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Committee Secretary

State Development, Natural Resources and Agricultural Industry Development Committee

Parliament House

George Street

Brisbane Qld 4000

Re: Public Submissions

Implementation of The Spit Master Plan Bill 2019

13 December 2019

Dear Committee Secretary,

I am writing to you in my role as President of the Save Our Spit Alliance Inc. Qld (SOSA) on behalf of my Executive Committee and our Members and Supporters in relation to the call for public submissions on the *Implementation of The Spit Master Plan Bill 2019* ("The Bill").

Overall View of *The Bill*

SOSA supports *The Bill* and congratulates the SDNRAID Parliamentary Committee for their diligence in drafting it. We also thank the Hon Cameron Dick, Minister for State Development, Manufacturing, Infrastructure and Planning; his staff; and the independent consultants for conducting a World's best practice 'community and stakeholder consultation process' to achieve the *Spit Master Plan* outcome.

While not all of SOSA's desired outcomes were achieved during the consultation process (e.g. our opposition to the inclusion of an option in the final Master Plan of an Oceanside Cruise Ship Terminal proposal for Philip Park on The Spit that our technical research has proven to be an unfeasible), the process was inclusive of a wide range of views and allowed for full debate, discussion, exploration and contributions using an "Enquiry by Design" approach to arrive at the elements now contained in *The Spit Master Plan*.

SOSA is pleased that members of both major Queensland political parties have worked together in a Parliamentary Committee on *The Bill*. This positive approach clearly reveals

a bi-partisan agreement that acknowledges the need to keep built form on The Spit to a maximum height of three stories and 15 metres in height “for development located within the Spit Building Height Control Area”; preserve and appropriately maintain the parks, public open spaces and natural environments; and improve and upgrade family-friendly and environmentally sustainable recreational and tourism facilities on The Spit, its foreshores and the Broadwater and its islands in the areas designated in the *Spit Master Plan* map.

The Bill ensures funding (\$60million) to begin the process of implementing the public realm and community infrastructure works required to realise *The Spit Master Plan* through a “Spit Development Minister” and the expansion of the powers of the Gold Coast Waterways Authority (GCWA) as the governing body charged with the implementation of *The Spit Master Plan*. (Please see below for SOSA’s recommendations regarding sources of annual funding to assist in facilitating the GCWA’s ever expanding day to day responsibilities, in addition to future capital works.)

The Spit Master Plan and *The Bill* also honour the wishes of the State Member for Southport, the late Doug Jennings, who was highly respected during his time in Parliament by the Gold Coast Community and all sides of politics. Below is his Press Release of 1983.

PRESS RELEASE FEBRUARY 1983

DOUG JENNINGS MEMBER FOR SOUTHPORT

I have stated on a number of occasions and have recommended to the Government and the Authority (Gold Coast Waterways Authority) that they take into consideration and set down as a matter of Policy that the Southport Spit with its long surf and still water frontages, sand dunes, boating facilities, exhibitions, restaurants and fun parks, is an area where the traditional family can have an outing and enjoy themselves away from the hurly burly and business tourist areas and this is the way it must be maintained.
End

(Courtesy of Lyn Wright - from Main Beach Progress Association archives.)

Expected Impacts of *The Bill*

Since 2005, the **objects** of the SOSA ‘association incorporated’ have included:

To work with Gold Coast community sectors for the development of an integrated and holistic vision, and management plan for the conservation and sustainable use of the natural environment of the Spit, Broadwater, its foreshores and islands.

Conservation.

- To work for the conservation and rehabilitation of the public reserves and parks of the Gold Coast Spit.

- To work for the maintenance of an ecologically sustainable marine environment of the Broadwater and Seaway.

- To protect all native terrestrial, estuarine and marine species in the Spit, Broadwater and foreshores, and island areas, especially those of rare, threatened or endangered status or protected by an international agreement to which Australia is a signatory.

Community.

- To preserve for current and future generations, access and enjoyment of the public open space areas of the Spit, Broadwater and foreshores and islands as relief from the urban city areas.

- To provide accessibility and facilities for diverse, low key, low impact environmental and cultural education and recreation in areas of ecological sensitivity.

- To provide appropriate and minimal infrastructure for the enhanced enjoyment of Doug Jennings Park

- To work with the traditional and indigenous members of the community in conserving the cultural heritage of this area.

