gecko Environment Council

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Committee Secretary
State Development, Natural Resources and Agricultural Industry Development Committee
Parliament House
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14th December 2019

Dear Committee Secretary,

Re: **Implementation of The Spit Master Plan Bill 2019**

Thank you for the opportunity for Gecko Environment Council Assoc. Inc. (Gecko) to make a submission on this important Bill that will set the framework for the implementation of the Spit Master Plan, which was the result of many months of community sector discussion and final consensus. Gecko is a not-for-profit environment association founded in 1989 and has been active for the past 30 years in protecting the environmental values and ecological sustainability of the Gold Coast, Queensland and, when appropriate, nationally. Gecko's Mission is "*To actively promote, conserve and restore the natural environment and improve the sustainability of the built environment of the Gold Coast region in partnership with our member groups and the wider community.*"

We thank the Minister for State Development, Manufacturing, Infrastructure and Planning, Hon. Cameron Dick, for his leadership role in the comprehensive public consultation process that led to the Master Plan and now in the drafting of this Bill. We look forward to a continuation of the bipartisan support for the implementation of the Spit Master Plan and the acceptance of the importance of maintaining the 3 storey height limit in the Plan. This also needs to be reinforced by inclusion in the legislation rather than as a regulation.

Gecko remains opposed to the construction of a cruise terminal on Philip Park, which will alienate a considerable section of the public open space for a project that in our opinion is not physically or financially feasible and is environmentally very undesirable.

As a community organization that has been involved in protecting the public open space and waters surrounding The Spit for several decades, Gecko is pleased to see that finally there will be legislation to implement the Master Plan which is designed to protect this unique and irreplaceable community asset. Gecko supports the *Implementation of The Spit Master Plan Bill* (The Bill) overall, however we consider that it is necessary to strengthen this further to enshrine the key intent of the Plan. The history of the Spit with almost continual dispute about its use and need for protection of its public open space indicates that stronger legislation is needed which specifically mentions some security of tenure for the parklands and conservation reserve north and east of SeaWorld as well as Wavebreak Island and Curlew Island.

Gecko makes the following more specific comments based on our understanding of the Bill and the clarifications made in the Explanatory Notes.

1. Gecko strongly recommends that the Vision for the Spit (page 19 The Spit Master Plan, May 2019), developed as a result of the extensive public consultation, is included in this Bill, to inspire those responsible for implementing the Spit Master Plan.

The three elements of the Vision are:-

- **Is renowned as a destination that exemplifies a harmonious balance between tourism, recreation, leisure experiences and the environment**
- **Connects the community and visitors with the landscape and marine environment.**
- **Protects and enhances its natural assets and coastal parkland.**

2. Alternatively **the aims of the Bill** as set out in the Explanatory Notes could be included in the Bill to provide an appropriate reference for those involved in the implementation of the Master Plan as they would not find them readily available once the Bill is enacted. These aims are:-

- enhance the public realm of The Spit to create a community space for local residents;
- improve connections to the surrounding marine environment, including The Broadwater;
- generate opportunities for job creation through tourism, entertainment and recreation; and
- find the right balance between protecting environmental and community values and facilitating appropriate development opportunities.

3. **Clause7 regarding Ministerial right of road closures** and the removal of the right of objection. There are few roads on The Spit and it is unclear why the right of objection to closure has been removed. Gecko suggests that a clearer explanation is provided to the public.

4. **Clause 8 – regarding the transfer of unallocated State land** to the State is supported. It is not entirely clear if the perpetual leases only apply to the State as Gecko is not in favour of perpetual leases to commercial developers. Gecko suggests that the wording be made clearer on this matter.

5. **Division 2 Amendment of the Gold Coast Waterways Authority Act 2012**. Gecko supports the increased role of the GCWA in implementing "*the Spit master plan through the development and delivery of a program of community infrastructure and public realm works.*" Clarification is sought regarding the role and duty of the GCWA in regards to commercial development of the Spit in all of Precinct 5 (page 64-76 The Spit Master Plan) including the Sheraton Mirage properties described in sections 5.26 and 5.28. Does development assessment in this Precinct 5 come under the role of the GCWA answerable to the Spit Development Minister currently with the State Department of Planning or the City of Gold Coast Council city plan assessment

officers and councillors? The relationship, roles and responsibilities of the State, Government, Council and GCWA is unclear and should be clarified.

6. **Part 4A Spit Works Programs, Section 20A:** Gecko supports the development of a yearly plan of works within a three year plan of works and is pleased to note that in the development of these works programs the GCWA must undertake to consult with the community as well as the City of Gold Coast Council and other relevant entities affected. The community will continue to be actively engaged in the roll out of any works and development on The Spit and have proven this by their diligence in protecting its assets over many decades. However Gecko seeks clarification regarding the level and form of public consultation and the rights of objection to such programs of works.

7. **Clause 22:** Gecko is pleased to see that the GCWA will be required to produce quarterly reports as well as an annual report on the dual role of implementing The Spit Master Plan and their existing role of managing the waterways of the Gold Coast. It is not stated in the Bill whether these reports will be made public, including but not limited to, publication on the GCWA website, and we recommend that this is the practice to ensure transparency and accountability.
It is noted that the funding of $60 million for the Master Plan implementation is for the initial 4 years, with no provision of ongoing funding included in the Bill**.** It is likely that this project will take at least 10 years to implement and maintenance costs will be ongoing. Provision could be made for the GCWA to receive a percentage of lease payments and payments for the holding of major events on The Spit to ensure that they have sufficient funds for both implementation and maintenance at a high quality level. Allocation of such funds will ensure a buffer and financial sustainability, protecting the GCWA and its assets in the longer term.

