

NOTICE OF REVOCATION OF THE DECLARED APPLICATION FOR STATE FACILITATED DEVELOPMENT

144 – 150 Broadwater Terrace, Redland Bay

The Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations has issued this notice confirming that the declared application for State Facilitated Development (SFD) at 144 – 150 Broadwater Terrace, Redland Bay has been revoked.

This notice is issued in accordance with section 106HC(3) of the *Planning Act 2016* (Planning Act).

A summary of the application for SFD as previously declared is outlined below:

Details of the application	
Date of SFD Declaration:	30 September 2024
Application:	Proposed development application for a Development Permit for a Material Change of Use – Multiple Dwelling
Applicant	Lyndoc Capital Management Pty Ltd
Site Address:	144 – 150 Broadwater Terrace, Redland Bay, Qld, 4165
Lot/Plan Description:	Lot 49 on RP900920 and Lots 50 and 52 on RP30542
Landowner:	Boulevard Redland Bay Pty Ltd
Local Government Area:	Redland City Council (the Council)

What are the reasons for revoking the declaration?

- On 30 September 2024 the declaration was made by the former Planning Minister, under section 106D of the Planning Act that the relevant application was an application for SFD (the declaration). The key elements of the proposed application were for:
 - an entirely build to rent residential development
 - a total yield of 73 dwellings with a mix of one, two and three-bedroom units
 - a building height of eight storeys
 - car parking at a rate of approximately one space per dwelling
 - car parking provided over three levels (including ground and two basements)
 - ground level facilities.
- Pursuant to the declaration, on 26 November 2024 the Applicant lodged a development application for a Development Permit for a Material Change of Use – Multiple Dwelling (the Application) with the Chief Executive of the Planning Act and on 28 November 2024 the Chief Executive gave a confirmation notice for the Application.

I am informed of the following matters.

- On 6 December 2024, the Chief Executive issued to the Applicant a further advice notice under the Development Assessment Rules seeking clarification on the housing needs analysis, price points for affordable housing, landscaping and setbacks.
- On 6 December 2025, the Chief Executive determined that no information request was to be made as the application material provided all the relevant information for the assessment.

- The Application has been publicly notified in accordance with the Chief Executive's notification notice under section 106IA of the Planning Act, for a period of 20 business days, from 17 January 2025 to 14 February 2025. A total of 62 submissions were received, with 44 of those properly made.
- Since the date of the declaration and public notification being undertaken, on 4 April 2025 I declared a new Priority Development Area (PDA) for Southern Thornlands under the *Economic Development Act 2012*, to deliver 8000 new dwellings to contribute to housing supply in the Redland City local government area.
- On 14 April 2025, I issued a notice stating that I proposed to revoke the declaration. Pursuant to s106HD(2)(a)(vii), the applicant, landowner and the Council were provided with five business days from the day following the day of the notice to submit representations on the proposed revocation.
- Two representations were received from the applicant and the Council. I was provided with copies of the representations received, along with the Department's summary of the representations.
- The assessment undertaken by the Department informs the following matters, which I accept:
 - The Application departs significantly from the planning provisions in the Local Government planning scheme, the *Redland City Plan 2018* (the Planning Scheme), in that:
 - There is a shortfall of 61 parking spaces to that required by the Planning Scheme; and
 - The development proposal is up to eight storeys, where the Planning Scheme allows a maximum height of four storeys.
 - There is significant community opposition to the Application, including concerns about:
 - The scale and built form of the proposed development, namely that the proposed development is inappropriate and not in keeping with the surroundings, street character, visual identity and infrastructure capacity of Redland Bay.
 - The proposed development is inconsistent with the Planning Scheme relating to building height (metres and storeys), car parking provision, stormwater, waste collection and transport infrastructure capacity
 - A lack of reassurance that the affordable units will be truly affordable and concern for new residents' access to employment
 - The visual impacts of the proposed development and that high rise development will foster isolation, anonymity, anti-social behaviour
 - Expectations that the Department collaborate with Council to ensure the proposal aligns with the Planning Scheme and safeguards the community's interests.
 - The applicant has been made aware of the concerns of the community and stakeholders yet has not sought to make any changes to the proposal.
 - Investigations undertaken as part of *ShapingSEQ 2023* indicate that the Southern Thornlands area will support residential and employment outcomes for the region.
 - The representations did not raise additional facts, evidence or other material that change my reasons to revoke the SFD declaration.
- Under section 106HC of the Planning Act, I may revoke a declaration made under section 106D only if:
 - a) I am satisfied that section 106D(2)(a), (b) or (c) does not apply in relation to the relevant application, or
 - b) I consider that the declaration is no longer appropriate in all the circumstances.
- Section 106D(2) provides that a Planning Minister may only make a declaration of a relevant application to be an application for SFD if:

(a) *the Minister considers that the carrying out of the development the subject of the application will assist in delivering development that—*

 - (i) *is for an urban purpose; and*
 - (ii) *is an identified priority for the State; and*

(b) the application complies with the criteria prescribed by regulation; and

(c) the Minister is satisfied it is appropriate for the chief executive to assess and decide all or part of the application instead of the decision-maker for the application.

- Pursuant to section 106HC(2)(a) and (b) of the Planning Act, I have decided to revoke the declaration for the following reasons.
 - The Application proposes a substantial development of 73 residential units with a building height of up to eight storeys, on land zoned for four storeys under the Planning Scheme.
 - There is significant community concern about the proposed development, in particular the significant inconsistencies between the proposed development and Planning Scheme.
 - I consider that the Council is the appropriate entity to assess and decide the Application.
 - A development application that is remade to the Council will provide the Council with the opportunity to undertake a comprehensive assessment of the application and consider all relevant local planning matters in deciding the application, including relating to the planning for the Southern Thornlands PDA.
 - In all the circumstances I am satisfied that the declaration is no longer appropriate.
- Proper consideration has been given to the human rights relevant to the decision under the *Human Rights Act 2019* (Human Rights Act) and the proposed revocation has been determined to be compatible with human rights under the Human Rights Act.
- In forming my decision to propose to revoke the declaration, I had regard to the following material:
 - Departmental briefing note (Ref. MBN25/639) and attachments including:
 - Planning assessment
 - Revocation notice
 - Human rights assessment.
- Legislation and statutory instruments relevant to my decision including:
 - *Planning Act 2016*
 - *Planning Regulation 2017*
 - *Human Rights Act 2019*.

What is the effect of this notice on the current development application?

For avoidance of doubt, pursuant to Section 106HC(5) of the Planning Act, the revocation takes effect on the day the revocation notice is given. As a result, as per section 106HG(2), the application made to the Chief Executive is taken to have been withdrawn.

Department of State Development,
Infrastructure and Planning
c/- Director, Facilitation Division
Planning Group

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Notice date: 13 May 2025

Site Location Plan – Broadwater Terrace