Education.

- To establish community education programs providing information and actions towards the conservation, rehabilitation and sustainable use of the area.

- To develop links with educational bodies in the Gold Coast or wider area to facilitate research into the environment of the Spit, Broadwater, foreshores and islands and community education.

Economic.

- To encourage the development of ecologically sustainable economic enterprises in the area.

- To encourage the use of sustainable practices by all economic enterprises using the area.

- To encourage the phasing out of environmentally damaging practices by all users of the area.

Over the past 17 years of writing submissions and correspondence to governments; participating in meetings with Local Government, State and Federal Government Ministers and officials; holding community information sessions and members' meetings, public rallies and (occasional) protests; and conducting detailed research leading to published technical, business, economic, tourism and environmental reports and articles, many of the main objects of SOSA have been met through the current draft of *The Bill*.

Recommended Alternatives, Additions or Changes to *The Bill*

SOSA believes that *The Bill* must give the GCWA the capacity to competently administer The Spit in a “place-making” and “place management” manner.

A highly respected Gold Coast architect recently remarked that The Spit is Australia’s largest ‘place-making’ exercise and he wrote,

“...it dwarfs Brisbane’s 45ha Southbank and Melbourne’s Federation Square’s 3+ha... both of which have very strict governance models to ensure the public interest in good design and good management of events, spaces etc is assured.

Southbank’s success necessitated the establishment of a design review panel to advise the board. It has been essential to the promotion of exemplary design outcomes and protection of public interest.”

Appointment of GCWA Board Members

In relation to the above insights, SOSA recommends an adjustment (marked in red font) and an addition (iv) to Clause 25 in *The Bill* in relation to ‘Appointed members’ of the GCWA Board.

25 Amendment of s 45 (Appointed members)

(1) Section 45(2), after paragraph (a)— insert—

- (aa) has knowledge of and experience in 1 or more of the following relevant to the development and delivery of a Spit works program—
- (i) major projects, including, for example, construction, design or delivery of major projects; **or**
 - (ii) project management; **or**
 - (iii) planning and development; **and**
 - (iv) **architectural design and aesthetics of public open spaces, parks and natural environments, and built forms.**

(*The Bill*, page 14)

All Spit Master Plan projects and capital works should be informed and moderated by appropriately credentialed personnel and the insights they bring. We believe therefore that the current description of Board appointments is too narrow especially when taken in the context of the first bullet point expounded in *The Bill* Explanatory Notes under ***Policy objectives and the reasons for them*** (page 1):

- enhance the public realm of The Spit to create a community space for local residents

For this ‘enhancement’ to occur in the ‘public realm of community spaces’, SOSA recommends a designation in *The Bill* of a GCWA Board Appointment that includes:

- (iv) architectural design and aesthetics of public open spaces, parks and natural environments, and built forms.

In addition to the above GCWA Board member appointment criteria, SOSA recommends that a ‘Design Review Panel’ to advise the Board be included as a part of *The Bill*. SOSA considers the type of design review panel mentioned above in the Southbank model is essential to the promotion and execution of “exemplary design outcomes and the protection of public interests.”

Site positioning and design of any element in public realm/public open space improvements has significant implications for the image of The Spit. Good design is an investment in the sustainability and longevity of the elements in the capital works indicated in the *Spit Master Plan*.

Moreover, the Gold Coast City Council (GCCC) is expected to adhere to a *Site Context and Urban Design* (SCUD) assessment process on any of its development projects and so should the works program under *The Spit Master Plan*. This then also reinforces the need for an appointment of a member to the GCWA Board who has knowledge and expertise in the SCUD process.

While SOSA has not approached the following parties regarding their interest or availability for such an appointment, we believe they provide good examples of the skills and knowledge available on the Gold Coast including their familiarity with The Spit and its history and environs:

[Redacted]

[Redacted]

[Redacted]

Development of Spit Works Programs

The responsibilities of the GCWA Board are clearly defined in *The Bill* regarding the development of “a program for the financial year and the following 3 financial years about community infrastructure and public realm works to be delivered in the Spit master plan area during the period (a Spit works program).”

18 Insertion of new pt 4A

After section 20—

insert—

Part 4A Spit works programs

20A Development of Spit works programs

(1) Before the start of each financial year, the authority must develop, for the Spit Development Minister’s approval, a program for the financial year and the following 3 financial years about community infrastructure and public realm works to be delivered in the Spit master plan area during the period (a **Spit works program**).

