
**PROPOSED CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE
PLANNING ACT 2016**

Lot 21 Arundel Drive, Arundel

Pursuant to section 102 of the *Planning Act 2016* (the Planning Act), I give notice that I am proposing to call in and reassess and re-decide a development application by Arundel Estate Developments Pty Ltd located at Lot 21 Arundel Drive, Arundel.

The development application information is set out below:

Applicant:	Arundel Estate Developments Pty Ltd
Assessment manager:	Gold Coast City Council (the council)
Properly made date:	27 March 2023
Confirmation notice issued:	12 April 2023
Development approval sought (Application):	Preliminary approval for a material change of use for a: • Variation request pursuant to s61 of the Planning Act 2016 to vary the effect of the planning scheme, being City Plan v9, in accordance with the Arundel Hills Development Code
Level of assessment:	Impact assessment
Referral triggers:	The chief executive administering the Planning Act 2016 as concurrence agency for: • Schedule 10, part 9, division 4, subdivision 1, table 1, item 2 – State transport infrastructure • Schedule 10, part 10, division 3, subdivision 1 – Development interfering with koala habitat in a koala habitat area outside koala priority areas The chief executive of the distribution entity or transmission entity (Energex) as an advice agency. • Schedule 10, Part 9, Division 2, Table 2, Item 1 – Electricity Infrastructure
Decision notice:	The council issued a decision notice refusing the development application on 2 February 2024 (Application no: MCU/2023/84). The decision is the subject of an appeal to the Queensland Planning and Environment Court (P&E Court), appeal number 546/24. The parties to the appeal include council, the applicant and submitters.

The documentation for the development application can be accessed through the council's website at:

<https://cogc.cloud.infor.com/ePathway/epthprod/Web/GeneralEnquiry/EnquirySearch.aspx>
(Application reference: MCU/2023/84)

Reasons for the proposed call in

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in Schedule 2 of the Planning Act as *'an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
- (b) affects the interest of ensuring this Act's purpose is achieved.'*

I consider the proposed development involves, or is likely to involve:

- the States interest in housing, including economic interests
- the environmental and community interests of the State.

Housing, including economic interests

I consider the application involves or is likely to involve housing, including economic interests of the state, or a part of the state, including for the following reasons:

- The application involves or is likely to involve the State interest of Planning for housing and liveable communities in the State Planning Policy 2017.
- The application identifies that the proposal will facilitate the delivery of 368 new residential allotments, and this may support the provision of diverse, accessible and well-serviced housing, and land for housing, which supports affordable housing outcomes in the region.
- The provision of new residential housing on the Gold Coast will support employment needs, economic growth and a strong development and construction sector for the region.
- There is an acute shortage of land for housing supply in the Gold Coast and significant limitations on expansion areas.
- The South East Queensland Regional Plan (*ShapingSEQ 2023*) identifies the site within the existing Urban Footprint. The proposal will support the Regional Priorities of *ShapingSEQ 2023* having regard to the following:
 - driving efficient use of land by encouraging growth within existing urban areas, where land is more readily able to be serviced and accessed
 - housing supply is a regional priority for South East Queensland and this aligns with the 2022 Queensland Housing Summit and National Housing Accord and the subsequent National Cabinet target to build 1.2 million new well-located homes over five years from July 2024
 - the proposal will allow the unlocking of underutilised land that has the potential to provide a broader range of dwelling types and densities due to the land holding size and access to services.

Environmental and community interests

I consider the application involves or is likely to involve environmental and community interests of the state, or a part of the state, including for the following reasons:

- the council received 1,282 properly made submissions, a number raising matters relating to environmental and amenity impacts of the proposed development
- to undertake an overarching assessment of the sites environmental values including the retention and rehabilitation of koala habitat.

Should the application be called in, it will be open to me to re-assess and re-decide the development application and in doing so having regard to any matter considered relevant in addressing the above issues in providing for a full and comprehensive assessment of the application.

I am proposing to call in this application for the following reasons:

1. I consider that the proposed development involves, or is likely to involve, the state interests set out above.
2. The application facilitates the creation of 368 new residential lots.
3. The proposal is located within an area surrounded by existing urban development and housing would be consistent with the urban nature of the environment.
4. ShapingSEQ 2023 has identified the need to address the rapid population growth being experienced in South East Queensland and providing more housing choice by improving affordability and availability. ShapingSEQ 2023 was not available at time the application was lodged and assessed.
5. The application involves or is likely to involve the State interest of Planning for housing and liveable communities in the State Planning Policy 2017. There is an acute shortage of land for housing supply in the Gold Coast and significant limitations on expansion areas.
6. The proposal provides opportunities for rehabilitation of the former private golf course and the provision of sports facilities that would be available for public use.
7. The council received 12## properly made submissions, a number raising matters relating to environmental and amenity impacts of the proposed development. Should the application be called in, it enable me as the Planning Minister to undertake an overarching assessment of the sites environmental values including the retention and rehabilitation of koala habitat.
8. Should the application be called in, it will be open to me as the Planning Minister to decide at what stage the assessment process will restart. I can also have regard to any matter I consider relevant in addressing the above issues in providing for a full and comprehensive assessment of the application.
9. In accordance with the *Human Rights Act 2019*, I have considered and given proper consideration to the human rights relevant to my decision whether to issue this proposed call in notice. I have been provided with a human rights assessment document prepared by the Department of Housing, Local Government, Planning and Public Works (the department) to assist my consideration. Based on this, I have determined that my decision to issue this proposed call in notice is compatible with human rights.

