

NOTICE OF PROPOSED REVOCATION OF DECLARATION OF APPLICATION FOR STATE FACILITATED DEVELOPMENT

87 – 89 Poinciana Avenue and 10 Sidoni Street, Tewantin QLD 4565

The Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations is proposing to revoke the declaration of an application for State Facilitated Development (SFD), being a proposed application for a development permit for a Material Change of Use (Multiple Dwelling) on land at 87 – 89 Poinciana Avenue and 10 Sidoni Street, Tewantin QLD 4565.

This notice is issued pursuant to section 106HD of the *Planning Act 2016* (Planning Act).

Details of the relevant application for SFD are outlined below:

Details of the relevant application	
Date of Declaration:	28 September 2024
Application:	Proposed development application for a development permit for a Material Change of Use – Multiple Dwelling
Applicant:	Poinciana Blue Pty Ltd
Site Address:	87 – 89 Poinciana Avenue and 10 Sidoni Street, Tewantin QLD 4565
Lot/Plan Description:	Lot 506 on SP316542 and Lot 507 on SP316542
Landowner:	Poinciana Blue Pty Ltd
Local Government Area:	Noosa Shire Council

Reasons for the proposed revocation

- On 28 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:
 - A total yield of approximately 40 residential units
 - Dwelling typologies including one bedroom units and two bedroom units
 - Building height of three to four storeys
 - Ground level car parking
 - An affordable housing component that equates to 15 percent of all dwellings.
- Pursuant to the declaration, on 25 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 2 December 2024 the Chief Executive gave a confirmation notice for the Application.

I am informed of the following matters.

- On 9 December 2024 the Chief Executive issued to the Applicant an information request under the Development Assessment Rules seeking information with respect to:
 - The proposed affordable housing component, including a request for supporting evidence that the affordable housing component would be managed by a community housing provider
 - Waste management
 - Traffic and servicing arrangements and
 - Landscaping design and maintenance.

- Officers in the Department of State Development, Infrastructure and Planning (the Department) have engaged in informal communications (telephone and email) with the Applicant about the Department's recommended changes to the Application to address matters relating to the design and scale of the proposed development prior to progressing to public notification.
- On 29 January 2025, the Applicant provided a response to the information request and informed the Chief Executive that the Applicant did not intend to change the Application in respect of the design and scale and that it intended to proceed with public notification.
- 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 22 business days, from 7 February 2025 to 10 March 2025. A total of 495 submissions were received during the public notification period, including submissions from the State Member for Noosa, Ms. Sandy Bolton MP, and Noosa Shire Council.
- 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 Noosa Plan 2020 (the Planning Scheme), in that:
 - The site cover exceeds 40 percent of the site area
 - The plot ratio exceeds 0.4:1
 - There is a shortfall of 11 car parking spaces to that required by the Planning Scheme
 - Building setbacks are reduced by up to 1.5m to those required by the Planning Scheme
 - The development proposal is up to 15 metres high and four storeys, where the Planning Scheme permits a maximum height of eight metres and two 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, landscaping, visual identity and village character of Tewantin
 - The proposed development is inconsistent with the Planning Scheme relating to building height (metres and storeys), setbacks and site coverage, with concerns that height and reduced setbacks will cause overshadowing and loss of privacy for nearby residents
 - A lack of reassurance that the affordable units will be truly affordable
 - The visual impacts of the proposed development and that insufficient information has been provided to determine visual impacts
 - The traffic and car parking impacts of the proposed development, namely that it will exacerbate existing traffic congestion issues at the Sidoni St/Poinciana Ave intersection, has the potential for adverse impacts on pedestrian and vehicular safety, particularly in relation to the location of vehicle access to/from the site, proposes insufficient on-site car parking given the limited public transport options in the area
 - Expectations that the Department collaborate with Council to ensure the proposal aligns with the Planning Scheme and safeguards the community's interests.
 - The Applicant did not appropriately respond to matters raised in the Chief Executive's requests for information about the Application.
- 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.

- I have decided to propose to revoke the declaration for the following reasons.
 - The Application proposes a substantial development of 40 residential units with a building height of up to 15 metres and four storeys, on land within the community facility zone under the Planning Scheme.
 - The Application is inconsistent with the Planning Scheme including with respect to site cover, plot ratio, carparking, building setbacks and building height.
 - There is significant community concern about the proposed development, in particular the significant inconsistencies between the proposed development and Planning Scheme.
 - The applicant has not sought to respond to Council's and community concerns through the Application.
 - I consider that the Council is the appropriate entity to assess and decide the Application.
 - A development application that is remade to Council will provide Council with the opportunity to undertake a comprehensive assessment of the application and consider all relevant local planning matters in deciding the application.
 - 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. MBN25/384) and attachments including:
 - Draft proposed revocation notice
 - Human rights assessment.
- Legislation and statutory instruments relevant to my decision including:
 - *Planning Act*
 - *Planning Regulation 2017*
 - *Human Rights Act.*

Effect of this notice on the current development application

Pursuant to section 106HD(4) of the Planning Act, the process for administering the application is suspended on the day this notice is given until 30 May 2025.

Effect of the revocation

Pursuant to section 106HG of the Planning Act, if the declaration is revoked under section 106HC then the application that was made to the Chief Executive is taken to have been withdrawn.

Representations on the proposed revocation

Written representations can be made to me about the proposed revocation. Representations must be made by 5:00pm on 3 April 2025 to:

Deputy Premier, Minister for State
Development, Infrastructure and Planning and
Minister for Industrial Relations
c/- Department of State Development,
Infrastructure and Planning
Director, Facilitation Division
Planning Group

Email: SFD@dsdilpp.qld.gov.au
Post: GPO Box 690 Brisbane
Queensland 4001 Australia

Notice date: 27 March 2025