

29 July 2020

The Chief Executive  
Department of State Development, Manufacturing, Infrastructure and Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Ms Hunter

### **REQUEST FOR A TAILORED PROCESS FOR AMENDING A PLANNING SCHEME UNDER SECTION 18 OF THE PLANNING ACT**

On 18 February, the Minister for State Development, Manufacturing, Infrastructure and Planning issued conditional approval for adoption of a new planning scheme for the Shire of Noosa. The planning scheme will commence on 31 July 2020 and thereafter be referred to as the *Noosa Plan 2020*.

In accordance with Condition 1 of the Minister's approval Council is completing a coastal hazard adaptation plan and identifying necessary amendments to the *Noosa Plan 2020* to fully integrate the State Planning Policy state interest for natural hazards risk and resilience in relation to erosion prone areas. Council intends to make the necessary amendments to the *Noosa Plan 2020* as early as possible, so as to meet the Minister's instruction that it be done before 24 December 2020.

It is acknowledged that Section 30(5) of the Act requires the preparation of a feasible alternatives assessment report (FAAR) where a planning change is proposed to reduce a material risk of serious harm from natural events or processes.

Accordingly, Council provides notice, as per Section 18(2) of the Planning Act of its intention to amend the *Noosa Plan 2020*.

Please find enclosed with this letter—

- a proposed tailored process and indicative timeline for the proposed amendment
- a proposed Community Engagement and Communications Plan.

Council is requesting approval to progress the proposed amendment as per the tailored process. This tailored process is requested to reduce the timeframes of the project in view of the Minister's Condition.

The tailored process is also in response to Council working closely with State agencies over the last 2 years to ensure that state interests are appropriately integrated into the planning scheme for erosion prone areas. This has included working with the Department of Environment and Science to complete the various phases of the Coastal Hazards Adaptation Plan (CHAP), which directly informs the proposed amendment and erosion mapping.

A similar approach to the proposed amendment was signed off by the State and provided to the community for public comment in early 2019. As a result of submissions received, this approach was not proceeded with on the basis that Council needed to first complete its draft CHAP.

Completing the draft CHAP will ensure that the community can be fully informed of the results of the CHAP including the hazard mapping, risk assessment for assets in the hazard areas, cost benefit analysis, and recommended responses for mitigating erosion risks to an acceptable or tolerable level. It is proposed that the amendment, draft CHAP and FAAR be made available for public comments at the same time.

Should you have any enquiries in relation to the proposed planning scheme amendment please contact  on ph.

Yours faithfully



Kerri Contini  
**Acting Chief Executive Officer**

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## Proposed Tailored Process – Noosa Planning Scheme Amendment for Coastal Protection

Step	Type of action	Summary of Action	Specific Actions	Entity responsible for task	Indicative timeframes (Business days)
<b>Planning and Preparation</b>					
Step 1	Planning and preparation	Noosa Council prepares the draft planning scheme amendment	Noosa Council will prepare: <ol style="list-style-type: none"> <li>a) the draft planning scheme amendment; and</li> <li>b) a feasible alternatives assessment report (FAAR).</li> </ol>	Noosa Council	
	Planning and preparation	Noosa Council consults with state agencies	Queensland Treasury (the department) will informally coordinate state interests and provide state agency input for the preparation of the proposed amendment.	Queensland Treasury	
<b>Noosa Council resolves to progress planning scheme amendment for state interest review</b>					
Step 2	State interest review	Noosa Council seeks approval to proceed to public consultation	<p>Noosa Council will provide to the Chief Executive the notice requesting a s18 planning scheme amendment</p> <p>Noosa Council will decide to endorse the proposed planning scheme amendment for the purpose of community consultation.</p> <p>Noosa Council will:</p> <ol style="list-style-type: none"> <li>a) provide the proposed amendment for review to the Chief Executive seeking approval to proceed to public consultation. This includes:                             <ul style="list-style-type: none"> <li>• an electronic copy of the proposed amendment in the format identified by the Department</li> <li>• a written statement addressing the state interests in the South East Queensland Regional Plan 2017 (<i>ShapingSEQ</i>) and the <i>State Planning Policy 2017 (SPP)</i> which describes—                                     <ul style="list-style-type: none"> <li>○ how the state interests are integrated in the planning scheme amendment;</li> <li>○ reasons why any state interests have not been not integrated in the planning scheme amendment; and</li> <li>○ any state interests that are not relevant;</li> </ul> </li> <li>• a written statement about how the key elements of a planning scheme mentioned in section 16(1) of the Planning Act have been addressed and if the planning scheme amendment is consistent with the regulated requirements;</li> <li>• the proposed community engagement and communications plan;</li> <li>• any background studies or reports that informed the preparation of the planning scheme amendment, including any strategic study or report, or review required under section 25(1) of the Planning Act. This includes the draft Coastal Hazards Adaptation Plan;</li> <li>• any natural hazards, risk and resilience evaluation report prepared having regard to the SPP;</li> <li>• the draft feasible alternatives assessment report (FAAR) prepared for a planning change made to reduce the risk of natural hazards, including details of the potentially affected premises and any relevant supporting information</li> <li>• GIS shape files of the mapping;</li> <li>• a summary of consultation with state agencies and the outcome of the consultation; and</li> <li>• any other information considered relevant by Council; and</li> </ul> </li> <li>b) provide the FAAR to the Minister.</li> </ol>	Noosa Council	
Step 3		Chief Executive commences state interest review	<p>Within 5 business days of receiving the notice from the Noosa Council under Step 2, the Chief Executive will—</p> <ol style="list-style-type: none"> <li>a) commence the state interest review; and</li> <li>b) give the proposed planning scheme amendment and FAAR to other relevant state agencies for consideration of state interests, including those identified in legislation, the SPP, or ShapingSEQ.</li> </ol> <p>The Chief Executive will consider whether the proposed amendment:</p> <ol style="list-style-type: none"> <li>a) advances the purpose of the Planning Act;</li> <li>b) is consistent with section 16(1) of the Planning Act;</li> </ol>	Chief Executive	5 business days

