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**CALL IN NOTICE FOR A DEVELOPMENT APPLICATION UNDER THE  
SUSTAINABLE PLANNING ACT 2009**

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Pursuant to section 425 of the *Sustainable Planning Act 2009* (SPA), I hereby give notice that I am exercising my ministerial call in powers to assess and decide a development application by Pacific View Farm (Queensland) Pty Ltd, for a master planned community at Hinkler Drive, Worongary. The development application is for a preliminary approval for a material change of use under section 242 of SPA to vary the effect of the Gold Coast Planning Scheme 2003 in accordance with the Pacific View Estate Development Code. Gold Coast City Council did not make a decision about the development application during the decision making period, which ended on 14 October 2014.

**State interests**

Under Section 424 of SPA, I may call in a development application only if the development involves a state interest. A state interest is defined in Schedule 3 of SPA as:

- (a) *an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or*
- (b) *an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.*

A State Planning Policy (SPP) advances the purpose of SPA by stating the state's policy about a matter of state interest (section 22(b) of SPA). A regional plan is also a state interest under section 35 of SPA.

I consider the proposed development involves the following state interests:

- i. an economic and environmental interest of a part of the state:
  - The proposed development will purportedly provide approximately 3,500 dwellings, for approximately 8,000 to 10,000 residents
  - The proposed development includes a village centre and an industrial precinct. The applicant states that:
    - the proposed development will represent a \$1 billion, mixed use master planned community project
    - the construction period will generate approximately 2,700 jobs, and the proposed development is purported by the applicant to contribute \$3.2 billion to the Queensland economy
  - Biodiversity state interest in Part E of the SPP - The site is shown as including Matters of State Environmental Significance (MSES), containing both Regulated vegetation and Wildlife habitat, on the SPP mapping
  - Natural hazards, risk and resilience state interest in Part E of the SPP - The site is shown as including Flood hazard and Bushfire hazard areas and Potential bushfire impact buffers on the SPP mapping.

ii. the South East Queensland Regional Plan 2009-2031 (regional plan):

- The strategic direction '*Accommodating future residential and employment growth*' in "*Part B Regional vision and strategic directions*" states that "*Future residential growth will be accommodated through a combination of redevelopment and the use of ... remnant broadhectare land.*" The regional plan describes broadhectare lands as "*... undeveloped lots that could potentially be developed for urban residential purposes but are not currently zoned for higher density development. They are located within the Urban Footprint, and are usually surrounded by urban development or near existing or planned urban infrastructure services*" (Page 15)
- "*Part C - Regional land use pattern*" of the regional plan states that the Urban Footprint "*identifies land that can meet the region's urban development needs to 2031 in a more compact form,*" and includes "*established urban areas, broadhectare and remnant broadhectare areas that could be suitable for future urban development.*" The site is consistent with this description of remnant broadhectare land and both it and the surrounding land are included in the Urban Footprint. The regional plan also states that "*The urban footprint does not imply that all included land can be developed for urban purposes ... Land in the Urban Footprint may be unsuitable for urban development for other reasons, including constraints such as flooding, land slope, scenic amenity, and the need to protect significant biodiversity values*" (Page 15)
- The sub-regional narrative for the Gold Coast states that "*by 2031 an additional 143,000 dwellings will be required to house the Gold Coast's expected regional growth and demographic change. Broadhectare development can accommodate 32,000 dwellings .... The broadhectare supply is expected to be largely exhausted by 2016.*" The proposed development will potentially provide approximately 3,500 dwellings towards this required demand.
- Policy 8.6.5 of the '*Activity centres and transit corridors*' regional policy in "*Part D - Regional Policies*" of the regional plan which states "*Exclude out-of-centre land use and development that could detrimentally impact on activity centres.*"

iii. ensuring there is an efficient, effective and accountable planning and development assessment system:

- In June 2005, a development application for the reconfiguration of a lot was lodged with council under the superseded planning scheme (Albert Shire Planning Scheme 1995). The application outlined a development scheme for urban development on the site. The application was properly made and remained active until it was withdrawn in 2010 upon lodgement of the current application.
- The current development application was deemed properly made by the council on 24 December 2010 and council failed to make a decision within the specified decision making period in SPA almost four years after it was lodged. During this time there have been significant changes to local and state planning instruments, including the SPP.

- The deemed refusal appeal lodged in the Planning and Environment Court by the applicant on 31 October 2014 is likely to prolong a decision about the application.
- The development application, and the lengthy delays associated with the assessment of the application to date, affects the state interest of ensuring that there is an efficient, effective and accountable planning and development assessment system.

### **Reasons for the call in**

I have decided to call in this development application for the following reasons:

- I consider that the proposed development involves the state interests set out above.
- The delays associated with the development of the site, (with respect to the development application lodged in 2005 and withdrawn in 2010; and the current development application lodged in December 2010, which was not decided within the required decision making period and is the subject of a “deemed refusal” appeal in the Planning and Environment Court) adversely impacts upon the perception of an efficient, effective and accountable planning and development assessment system.
- The prolonged, further assessment of the proposed development through an appeal to the Planning and Environment Court is likely to adversely affect the making of a timely decision in relation to the development of the site.

### **Integrated Development Assessment System**

The Integrated Development Assessment System (IDAS) process will restart at the start of the decision stage.

### **Assessing and deciding the development application**

I will assess and decide the development application under the normal assessment and decision provision of SPA.