(*The Bill*, page 9)

However, SOSA is concerned that *The Bill* does not outline a guaranteed ongoing minimum source of funding (beyond the initial \$60 million) that the GCWA can expect each financial year to carry out its community infrastructure and public realm works and associated duties.

(4) If a Spit works program is given to the Spit Development Minister for approval, the Spit Development Minister may—

- (a) approve the Spit works program; or
- (b) direct the authority to amend the Spit works program

(*The Bill*, page 10)

In other words, while *The Bill* ensures the GCWA must adhere to the *Spit Master Plan*, (with the Spit Development Minister’s approval or direction to amend the Spit works program) there is no guarantee the GCWA will have annual funding or suitable budgets to ensure the continued implementation of the Master Plan in a timely way or have the ongoing funds to appropriately govern the commercial, tourism and recreational activities that have been determined as being the duties and responsibilities of the GCWA by *The Bill* and as a consequence in accordance with *The Spit Master Plan*.

In the wrong political climate or the wrong hands, the good intentions of *The Bill* could be sabotaged by a deliberate **under funding** of the GCWA's obligations to the *Spit Master Plan* area. In short, at some future time the GCWA could be deliberately funded for failure.

SOSA recommends that the Parliamentary Committee consider for inclusion in *The Bill*, permission for the GCWA to be the recipients of fees paid by users of the Spit for temporary or single events in each financial year; for instance, from the rental monies paid for the use of Doug Jennings Park for commercially based music events such as "Splendour in the Grass" (or similar), Polo Matches and the "Magic Millions Launch"?

Also, rather than all the lease monies collected from current (and future) commercial leases on The Spit - including (but not exclusively) the hotel, theme park and other enterprises - going into the State's 'consolidated revenue', SOSA requests that *The Bill* prescribes a proportion/percentage of these lease monies to be dedicated as a basic long-term financial foundation for the GCWA's community infrastructure and public realm works program and the GCWA's expanded ongoing day-to-day duties and obligations, once the initial \$60 million for these purposes has been utilised.

Marine Environment and Appropriate Development

The Bill Explanatory Notes make important points regarding the implementation of the *Spit Master Plan*, under ***Policy objectives and the reasons for them*** (page 1). They include:

- improve connections to the surrounding marine environment, including The Broadwater
- generate opportunities for job creation through tourism, entertainment and recreation; and
- get the balance right between protecting environmental and community values and facilitating appropriate development opportunities.

Unfortunately SOSA members have witnessed what can only be described as a pre-emptive commercial development in the *Spit Master Plan Area* in an attempt to establish an inappropriate commercial enterprise on The Spit prior to the commencement of the *Implementation of the Spit Master Plan*.

In SOSA's opinion this 'development' transgresses the intent of *The Spit Master Plan* and obstructs the implementation of important elements of the plan.

We refer to the establishment by a private operator of a heliport on the Crown Land leased Seaworld carpark, complete with hangars and multiple aircraft taking off and landing at less than 5 minute intervals every day of the week.

- improve connections to the surrounding marine environment, including The Broadwater

The heliport appears not to have had full air authority approval for these flights to use the Seaworld carpark as their heliport, nor have they apparently applied for or been granted a Material Change of Use (MCU) by the GCCC to use the carpark in such a manner. SOSA recognises that these transgressions fall outside State jurisdictions and remain in CASA and GCCC domains; however, this type of commercial use of The Spit is a major obstruction to the full implementation of the Spit Master Plan as related to the bullet point above:

Furthermore, the **connectivity** of the surrounding marine environment, including the Broadwater, is not possible with a heliport and its infrastructure operating on the land and foreshore that *The Spit Master Plan* has designated for a Boardwalk to produce the very connectivity mentioned above or the description below of this area in *The Spit Master Plan*:

Outcomes

5.9 The Broadwater pathway provides pedestrian and cycle connections along the water's edge. (page 68)

The proximity of the heliport and its operations will have a severe negative impact on the activities of the Aboriginal Cultural precinct and cultural performance sites designated in *The Spit Master Plan*, owing to the loud and constant noise emanating from helicopters taking off and landing every few minutes.