			c) is consistent with the regulated requirements prescribed in the Planning Regulation; d) is well drafted and clearly articulated; and e) accords with the result of any strategic study or report, or review required under section 25(1) of the Planning Act.		
Step 4		Chief Executive provides outcomes of state interest review	The Chief Executive will give notice to the Noosa Council of the outcome of the state interest review, including any conditions which must be met before community consultation may commence.	Chief Executive	25 business days
Step 5		Noosa Council incorporate required changes to amendments	Noosa Council will prepare and submit required changes prior to consultation	Noosa Council	5 business days
<b>Noosa Council undertakes community consultation</b>					
Step 6	Community consultation	Noosa Council commences public consultation	Noosa Council will give public notice of the proposed amendment to the planning scheme and FAAR, in accordance with the public notice requirements prescribed in the Planning Act and consistent with the public notice requirements prescribed for a major amendment under Schedule 4 of the MGR.	Noosa Council	20 business days
<b>Noosa Council considers submissions</b>					
Step 7	Consideration of submissions	Noosa Council considers all properly-made submissions	Noosa Council will consider all properly made submissions about the proposed planning scheme amendment.	Noosa Council	30 business days
Step 8		Noosa Council prepares written consultation report and endorses scheme amendments for purpose of state signoff	Following the end of public consultation, Noosa Council will prepare a consultation report that summarises the issues raised in submissions and outlines how Council has responded to issues raised in the properly made submissions. The report must be: a) available to view and download on the Noosa Council website; and b) available to inspect in the Noosa Council office.  Noosa Council endorses scheme amendments for purpose of state signoff, including any changes resulting from consultation		
Step 9		Noosa Council notifies submitters about submission consideration process	Noosa Council will: a) notify persons who made a properly made submission about how Council has dealt with the submissions; and b) provide to each person who made a properly made submission access to the consultation report.		
<b>Noosa Council resolves to progress amendment for the Minister's endorsement</b>					
Step 10	Minister's consideration	Noosa Council requests adoption of planning scheme amendment	Noosa Council will give the Minister a notice to request adoption of the planning scheme amendment that includes— a) an electronic copy of the amended planning scheme, clearly identifying any change that has been made to the proposed planning scheme amendment since the state interest review; b) a summary of the matters raised in the properly made submissions; c) an explanation of how Council dealt with the matters raised in the properly made submissions; d) the consultation report which details how Council dealt with any submissions; e) the reasons why Council considers the proposed amendment is not significantly different from the version for which public consultation has been undertaken; and f) the final FAAR.	Noosa Council	5 business days
Step 11		Minister considers if the local government may adopt the proposed planning scheme amendment	The Minister must consider if the Noosa Council may adopt the proposed amendment by considering— a) the information given with the notice under Step 9; and b) if any Minister's conditions or further actions set out in the notice under Step 4 have been complied with; and c) if the adoption version of the proposed planning scheme amendment is significantly different to the version released for public consultation; d) if the proposed planning scheme amendment:	Minister	20 business days

