

ITEM 2.1 MINISTERIAL DIRECTION UNDER THE SUSTAINABLE PLANNING ACT 2009 - REGIONAL (Cont.)

#1 Correspondence from the Deputy Premier



Hon Jeff Seeney MP
Deputy Premier
Minister for State Development, Infrastructure and Planning

Our ref: MBN14/1370

Your ref: A10146291 AM:hjb

28 NOV 2014

Councillor Mike Charlton
Acting Mayor
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Councillor Charlton

Ministerial Direction under s 126 of the Sustainable Planning Act 2009 (SPA)

Thank you for your letter of 12 November 2014 about the proposed exercise of my power to give a direction under s 126 of SPA.

I enclose a copy of the direction notice.

The reasons for my decision to give the direction, as required by s 125 of SPA, are set out in the direction notice.

I am satisfied that it would be entirely prudent for council to, separate to the planning scheme, make available any information it considers relevant and necessary for its community to be aware of the range of risks associated with land use and development. Should council wish to make available information about a theoretical sea level rise so that its community is made aware of the claimed potential implications in certain areas, that is entirely council's prerogative. Such information would therefore be available for relevant individuals to take this information into account as they see fit for their own purposes and decisions.

Please acknowledge that I have the power under s 128 of SPA to take the action council is directed to take, should the council fail to comply with the direction within the timeframe set out in the direction notice. Any expense incurred by me in doing so may be recovered from the council as a debt owing to the state.

If you require any further assistance, please do not hesitate to contact my office.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jeff Seeney".

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

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ITEM 2.1 MINISTERIAL DIRECTION UNDER THE SUSTAINABLE PLANNING ACT 2009 - REGIONAL (Cont.)

Ministerial direction to Moreton Bay Regional Council (Council) under section 126 of the Sustainable Planning Act 2009 (SPA)

On 6 November 2014, I gave notice to council of my proposal to exercise my power under s 126 of SPA to direct council to amend its draft planning scheme to remove any assumption about a theoretical projected sea level rise due to climate change from all and any provisions of the scheme.

Council was invited to make written submissions about the proposed direction by Friday 14 November 2014.

Council made a submission on 12 November 2014. In summary, council is concerned about a potential disparity between the planning scheme and the development assessment stage.

After careful consideration of council's submission, I have decided to exercise my power under s 126 of SPA to give the following direction.

Direction

I direct council to amend its draft planning scheme to remove any assumption about a theoretical projected sea level rise due to climate change from all and any provision of the scheme, including strategic framework, zones and precincts, overlay assessment tables, codes and policies.

Reasons for the direction

1. This direction is necessary to give effect to the guiding principles and state interests articulated in the State Planning Policy (SPP). The guiding principles are central to the interpretation of policies about matters of state interest.
2. The SPP requires council to reflect and balance state interests in planning schemes. The key relevant state interests to be reflected and balanced in regard to coastal development in the Moreton Bay region include:
 - a. liveable communities
 - b. housing supply and diversity
 - c. development and construction
 - d. coastal environment
 - e. natural hazards, risk and resilience.
3. I am satisfied that the most appropriate way for council to reflect and balance these state interests is by basing the planning scheme on the state wide coastal mapping that will remove the "one size fits all" approach that incorporates a mandatory 0.8 metre addition to historical data. I am satisfied that the most appropriate basis for council's planning scheme is that all mandatory elements of the scheme must reflect only proven historical data when dealing with coastal hazards such as storm tide inundation and erosion control areas.
4. In relation to the concerns raised by council regarding development assessment, I confirm that I have introduced to Parliament the draft Planning and Development Bill 2014 which will replace SPA in due course. The draft Bill contains specific provisions to prevent any potential disparity or inconsistency between the planning scheme and development assessment in relation to ministerial directions. I am therefore satisfied that there will not be a disparity between the planning scheme and the development assessment stage.

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5. I am therefore satisfied that it is necessary to give the above direction to council in order to give effect to the above state interests.

Timeframe for compliance with direction

While SPA does not specify a timeframe by which the council must comply with this direction, I consider it is reasonable that council comply with this direction within 60 business days. This timeframe excludes re-notification of the planning scheme and any subsequent steps, which would occur following my satisfactory review of council's amendment package.

Dated this 28 day of Nov 2014

Yours sincerely



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