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December 19, 2019

The Assessment Manager Sunshine Coast Council

Locked Bag 72

Sunshine Coast Mail Centre

Your Reference: MCU19/0143

Attention: John Alderson

Dear Mr Alderson

**RE: Proposed Development: Preliminary Approval for Material change of Use (Variation Request to Vary the Effect of the Preliminary Approval for the Wises Farm Mixed Use Development), Development Permit to Reconfigure a Lot (1 lot into 103 Residential Lots) for Lot 3000 on SP306280**

This submission is written on behalf of OSCAR (Organisation of Sunshine Coast Association of Residents).

Members of the Sunshine Cove community have drawn to our attention that the above application is currently before council. OSCAR has been contacted by some of the residents in relation to this application. OSCAR writes in support of those residents who have made submissions against the application. We also note that the Wildlife Preservation Society has also made a submission.

In considering this application OSCAR reminds both the applicant and the assessor of the Principles and Purposes of the Planning Act 2016, relevant sections reproduced below and on which and with the 2014 SC Planning Scheme this application is critiqued:

***Section 3 Purpose of Act (The Planning Act 2016)***

*(1) The purpose of this Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.*

*(2) Ecological sustainability is a balance that integrates—*

*(a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and*

*(b) economic development; and*

*(c) the maintenance of the cultural, economic, physical and social wellbeing of people and communities.*

*(3) For subsection (2)—*

*(a) protecting ecological processes and natural systems includes—*

*(i) conserving, enhancing or restoring the life-supporting capacities of air, ecosystems, soil and water for present and future generations; and*

*(ii) protecting biological diversity; and*

*(b) achieving economic development includes achieving diverse, efficient, resilient and strong economies, including local, regional and State economies, that allow communities to meet their needs but do not compromise the ability of future generations to meet their needs; and*

*(c) maintaining the cultural, economic, physical and social wellbeing of people and communities includes—*

*(i) creating and maintaining well-serviced, healthy, prosperous, liveable and resilient communities with affordable, efficient, safe and sustainable development; and*

*(ii) conserving or enhancing places of special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance; and*

*(iii) providing for integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction; and*

*(iv) accounting for potential adverse impacts of development on climate change, and seeking to address the impacts through sustainable development (sustainable settlement patterns or sustainable urban design, for example).*

## **5 Advancing the purpose of Act**

*(1) An entity that performs a function under this Act must perform the function in a way that advances the purpose of this Act.*

*(2) Advancing the purpose of this Act includes—*

*(a) following ethical decision-making processes that—*

*(i) take account of short and long-term environmental effects of development at local, regional, State and wider levels; and*

*(ii) apply the precautionary principle, namely that the lack of full scientific certainty is not a reason for delaying taking a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage; and*

*(iii) seek to provide for equity between present and future generations; and*

*(b) providing opportunities for the community to be involved in making decisions; and*

*(c) promoting the sustainable use of renewable and non-renewable natural resources, including biological, energy, extractive, land and water resources that contribute to economic development through employment creation and wealth generation; and*

*(d) valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition; and*

*(e) conserving places of cultural heritage significance; and*

*(f) providing for housing choice, diversity and affordability; and*

*(g) encouraging investment, economic resilience and economic diversity; and*

*(h) supplying infrastructure in a coordinated, efficient and orderly way; and*

*(i) applying amenity, conservation, energy use, health and safety in the built environment in ways that are cost-effective and of public benefit; and*

*(j) avoiding, if practicable, or otherwise minimising the adverse environmental effects of development (climate change, urban congestion or declining*

OSCAR understands residents' objections to this application are valid for the following reasons as outlined below.

### **1). Lack of meaningful community engagement**

The developer's attempt to consult with the community as outlined to OSCAR was ineffective as follows;

- The apparent door knocking regime by the developer within Sunshine Cove was limited to the expectation that owner occupiers were home at the time door knocking occurred.
- The developer did not provide follow up information requested by residents who were home at the time door knocking occurred, and
- Information available in the public domain demonstrates a large proportion of residences are rental properties and attempts were not made to contact homeowners directly

Considering the 2016 Planning Act the following provisions have not been adequately met as absentee landlords and working members of the community (either residents or landowners) were excluded from the consultation. (Section 5 (2) (b) highlighted below). It would appear that minimum consultation was undertaken with the community by the developer.

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***(b) providing opportunities for the community to be involved in making decisions***

### **2). Non-compliance with the Biodiversity, Waterways and Wetlands Overlay Code**

The area of open space is subject to The Biodiversity, Waterways and Wetlands Overlay Map within the Sunshine Coast Planning Scheme, 2014.

Section 8.2.3.1 seeks to:

Protect, rehabilitate and enhance ecologically important areas The Planning scheme identifies in Schedule 1 Definitions: 2

- Ecologically important areas include non-remnant vegetation, and
- contains habitat for flora and/or fauna species of local ecological significance. The consultant for the developer appears to have incorrectly assessed this open space area with respect to the applicable codes by reporting that the open space under assessment does not apply to that of ecological significance as defined in the planning scheme. Given the subject site contains non-remnant vegetation there appears to be non-conformity with the overall outcomes.

The Planning Act 2016 as per the highlighted sections below outlines the significance of ecologically important areas, habitat and biodiversity, which the community maintains will be negatively impacted by this application, including areas of non-remnant vegetation.