### **Planning and Environment Court Appeals**

Pursuant to section 427(6) of SPA, my decision as the assessment manager cannot be appealed in the Planning and Environment Court.

## Findings on material questions of fact

### *Particulars of the development application*

<b>Name of Applicant</b>	Pacific View Farm (Queensland) Pty Ltd
<b>Date application properly made to Council</b>	24 December 2010
<b>Date of decision notice issued by council</b>	The council has not made a decision about the development application within the decision making period
<b>Development approval sought</b>	Preliminary approval for a material change of use under section 242 of the <i>Sustainable Planning Act 2009</i> (SPA) to vary the effect of the Gold Coast Planning Scheme 2003 in accordance with the Pacific View Estate Development Code
<b>Applicable planning scheme</b>	Gold Coast Planning Scheme 2003 (Version 1.2 Amended October 2010)
<b>Land zoning</b>	Rural Domain (west of the Pacific Motorway) and Guragunbah Local Area Plan (east of the Pacific Motorway)
<b>Level of assessment</b>	Impact
<b>Site address</b>	167 Hinkler Drive, Worongary (Lot 28 SP 189559) 169-331 Hinkler Drive Worongary (Lot 10 SP229681) Hinkler Drive, Worongary (Lot 11 SP229681)
<b>Real property description</b>	Lot 28 SP 189559, Lot 10 SP229681 and Lot 11 SP229681
<b>Referral agencies</b>	<ul style="list-style-type: none"><li>• Department of Transport and Main Roads</li><li>• Former Department of Environment and Resource Management, now Department of Natural Resources and Mines and Department of Environment and Heritage Protection</li><li>• Former Department of Infrastructure and Planning, now Department of State Development, Infrastructure and Planning</li><li>• Energex</li><li>• Powerlink</li></ul>
<b>Submissions received by council</b>	39 submissions were received by the council about the application.

### Consideration of call in

On 20 November 2014, I issued a proposed call in notice for the development application. The representation period was for 15 business days, closing on 12 December 2014.

### Written representations

During the stated representation period, between 21 November 2014 and 12 December 2014, a total of fourteen representations were received. Six of the representations advised that the development application involved state interests. Two representations stated that I should exercise my ministerial call in powers to assess and decide the development application. One of the representations commented on at which stage of the IDAS process the application should be called in.

Table 1 below provides a summary of the representations received.

State interest		
There is state interest	There is no state interest	N/A - did not identify
6	3	5
Call in		
Support	Oppose	N/A - did not identify
2	8	4
Comments on IDAS stage		
Decision stage	N/A - did not identify	
1	13	

Table 1: Summary of representations received

### Evidence or other material on which findings of material questions of fact were based

Informing my decision to call in the development application, I had regard to the following material:

Document
Departmental Briefing Note (MBN14/1376) "Ministerial decision brief- determination of call in Pacific View Estate, Worongary (Gold Coast)" signed 17 December 2014
Attachment 1 - Determination of call in report, prepared by the Department of State Development, Infrastructure and Planning, December 2014
Attachment 2 - Call in notice, prepared by the Department of State Development, Infrastructure and Planning, December 2014
Attachment 3 - Letters to affected parties
Attachment 4 - Letter to the Planning and Environment Court
Attachment 5 - Third party advice letters
Attachment 6 - Representations received
Departmental Briefing Note (MBN14/1285) "Notice of proposed Ministerial call in Pacific View Estate Hinkler Drive, Worongary (Gold Coast)" signed 20 November 2014
Attachment 1 - Request from CRA Group Pty Limited on behalf of Pacific View Farm (Queensland) Pty Ltd dated 31 October 2014 to enact ministerial call in powers

<b>Document</b>
<b>Attachment 2 - Preliminary assessment report prepared by the Department of State Development, Infrastructure and Planning, November 2014</b>
<ul style="list-style-type: none"> <li>• <b>Schedule 1 to Attachment 2 - Notice of Appeal No. 310 of 2014 between Pacific View Farm (Queensland) Pty Ltd and Council of the City of Gold Coast filed on 31 October 2014</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Schedule 2 to Attachment 2 - Broadhectare Study 2013 Profile and Map - Gold Coast City</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Schedule 3 to Attachment 2 - Gazettal Notice - Urban Area Notice (No. 01) 2014</b></li> </ul>
<b>Attachment 3 - Proposed call in notice, dated 20 November 2014, prepared by the Department of State Development, Infrastructure and Planning</b>
<b>Attachment 4 - Ministerial correspondence to affected parties (including the assessment manager, applicant, submitters of which the Minister is aware at the time the proposed call in notice is given and concurrence agencies) dated 20 November 2014 advising that the Minister is considering calling in the development application, prepared by the Department of State Development, Infrastructure and Planning</b>
<b>Legislation</b>
<i>Sustainable Planning Act 2009</i>
<i>Sustainable Planning Regulation 2009</i>
<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
<b>Other Planning Instruments</b>
<i>South East Queensland Regional Plan 2009-2031</i>
<i>SPP2/02 - Planning and Managing Development Involving Acid Sulphate Soils</i>
<i>SPP1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</i>
<i>State Planning Policy July 2014</i>
<i>Gold Coast Planning Scheme 2003</i>
<i>Draft Gold Coast City Plan 2015</i>

**Dated: 17 December 2014**



**JEFF SEENEY MP**  
**DEPUTY PREMIER**  
**Minister for State Development, Infrastructure and Planning**