed in section 3(1) to (3) of the Act nor advances the purpose under section 5(1) and (2) of the Act, noting non-compliance with the assessment benchmarks and adverse impacts on the following desired outcomes:

1. town planning objectives to be achieved through implementation of City Plan 2016 strategic and local forward planning;
2. ensuring that short and long-term environmental effects of development at local, regional, State and wider levels are not adversely impacted by approval of the development;
3. despite the applicant advancing the contention that the submissions opposing the development application do not accurately reflect the public consensus apart from direct impacts upon local residents the widespread communal impacts arising from non-conforming development has additional more expansive social planning issues;
4. loss of community open space which adds to the existing Citywide deficiency identified and resultant impacts on the sport and recreation tourism economy is evidenced by inconsistency with strategic frameworks and outcomes within City Plan 2016;
5. as a variation application to City Plan 2016 the applicant has failed to demonstrate any economic need for approval of the proposed development which as the notice affirms would be confined to 368 new residential allotments which is both in terms of housing supply or economic benefit substantively less than other ministerial call in decisions under the Act or its predecessor within the Council local government area which does not balance the significant environmental and open space losses which would result from approval of the application;
6. the applicant has failed to establish that the aquatic impacts on watercourses or bushfire management impacts resulting from approval of the application would not warrant refusal of the development application and the call-in requests dated 29 November 2023 and 5 February 2024 by the applicant seeks to circumvent the obligations to be discharged under the appeal;
7. amenity and character impacts (including visual and noise) together with the environmental impacts and failure to comply with the assessment benchmarks against which the development application should be comprehensively assessed informed by tested expert evidence within the appeal process prescribed to achieve the purpose of the Act shall be removed by a call-in of the development application;
8. infrastructure planning (both short and long term), civil engineering assessable under objective criteria and social planning impacts subjective in nature have neither been undertaken on the assessment of the development application to date by the applicant which deficiencies need to be overcome by the applicant under the appeal process should the Minister decide not to call in the development application upon consideration of representations made both by properly made submitters and the Council as the original assessment manager.

Due to the representations contained above I strongly urge the Minister to not exercise the power to call in the development application and allow the Planning and Environment Court to exercise its role as the specialist jurisdiction assisted and informed by expert evidence to decide the development application which judicial process the submitters to the development application and parties to the appeal rely.

This submission has been researched and written in a template format by residents of Arundel Hills and their professional advisors. This template has been made available for use by those of us who don't have the knowledge or skills to navigate the complexity of the planning legislation to lodge a properly made submission based on relevant considerations and reasons. My submission, based on

the template, is one of the few ways I can make my concern known to the Minister for Housing, Local Government and Planning on an issue of very high importance to me. I agree with all the points of submission in this letter and confirm it is an accurate expression of my views. I expect that my submission will be given the same weight by decision-makers as any other submission and will not be discounted simply because it is based on a template.

Thank you for your consideration of the representations herein.