Proposed call in

If I decide to call in the development application:

- the process for assessing and deciding the development application under the Development Assessment Rules is proposed to restart at the start of the decision stage under Part 5 of the Development Assessment Rules version 1.3; and
- I do not intend to direct the decision-maker to assess all or part of the application.

If I decide to call in the development application, my decision on the development application is taken to be the original assessment manager's decision.

Although my decision is taken to be a decision of the assessment manager, my decision cannot be appealed in the P&E Court, as the application is an excluded application for the purposes of section 229 and Schedule 1 of the Planning Act.

Representations on the proposed call in notice

Written representations can be made to me about the proposed exercise of my power to call in the development application.

Representations are specifically sought about:

- whether or not the proposed development involves a state interest
- whether or not I should exercise my powers to call in the development application
- any matter stated in this proposed call in notice.

Representations must be made by **5:00pm on 8 May 2024** to:

Minister for Housing, Local Government and Planning and Minister for Public Works
c/- Director, Development Assessment Services
Development Assessment Division
Department of Housing, Local Government, Planning and Public Works

Email: ministerial.callin@dsdilgp.qld.gov.au

Post: PO Box 15009
CITY EAST QLD 4002

Findings on material questions of fact and evidence or other material on which findings of material questions of fact were based

Prior to making my decision I was provided with a briefing note including a preliminary assessment report (assessment report) prepared by departmental officers dated March 2024. I have had regard to these documents and the following information in making my decision.

Site and development application details

Name of Applicant	Arundel Estate Developments Pty Ltd
Refused development	Preliminary approval for a material change of use for a variation request pursuant to s61 of the Planning Act 2016 to vary the effect of the planning scheme, being City Plan v9, in accordance with the Arundel Hills Development Code
Applicable planning scheme	<i>Gold Coast City Plan</i> (the Planning Scheme) which commenced on 2 February 2016.
Land zoning	Sport and recreation zone
Level of assessment	Impact assessment
Site address	Lot 21 Arundel Drive, ARUNDEL QLD 4214
Real property description	Lot 18 SP231562 Lot 21 SP144763
Assessment manager	Gold Coast City Council
Referral agencies	The chief executive administering the Planning Act as concurrence agency.
Date application properly made	27 March 2023
Date of council information request	27 April 2023
Date of response to council information request	23 August 2023
Date of Council decision	25 January 2024
Date decision notice given by the council	2 February 2024

Requests to call in the development application

One requests relating to the exercise of my powers to call in the development application has been received.

I was provided with a copy of the request as well as a summary of the issues raised in the requests. This summary is included in the department's preliminary assessment report and the request is included with the report.

The request raises a number of issues including matters which are potentially relevant to whether the proposed application involves matters of state interest in particular with respect to the economic and environmental interests of the state.

I have had regard to these issues in making my decision.

The council's decision

The application was refused by the council.

The application is subject to a current Queensland Planning and Environment Court appeal.

Submissions

1,282 properly made submissions were received by the council during the assessment of the application.

State interests

Under section 91 of the Planning Act, I may call in a development application only if the application involves, or is likely to involve, a state interest. A state interest is defined in schedule 2 of the Planning Act as '*an interest that the Minister considers—*

- (a) affects an economic or environmental interest of the State or a part of the State; or*
- (b) affects the interest of ensuring this Act's purpose is achieved.'*

The material I was provided with included a summary of the potential state interests that this development involves or is likely to involve, together with discretionary grounds relevant to the decision whether to issue the proposed call in notice. I have had regard to the material in determining that the development application involves, or is likely to involve, a state interest and in deciding to exercise my power to issue this proposed call in notice.

Documents considered

In forming my decision to propose to call in the development application, I had regard to the following material:

Documents
Departmental briefing note (Reference: MBN23/1252) and attachments, including: • Preliminary Assessment Report prepared by the department • draft proposed call in notice • draft correspondence to the assessment manager, applicant and submitters enclosing the proposed call in notice.

Legislation and statutory instruments relevant to my decision are:

- *Planning Act 2016*
- *Planning Regulation 2017*
- *State Planning Policy July 2017*
- *South East Queensland Regional Plan 2023 (ShapingSEQ)*
- *Gold Coast City Plan*

Dated: 15 April 2024



Meaghan Scanlon MP
Minister for Housing, Local Government and Planning
Minister for Public Works