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*(3) For subsection (2)—*

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### **3). Proposed Sewer location within designated 6 metre buffer.**

- A proposed 300mm Gravity Sewer Main is located where a dense vegetated buffer is to be established to visually screen the development from residents
- OSCAR understands that Unitywater policy does not allow vegetation to be planted within areas where such infrastructure exists hence there appears to be a discrepancy between the Engineers's Report, and the policy that falls under Unitywater jurisdiction with respect to this element of the application.

### **4) Visual Amenity**

- The current stand of vegetation protected in the Conservation and Habitat area is considered to provide green relief in a rapidly developing area of medium density housing and where the currently vegetated areas are significant to the residents' amenity and health.
- The concept design depicts the replacement of mature trees with trees smaller in height but in the same location – there is insufficient rationale and scale with respect to the purpose or likelihood of this outcome being achieved in a timely manner (in fact no time frame has been given).

The Visual Amenity report stated with clear diagrams and text that there would be a significant impact on amenity with the removal of the amount of vegetation proposed in this application.

Again with reference to the Planning Act, (highlighted sections)

*(3) For subsection (2)—*

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It is clear that something that grows to 15metres in “time”, where time is not defined in the Amenity Report does not satisfy the test of “conserving, enhancing or protecting biological diversity” as listed in the Planning Act 2016. The diagrams illustrate that from many viewpoints, both within Sunshine Cove and externally looking towards Sunshine Cove, that what is proposed is nowhere near what is currently there and there is no guarantee that what is replaced will be as effective and hence the impact will be considerable.

The fact that a Visual Amenity report was required gives a clear indication that the community of Maroochydore in general and the Sunshine Cove community in particular value the vegetation present.

## **5) Open Space**

The proposal represents a considerable reduction in publicly accessible open space when compared to that achieved in the Wises Farm Preliminary Approval Document (WFPAD). This is a considerable loss of opportunity to current and future residents of the precinct.

- Open space provisions for Precincts 7 and 10 resulted in an overall open space area in the order of 24,000 m<sup>2</sup> (2.4 ha)
- Under the current proposal the applicant is proposing to reduce this total open space contribution to 16,000m<sup>2</sup> (1.6 ha)
- The 3,145m<sup>2</sup> of “vegetated’ 6 metre buffer is part of the proposed total open space area. This vegetated buffer will not be accessible to the public therefore provision of access to open space by the public is non-conforming with Open Space provisions 3 outlined in Supplementary Preliminary Approval Document (SPAD)
- The current configuration could result in this buffer area becoming a maintenance burden for both Council, existing and future residents of Sunshine Cove.

The revised Masterplan requests a Net Loss of Open Space calculated to be 11,135 m<sup>2</sup> or 46.4% of the original proposal. This is an unsatisfactory outcome for residents.

Again with reference to the Planning Act, the highlighted sections refer to the physical and social wellbeing of people and communities. Increasingly we are becoming aware of the value of open space, vegetated areas in community health and wellbeing.

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*(iii) providing for integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction; and*

## **6). Crime Prevention**

Through Environmental Design (CPTED) Principles Residents are concerned that the built environment to create safer neighbourhoods as above, has not been adequately observed. Concerns around;

- Natural surveillance provisions
- Natural access control
- Natural territorial reinforcement
- Maintenance and Graffiti

These concerns need to be addressed by the developer via the applicable codes and provisions in order that residents' safety is not compromised. Again the Planning Act makes reference to:

*(iii) providing for integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction;(Section 3,3 subsection 2, c, iii.)*

## **Conclusion**

Residents have reported that the precinct does not have adequate 'Community Hub', 'Open Community Space' to gather and meet.

The recent Sunshine Coast Community Strategy in its opening paragraphs states:

*A strong community is a place where people consistently do a variety of simple things together that give them opportunities to connect with others, building trust and social connection. A strong community is one that keeps itself informed and feels empowered to respond to local issues together. This web of trusting relationships and local awareness fosters greater connection, collaboration, innovation and strengthens resilience.*

*Sunshine Coast Community Strategy November 2019, page 9.*

Residents have indicated a desire to form a working group or initiate a volunteer program similar to nearby Traill Park (500 metres to the east of this site) that enjoys regular community working days involving residents in replanting/weed control and general maintenance. There is an opportunity within the Sunshine

Cove precinct to accommodate, foster and nurture the coordination of a community within the precinct to build social capital and wellbeing.

Such an initiative reflects the Values expressed in the Social Strategy (page 25) where:

*Our community also told us they value:*

- *connection – to each other and to our community*
- *inclusion – through embracing diversity and the principles of social justice*
- *collaboration – empowering communities to work together*
- *liveability – making sure our communities are vibrant, welcoming and accessible for all, with a balance between our natural and built environment*
- *prosperity – where everyone has the opportunity to participate socially and economically*

Given the feelings of the residents and the fact that the applicant has failed to meet: a number of the Planning Scheme requirements; a number of the Principles underlying the Planning Act and the desired outcomes of the very recent Sunshine Coast Community Strategy, OSCAR totally supports the residents submitting against this application and urges council to refuse this application in its current form.

OSCAR hopes you will receive this application given the computer issues the writer had and the total loss of the document at 4.00pm Thursday 19 December 2019 as indicated in a phone call.

Melva Hobson PSM

President

OSCAR (Organisation of Sunshine Coast Association of Residents)

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