

Noosa Development Assessment Panel 2009 – 2010 Annual Report

Introduction

This is the second annual report from the Noosa Iconic Place Development Assessment Panel. The Panel was established by special legislation following the Queensland government's completion of a major review and structural reform of local government. The Noosa Iconic Development Assessment Panel was appointed by the Minister on 20 June 2008, in accordance with section 31 of the *Iconic Queensland Places Act 2008* (IQPA). The chairperson was appointed by the Minister on 29 August 2008.

The members, and their type, of the Noosa Development Assessment Panel are as follows:

Chairperson:	Professor Peter Bycroft (community, professional or technical qualifications)
Member:	Councillor Russell Green (councillor of the Sunshine Coast Regional Council)
Member:	Mr Leo Jensen (professional or technical qualifications)
Member:	Mr John Mainwaring (professional or technical qualifications)

Unfortunately, during this second term of service, the Noosa Iconic Panel lost one of their most outstanding contributors, Peter Wood. Peter was a foundation member of the Iconic Noosa Development Assessment Panel. He passed away in January 2010 after a long illness. Throughout that illness, Peter continued his duties on the Noosa Iconic Panel, where his fellow panel members came to rely on his wisdom, experience, vision and advice. Peter won his colleagues admiration for working above and beyond the call of duty as he endured ailing health without compromising his dedication to Noosa. He is sadly missed.

Membership of the remaining members for the development assessment panel for the Iconic Queensland Place of Noosa was extended on 18 June 2010 until 19 June 2011.

Panel Functions 2009-2010

The panel's functions are, for applications where the Sunshine Coast Regional Council is the assessment manager for a development application relating to the iconic place—

- to decide whether or not it is to decide the application instead of the local government (the reference decision)
- (if the reference decision is that the panel is to decide the application instead of the local government) – to decide the application as if the panel were the assessment manager for the application.

The Minister may reverse the panel's reference decision, in accordance with Section 57 of the IQPA.

During this term of office, the Queensland Government approved legislation to remove building applications from the jurisdiction of the Iconic Panel. This decision was welcomed by the Noosa Iconic Panel as it allowed the Panel to focus on

planning applications which are more relevant to the legislated iconic values. In its first nine months of operation, the Noosa Iconic Panel had made reference decisions relating to 551 applications, more than two thirds of which were routine building applications.¹ Removing the building applications has reduced the panel's overall workload without compromising the gazetted iconic values.

Panel Meetings and Procedures

On average, the Noosa Iconic Panel meets, either face-to-face or via email every two weeks on a Friday morning from 9.30 a.m. until 11.30 a.m., depending on the anticipated workload. In its second term of office, the Panel has continued to introduce procedural reform to ensure that Panel involvement continues to reduce red tape and minimise any time delays in the processing of planning applications.

The Panel manages by exception – the majority of assessment decisions are referred to the Sunshine Coast Regional Council as the Assessment Manager (see Summary of Panel Decisions, below).

In the 2009/2010 year, the Panel in consultation with the project manager has again refined its processes to ensure a prompt turn-around in decision making. Refinements introduced this year include:

1. Where possible, meetings are convened via email to avoid additional costs and to expedite routine decision-making;
2. The project manager's reports now specifically address the iconic values as well as the protected planning provisions;
3. Meeting dates and times are now planned in advance and only changed under exceptional circumstances – usually only in the rare occasion where a quorum cannot be achieved;
4. The draft meeting agendas are now circulated on the Thursday prior to the Friday meeting. This ensures that applications received from the Sunshine Coast regional Council up until that date can be included on the meeting agenda;
5. At its meeting of 23 July 2010, the Panel met with key planning staff from the Sunshine Coast Regional Council. This meeting was called by the Panel to discuss lessons learnt since the inception of the Panel and to provide further opportunities for process improvement, minimise time delays between the two organisations, further reducing red tape and/or any misunderstandings relating to the Panel's application of the Iconic Places.

In the coming year, the panel will continue its initiatives to improve the effectiveness and efficiency of its operations. High on its list of issues to be addressed is the opportunity for without prejudice meetings with applicants to remove any ambiguity or misunderstandings around the gazetted iconic values, the protected planning provisions and the decision-making processes of the Panel.

Summary of Panel decisions

Since its inception in September 2009, the Noosa Iconic Panel has elected to be assessment manager on 18 of 777 applications (around 2.3% of all applications). In the first year of operation, when building applications were included, the panel elected to be assessment manager on 8 (1.5%) of 551 applications.

¹ See ANNUAL REPORT 2008/2009; Noosa Iconic Place Development Assessment Panel

In the 2009/2010 year, the Panel elected to be assessment manager on 10 (4.6%) of 216 applications. Details of the Panel decisions in 2009/2010 are outlined in the attached tables.