5.17 A cultural centre is located in a complex adjacent to The Broadwater and is a place that signifies and celebrates Aboriginal heritage and the association of the Aboriginal people with The Broadwater and surrounds. The centre enables visitors to learn about and experience the association of the Aboriginal people with The Spit and its broader setting.

5.18 An open space adjacent to the cultural centre enables the staging of events such as traditional ceremonies and dance performances. (page 68)

And the implementation of the Village North precinct in *The Spit Master Plan* is not possible given the current operations of the heliport on and near that site.

5.10 A new resort to the south of Sea World provides additional short term accommodation facilities in walking distance to the theme park, cultural centre and market. The new resort takes full advantage of the views across The Broadwater and provides access to The Broadwater pathway. Retail and food and beverage outlets at the ground floor activate the boardwalk and the new road servicing the precinct.

The Spit Master Plan designates an 'interface' of the Village Centre North with Seaworld which the current heliport completely obliterates.

Character

The buildings in the Village Centre North interface with Sea World, The Broadwater and Carters Basin, the new internal street and Seaworld Drive.
(page 70)

In relation to the following **policy objective** in *The Bill*,

- generate opportunities for job creation through tourism, entertainment and recreation;

SOSA believes that numerous future and diverse jobs in **appropriate** tourism, entertainment and recreation enterprises will be precluded from being created if the Broadwater Boardwalk; Aboriginal Cultural Precinct and performance site; and the Village North precinct cannot be implemented due to the ongoing operations of a heliport on or near those Spit Master Plan sites.

Moreover, the intent of *The Spit Master Plan Policy objective* below is completely extinguished with the constant and overbearing noise of helicopter flights directly over the Federation Walk Coastal and Wildlife Reserve and the consequent disturbance of the serenity that this public realm potentially offers to residents, visitors, tourists and native wildlife.

- get the balance right between protecting environmental and community values and facilitating appropriate development opportunities.

Therefore, SOSA recommends that the Parliamentary Committee and Minister grant the GCWA the power to intervene through *The Bill* and request that the commercial heliport operations (and any future commercial operations at odds with *The Spit Master Plan*) be stopped and relocated to a more suitable and legally compliant site, **not on The Spit**.

Spit Master Plan Area Map

SOSA has noticed an inconsistency between the *Spit Master Plan Area Map* published in *The Bill* (Schedule 1. Section 5, page 18) and the area on the map published in *The Spit Master Plan* (page 11).

The Bill Spit Master Plan area map has the northern boundary finishing in the centre of the Southport Seaway then west across the northern shores of Wavebreak Island to the western Broadwater foreshore (*The Bill*, page 18). However, the northern boundary designation in the 'Spit Master Plan Area' of *The Spit Master Plan* runs north of Carter Banks in the Broadwater and also takes in the southern tip of South Stradbroke Island (*The Spit Master Plan*, page 11).

A staff member from DSDMIP enquired on SOSA's behalf about this inconsistency and later explained that the Spit Master Plan area map in *The Bill* (page 18) refers only to the

area in which the GCWA will be conducting its “public realm and community infrastructure work programs”, whereas the more expansive area on the map in *The Spit Master Plan* (page 11) is the actual full range of the area that falls under the jurisdiction of *The Spit Master Plan*.

To avoid confusion by other Local, State and Federal Government departments and/or private development entrepreneurs and commercial operators or community members, SOSA respectfully requests that the area map published in *The Bill* be clearly identified in **Schedule 1 – Section 5** (page 18) as being:

Spit Master Plan - Public Realm and Community Infrastructure Works Area

Likewise the following paragraph currently in *The Bill* (page 5, lines 1-3) will need to be amended:

5 Meaning of master plan area

The **master plan area** is the area shown as The Spit master plan area on the map in schedule 1.

SOSA recommends that the above section of *The Bill* should reflect the following:

Meaning of Master Plan Area

The **master plan area** is the area shown as The Spit master plan area **on the map (page 11) in *The Spit Master Plan*. The area shown on the map in schedule 1 of *The Bill* is the area in which the public realm and community infrastructure works programs will take place.**

The Save Our Spit Alliance Inc. thanks the SDNRAIDC Parliamentary Committee for their time and patience in reading and considering our recommendations. We wish you all the best in the next phase of your important work to ensure *The Bill* honours the intent of *The Spit Master Plan* and the will of the Gold Coast Community.

Yours faithfully,

Dr Steven Gratton

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