8. **Clause 24 and 25 regarding the appointment of three additional members to the GCWA Board:** Gecko supports these appointments in view of the increased and diverse roles of the Board members with the enactment of this Bill. However it is recommend that the proposed new members have demonstrated experience and qualifications and skills in architecture, sustainable design and aesthetics to ensure the preservation of the Spit and its landscape and aesthetics (e.g. an experienced architect with sound planning knowledge and skills). This will ensure a consistent high quality of development of both community infrastructure, public realm works and commercial development. The Bill does not clearly state what process or conditions will be undertaken in applying for these positions or the qualifications and requirements of those who will then assess the applicants. For example can community members put forward names of potential board members or should aspirants apply directly?

   The Board will be responsible for ensuring that The Spit is recognised as unique and exceptional in its natural assets as well as the opportunities provided for imaginative and artistic development both in the public open space areas and commercial development. It is a huge area, many time larger than Brisbane's much appreciated Southbank or Melbourne's Federation Square and has the potential to be the pre-eminent recreational/ conservation area in Australia. Effective design, implementation and management of the area would serve as a global model for sustainable landscape planning incorporating functional community and recreational design, promoting

conservation and minimum environmental impacts. It is essential than any development on The Spit is of high quality that will capture the public imagination and appreciation now and into the future as a place made with world class standards of sustainable design and construction. This cannot be achieved without personnel on the Board with the requisite skills, knowledge and experience not always found in project managers, developers or planners. Gecko also recommends the appointment of a Design Review Panel (or as a minimum, a standing sub-committee of the Qld Urban Design and Places Panel) to assist the Board decisions in this regard and strongly recommends that such a panel is included in this Bill.

9. **Staff of GCWA:** The additional role of the GCWA involves a considerable increase in work and responsibility, but no mention is made in the Bill of an increase in staff numbers of appropriately qualified people. If this is inappropriate for a Bill, perhaps it needs to be included in the regulations.

10. **Other matters:** Gecko takes this opportunity to raise two issues which we believe impact negatively on the successful implementation of The Spit Master Plan. These are (a) the helicopter flights based adjacent to SeaWorld and (b) the proposal by the Southport Yacht Club to develop a super yacht facility along Jack Gordon Park.

    (a) Helicopter flights. Gecko has observed that SeaWorld have undertaken the construction of a heliport on part of the car park item 5.11 of The Spit Master Plan which is contrary to the purpose outlined in the Master Plan namely "***5.11*** *The Sea World theme park's car parking capacity is maintained in a well-shaded form that manages the quality of stormwater. Over time, a redeveloped car park accommodates vehicles in a multi-level structure".* This development appears to have been undertaken without any authorisation by any level of government and in advance of the promulgation of this Bill. In addition Gecko raises concerns about the noise pollution created by tourism helicopter flights taking off and landing every 10 minutes from this heliport. This is compounded by additional tourism helicopter flights from Marina Mirage. This noise pollution does not seem to be monitored or controlled by any government entity and results in considerable discomfort to visitors to The Spit as well as residents in nearby residential areas. Apart from the health and nuisance issues of these flights Gecko raises the issue of the impact of potential investment in Precinct 5 – the Villages. Will potential investors be put off by the constant noise and so adversely impact on the development of and enjoyment of The Spit? This matter must surely be resolved with the removal of the heliport and its helicopters and the powers to do this be given to the GCWA and be included into the Bill.

    (a) Southport Yacht Club (SYC) proposed super yacht facility at Jack Gordon Park. Gecko recognises that the construction of a super yacht facility adjacent to Jack Gordon Park and the Yacht Club was agreed to as part of the Spit Master Plan as reflected in these two sections of the Plan. page 92 states
    "7.9 *A superyacht berthing facility is located along the edge of Jack Gordon Park to the west of the yacht club building and provides access for large servicing and refuelling vehicles along the edge of the berthing facility. A secure transparent fence separates the berthing facility from the park*

7.11 *The striking stands of trees in Proud Park and Jack Gordon Park form part of the gateway to The Spit and facilities, such as playgrounds and toilets, are provided near the dog park enclosure where the park is at its widest."*

However the plans of the proposed super yacht facility presented to members of the SYC at a special meeting on 29th November 2019 appears to demolish a waterside section of parkland and the first row of Norfolk Island Pines for a super yacht berth and alienate potentially much if not all of Jack Gordon Park from public use which is contrary to 7.9 and 7.11 of the Master Plan. In addition it appears that the SYC has considerable confidence that the club will receive a grant of $4 million to facilitate this development. The source of this grant was not disclosed in the documents provided to members and Gecko has concerns that it will be taken from the $60 million allocated for works on The Spit over the next 4 years. It is a very large grant and its process is not transparent to the community. It is also noted that once the SYC completes paying off a loan of about $1.5 million, which they need for construction of the super yacht facility, they will be in receipt of an annual income of at least $200,000 in perpetuity. The general community however will apparently lose the use of a much used public park without any compensation or benefit from the super yacht facility.
It is recommended that clear guidelines are established in regards to the $60 million, so as to ensure clear, transparent, and effective expenditure

Gecko is very pleased to see the implementation of the Spit Master Plan finally being enshrined in legislation. Matters raised here in this submission are done in an effort to improve the legislation for the benefit of the whole community, protection of its assets and resources and for environmental conservation now and into the future. We look forward to the successful implementation of the Spit Master Plan in the years ahead and the achievement of a remarkable community asset for all to enjoy.

Yours sincerely

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