In general, where the Panel has elected to be the Assessment Manager, most applicants have revised their proposals so that they conform, withdrawn their applications or allowed them to lapse. The Panel has decided six applications this year (see Table 6). In general, (one exception), Iconic Panel decisions in 2009/2010 have reflected and supported the recommendations of the Sunshine Coast Regional Council. As shown in Table 7, four of the six applications decided by the Panel were approved with conditions; one was negotiated and one was refused. One of the four applications approved by the Panel with conditions is the subject of an appeal (see Table 8).

Community/ Media update

Media attention and commentary about the Panel was comparatively frequent in the first year of the Panel's operation. Mostly this was the aftermath of the community reaction against the local government structural reform process. A measure of the success of the Panel remaining as a non-political, professional and technical administrative group is the significant decline in publicity about the Panel in the local media over the second year of operation.

Conclusion/ the way ahead

As one of the first development assessment panels established in Queensland and as a panel established in a potentially volatile political climate, the Noosa iconic Panel had to face several major challenges. Several of these were outside of the requirements of the legislation and related to improving the relationship with the community and positioning the Panel as one of the key partners in achieving and maintaining Noosa's Iconic Values.

It is also worth noting that the Noosa Iconic Panel was established at the end of a development boom and just prior to the global financial crisis (GFC). Because of these factors, the Panel has only had to deal with one major development project (Seahaven Resort redevelopment in Hastings Street). During this quieter period, the Panel has learnt that smaller issues such as signage, encroachments into building setbacks, building heights, site cover, landscaping and development proposals on significant sites at key entrance points to the former Noosa Shire can impact on iconic values and require independent oversight within the provisions of the *Iconic Queensland Places Act 2008* (IQPA) and the gazetted Noosa Iconic Values.

At the end of its second year of operation, there is both anecdotal and statistical evidence that the Panel is achieving its objectives on behalf of the Queensland government and of the Noosa community. In a sensitive and often antagonistic climate, the Panel has maintained a policy of working effectively behind the scenes to achieve the outcomes specified in the Iconic Places legislation and the gazetted Noosa Iconic Values. In the coming months, Panel members will be responding individually and collectively to a request from the Minister for feedback as part of the overall review of the Iconic Queensland Places legislation and as recommended in the March 2009 Queensland Government Independent Review of Queensland Government Boards.²

² See Webbe, S., Weller, P. 2009; *Brokering Balance: A Public Interest Map for Queensland Government Bodies*; The State of Queensland, Department of Premier and cabinet, March, Part B, page 130.

Table 1: Panel Meetings

Total number of meetings	Type of meeting			
	Physical meeting	Physical meeting with phone links	Phone conference meeting	Email meeting
24	21	0	0	3

Table 2: Applications Given a Reference Decision¹

Total number of reference decisions given	Type of development application				
	Building work	Material change of use	Reconfiguration of a lot	Operational work/Building work assessable under scheme	Superseded planning scheme application
226	10	88	38	90	0

¹ **NOTE:** the assessment of Building Works applications was removed from Panel jurisdiction from 11 August 2009 onwards.

Table 3: Summary of Reference Decisions

Total number of reference decisions given	Reference Decision	
	Council to decide application	Noosa Iconic Panel to decide application
226	216	10

Table 4: Summary of Impact on the Iconic Values²

Total number of reference decisions given	Impact on the Iconic Values			
	No effect	Minor effect	Moderate effect	Substantial effect
226	154	57	7	8

² **NOTE:** the Project Manager makes an initial assessment and submits this as a recommendation to the Panel. The Panel considers this assessment and it is taken into account in the Panel's final determination.

Table 5: Summary of Reference Decisions Reversed by the Minister

Details of Development Application and Reference Decision	Reason for Minister's reversal
0	N/A

Table 6: Applications decided by the Panel as the Assessment Manager

Total number of applications decided	Type of development application			
	Material change of use	Reconfiguration of a lot	Operational work/Building work assessable under scheme	Superseded planning scheme application
6	3	0	3	0

Total number of applications decided ³	Consistency of decision with Council's recommendation	
	Consistent with Council's recommendation ⁴	Not consistent with Council's recommendation
6	5	1

³ One (1) of the applications was decided in the 2008-2009 financial year and the negotiated decisions were given in the 2009-2010 financial year.

⁴ Please note that the Panel decided to impose additional conditions for one (1) of the applications.

Table 7: Summary of Applications decided by the Panel as the Assessment Manager

Total number of applications decided	Type of decision			
	Approval	Approval with conditions	Refusal	Negotiated decision
6	0	4	1	1

Table 8: Summary of Appeals Lodged Against Panel Decisions

Details of Development Application and Panel Decision	Details of appeal
1	<p>An application for a material change of use for a mixed use development on Hastings Street, Noosa Heads was considered by the Noosa Iconic Panel on 14 November 2008 and a decision notice was issued on 21 May 2009. The development approval comprises a resort with 20 self-contained three and four bedroom units, associated common areas and pools, 2 restaurants and 10 shops.</p> <p>The applicant made representations about several conditions and consequently a Negotiated Decision Notice was issued on 30 March 2010. An appeal was lodged on 30 April 2010 about the conditions.</p> <p>The appeal is still in progress.</p>