			<ul style="list-style-type: none"> <li>i. advances the purposes of the Planning Act;</li> <li>ii. is consistent with section 16(1) of the Planning Act;</li> <li>iii. is consistent with the regulated requirements prescribed in the Planning Regulation;</li> <li>iv. is well drafted and clearly articulated; and</li> <li>e) accords with the result of any relevant study or report.</li> </ul>		
Step 12		Minister provides approval to adopt	The Minister must give Noosa Council a notice stating— <ul style="list-style-type: none"> <li>a) if the Noosa Council may adopt the proposed planning scheme amendment; and</li> <li>b) the Minister’s conditions, if any, that apply to the proposed planning scheme amendment; <b>or</b></li> <li>c) if the proposed planning scheme amendment may not be adopted, and the reasons why it may not be adopted.</li> </ul>		
Step 13		Compliance with any conditions	Any Ministerial conditions stated on the notice given must be complied with before the local government may adopt the proposed planning scheme amendment, unless stated otherwise in the notice.	Noosa Council	
<b>Noosa Council resolves to adopt or not proceed with the proposed planning scheme amendment</b>					
Step 14	Adoption	Noosa Council decides to adopt or not proceed with the proposed planning scheme amendment	Noosa Council must decide to adopt or not proceed with the proposed planning scheme amendment. If it decides to adopt it will nominate a commencement date.	Noosa Council	
Step 15		Noosa Council publicly notifies adoption	<p>If Noosa decides to proceed, the Council will publish a public notice in accordance with the requirements of the Planning Act, Schedule 2, definition of public notice, paragraph (c) that must state amongst other things:</p> <ul style="list-style-type: none"> <li>a) the name of the local government;</li> <li>b) the decision made by the Noosa Council about the proposed amendment;</li> <li>c) the date the proposed amendment was adopted;</li> <li>d) the commencement date for the proposed amendment (if different to the adoption date);</li> <li>e) the title of the proposed amendment;</li> <li>f) if the proposed amendment only applies to part of the Noosa Council area, a description of the location of that area;</li> <li>g) the purpose and general effect of the proposed amendment; and</li> <li>h) where a copy of the proposed amendment may be inspected and purchased.</li> </ul> <p>If Noosa Council decides not to proceed with the proposed amendment, the Council will publish a public notice in accordance with the requirements of the Planning Act, Schedule 2, definition of public notice, paragraph (c) that must state amongst other things:</p> <ul style="list-style-type: none"> <li>a) the name of the local government;</li> <li>b) the decision made by the Noosa Council about the proposed amendment; and</li> <li>c) the reason for the council decision.</li> </ul>		
Step 16		Noosa Council provides a public notice and copy of the adopted amendment to the Chief Executive	Noosa Council will give the Chief Executive a copy of the public notice and a certified copy of the planning scheme, including the adopted proposed amendment, and a copy of all electronic planning scheme spatial data files (mapping) relevant to the instrument.		Within 10 business days of publishing a public notice

# Community Engagement & Communications Plan for: Noosa Plan 2020 Amendment – Coastal Erosion



<b>Project Name</b>	Noosa Plan 2020 Amendment – Coastal Hazards		
<b>Date</b>	July 2020		
<b>Department</b>	Environment & Sustainable Development	<b>Branch</b>	Strategic Planning
<b>Contact</b>	<input type="text"/>		
<b>Target start date</b>	November 2020	<b>Target finish date</b>	February 2021

**Project Description** – *approximately 250 words to describe what the project is about. This will be used as the introduction on Your Say Noosa*

It is anticipated that during mid-2020 Noosa Council (Council) will adopt a new planning scheme, prepared under the *Planning Act 2016* (Planning Act). The commencement of the *Noosa Plan 2020* (the planning scheme) will mark the culmination of over 4 years of plan preparation, including 3 rounds of community engagement.

Concurrently, Council has been undertaking a multi-year project to develop a Coastal Hazards Adaptation Plan (CHAP), as part of Council's commitment under the Queensland Government's QCoast2100 initiative. The CHAP will help Noosa Shire adapt to and prepare for, the potential effects of rising sea levels and changing climate over time.

In February 2020 the Minister for Planning approved adoption of the planning scheme subject to several conditions, one of which required completion of the CHAP and identification of any necessary amendments to the planning scheme to fully integrate the State Planning Policy (SPP) State Interest for natural hazards, risk and resilience (erosion prone areas). This project proposes an amendment to the new planning scheme to integrate this state interest (proposed amendment).

Section 30(5) of the Planning Act requires that the local government prepare a feasible alternatives assessment report (FAAR) where a planning change is proposed to reduce a material risk of serious harm from natural events or processes and the local government identifies the scheme amendment is necessary through meeting the requirements of the SPP. A FAAR for the Eastern Beaches has been prepared drawing on the risk assessment and options analysis of the CHAP.

Community consultation on the FAAR and CHAP will accompany consultation on the proposed amendment.

A further more detailed engagement and communications plan has been prepared for the CHAP given its wider interest and impact on stakeholders across the community. The CHAP consultation will generally follow the timelines set for the proposed amendment though this may vary depending on how the CHAP consultation progresses through its various stages.

For a limited number of properties along the coast the proposed amendment will have a material effect on potential development and redevelopment of their properties in the future as a result of new code provisions and coastal building line mapping. These owners are the primary target group of this consultation exercise although consultation with the broader community is still necessary.

The proposed amendment will involve further code provisions and coastal building lines within the Coastal Protection Overlay to ensure coastal erosion risks to people, property and the environment are mitigated to an acceptable or tolerable level.

## Design

### Background

It is a statutory requirement through the Planning Act and the Minister's Guidelines and Rules (MGR) that the community be engaged in any planning scheme amendments. Minimum requirements for consultation are set out in the Planning Act and MGR.

Most specifically in this instance it is important to engage with the owners of beachfront properties within the Coastal Protection and Scenic Amenity Overlay area who would be directly affected. These property owners can be expected to

have a particularly high level of interest as the scheme provisions affect how they develop or redevelop their property including where they can build structures.

The first version of the draft planning scheme was advertised in February-May 2019 and included proposed local coastal building lines and more detailed code provisions than the current Noosa Plan 2006. A significant amount of interest was raised with numerous submissions received. The draft planning scheme was changed as a result of Council's consideration of these submissions and the changes were readvertised in September-November 2019. The intent of the changes was to allow for completion of the CHAP and FAAR so any future amendments relating to coastal hazards could be considered by Council and the community in the context of these two documents. The changes effectively reverted the draft planning scheme back to the current Noosa Plan 2016 and its Coastal Protection Overlay.

### Project Aims

The aim of the project is to provide for the protection of coastal processes, landforms and vegetation within sensitive beachfront areas; avoid risk to public safety and damage to property; and ensure future development is located as far landward as is practicable, preferably outside the high risk coastal erosion areas. The intent is to mitigate risks from coastal erosion to people, property and the environment to an acceptable or tolerable level.

This will involve a proposed amendment to ensure the state planning policy for coastal hazards is appropriately integrated in a way that fully considers community consultation, risk assessment results, analysis and recommendations of the CHAP process. The proposed amendment will involve further code provisions and coastal building lines within the Coastal Protection Overlay.

The aim of the community consultation is to seek feedback from individuals and groups in the community on the proposed amendment to the planning scheme, as well as the FAAR and CHAP. The consultation will gauge community opinion, including the effects on individual property owners and the broader community. The consultation will also engage with state agencies throughout the statutory amendment process, as well as Traditional Owners, ratepayers and business associations and internal Council stakeholders.

### Stakeholders

A range of stakeholders will be engaged with directly and indirectly based on the purpose of engagement and their level of interest and influence:

<b>Who</b>	<b>Purpose</b>	<b>How</b>
Property owners directly affected in the Coastal Protection and Scenic Amenity Overlay Area: <ul style="list-style-type: none"> <li>- beachfront owners</li> <li>- owners in overlay area</li> </ul>	For community feedback on amendments	Direct letters
Residents and ratepayers groups and Business groups	For feedback on amendments	Direct letters
Kabi Kabi Traditional Owners	For consideration of their rights and interests	Direct letter
Persons who made submissions previously on the draft planning scheme	For community feedback on amendments	Direct letters/emails
General community	For community feedback on amendments	Your Say Noosa dedicated public consultation website Public notices and media releases

State agencies coordinated by Queensland Treasury (the department)	For consideration of state interests and to follow statutory processes	Direct correspondence and meetings
Council representatives and staff	For feedback on policy implications and implementation matters	Council meetings, workshops, face to face discussions

**Plan - IAP2 level** – *inform= tell them, consult =ask them, involve= bring them into the discussion, collaborate = work with them, or empower = they tell us what they want and we do it (See IAP2 Spectrum)*

Council will be informing and consulting with stakeholders through various stages of the project:

**Inform** - Public notice of proposed amendment (November 2020)

**Consult** - Consult with stakeholders on contents of scheme amendments and FAAR (November 2020)

**Inform** - Notify submitters on results of consultation (December 2020)

**Inform** - Publicly notify adoption (February 2021)

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## Plan – Components and sequence

### Stage 1: Seek initial feedback from State Agencies

- Provide the department with a copy of the draft proposed amendment and draft FAAR for comment prior to council endorsement for the purposes of consultation.

### Stage 2: Commence community consultation

- Public notice in Noosa Today newspaper as per statutory requirements.
- Public notice displayed in customer service areas, as well as information available at Strategic Planning foyer.
- Dedicated Your Say Noosa web page which will include the proposed amendments, the FAAR, CHAP and other supporting material.
- Access to planners via email, phone and counter enquires to ask questions and discuss.
- Links to the dedicated Your Say Noosa webpage from Council's landing page and the planning scheme landing page.
- Letters to the owners of all beachfront properties within the Coastal Protection and Scenic Amenity Overlay advising of the details of the proposed planning change including the reasons it is proposed; to reduce a material risk of serious harm to persons or property on the premises from natural events or processes, and how it may affect the subject premises. These letters will include a copy of the FAAR.
- Letters/emails to other persons who made previous submissions on the draft planning scheme, specifically on the matter of coastal protection, erosion control and/or coastal building lines. This includes information on how to view the proposed amendment and the FAAR.
- Letters to Traditional Owners and Ratepayers and Business associations
- Council Facebook posts and media releases at beginning and midway through consultation period.

### Stage 3: Consideration of submissions

- Properly made submissions will be accepted for at least 20 business days from the date public notice is given (allow a day or two grace following shutoff).
- Consider each submission.
- Notify persons who made properly made submissions about how Council has dealt with the submissions and provide each person access to the consultation report.
- Update Your Say Noosa web page to include results of consultation.

### Stage 4: Adoption

- Public notice in the Noosa Today notifying adoption (paper copy and online)
- Update Your Say Noosa web page on final adoption process.

## Expected communications required

### External communications

- Direct correspondence with property owners and prior submitters
- Correspondence with Residents and Ratepayer groups, Business groups, Traditional Owners
- Engagement with state agencies throughout scheme amendment process
- Public notice in Noosa Today and displayed at customer service
- Talk to a planner at Strategic Planning foyer or via phone and email
- Media releases/liaison
- Home page slider on Council website

### Internal communications

- Working group briefings via CHAP process
- Executive Team briefings
- Councillor briefings
- Emails/updates to DA, Building, Infrastructure, Community Services and Environment staff

- Council Facebook page
- Fact Sheets
- Access to scheme amendment and FAAR
- Noosa Council dedicated Your Say Noosa webpage
- Links to planning scheme webpage

### Manage – deliver, monitor response and establish success metrics

Indicators for success include:

- greater Council and community awareness of the need to manage coastal erosion long term
- Council is provided with a better understanding of community concerns and issues regarding the project
- the project team took appropriate steps to help people who have low interest but who are potentially highly impacted to become aware of the project and have the opportunity to contribute
- the engagement contributed to better outcomes for the project
- the process was sufficiently flexible to address issues as they arose noting that timeline slippages will impact on achieving deadline for Minister's condition
- participants were provided with the information they needed to contribute to the level they desired through phone, email, face to face enquiries and detailed documentation
- The process delivered an amendment to the planning scheme that integrates state interests, meets the statutory requirements and fully considers and appropriately carries forward findings of the CHAP and FAAR
- The proposed amendment achieves Council and Ministerial endorsement.

Measurements to be employed to gauge the success of the engagement include:

- number and content of media responses
- number of submissions received and nature of submissions
- number of enquiries
- qualitative assessment of the feedback provided by the community.

The consultation report will set out relevant metrics and provide an evaluation of submissions received.

### Expected media required

- Assist with media releases and liaison with media
- Review Your Say Noosa content
- Assist with Facebook posts

### Closing the gap – acknowledging submitters and informing stakeholders and the community of progress/ outcomes

As required through statutory guidelines Council will prepare a consultation report on submissions received and how it has considered any submissions. Each submitter will receive a copy of this report and advice on how their submission has been dealt with. This consultation report along with the final FAAR and the final version of the proposed amendment will all be available on the Council website and in the Council offices.

If the proposed amendment proceeds to adoption, a further public notice will be issued advising the scheme is amended.

Webpages and social media will be updated at each stage of the process.