

Reports to OSCAR meeting 22 October 2020

Item 6. Financial report

6.1 Treasurers Report – OSCAR Inc. General Meeting 22 October 2020

Financial Report The report is for 4 months to October 2020

1. Income and expenditure

Income for the month was \$330.00 being members fees received from:

Friends of Yaroomba, Peregian Beach Community Association Inc, Eudlo Creek Neighbours Association Inc, Yandina Creek Progress Association Inc, Friends of Lake Weyba and Landsbough Area Community Assoc.

Expenditure for the month was \$706.41 as detailed below.

- Zoom membership \$184.71
- RTI application fee \$51.70 Coolum advertiser re Coolum West \$290
- Hire of Coolum hall re: election \$180`

The net result for the month was a reduction in funds of \$(376.41).

Year to date the net shortfall is \$(66.41). Closing bank balance at 22 October is \$1542.53 2.

2. Membership fees

To date, we have 23 paid up members.

Members who have not paid, please do so. If a member has financial issues, please let the treasurer know.

3. Audit of accounts to 30 June 2020

The audit has been completed and there are no issues of concern.

Motion:

That the Treasurer's report be accepted expenditure items as listed in the report be approved.

Charles Toms

Item 9 General Business

9.1 Standing Items

a) SC Community Aviation Forum (Richard Dennis)

- The CAF met on Tuesday 20 October
- Operating Commercially at 95% down on last year.
- Half Staff stood down. This represents about 400.
- Concentrating on developing new markets and the Airport Master Plan.
- eg 1.5 million Qld passengers passing SCA in favour of Brisbane.
- Flights to Cairns, Adelaide and Canberra well supported.

Air Services Australia:

Provided statistics on current flights and historical data for flights back to 2016.

Addressed the issue of General Aviation Flights.

Jet Flights since the opening of the new runway (14/6) are only 365 but overall movements are only down 10-15%.

Complaints raised principally from Mudjimba and Peregian Beach.

Concerns are: Night Flights from Jets and Helicopters and Low Flying General Aviation and Helicopters plus deviation from an aligned flight path to the new runway over residential property in Mudjimba.

There have been 6782 aircraft movements from 14/6 to 10/9 in 2020 since the runway opened.

Compared to 2016: Helicopters: 3204, 2020: 840 , General Av: 5300, 2020: 5000

The General Aviation Flights have held up due to less scheduled flights, increased training, recreational and commercial.

ASA explained how complaints were dealt with: issues based (v) volume.

ASA gave an overview of how the PIR process was going to be taken forward over the coming months.

A new CAF webpage was agreed to be implemented.

Mudjimba Residents Association Presentation.

Focused on the Jet Nights Flights, Night Helicopters and General Aviation Flights over residential property and requested urgent attention to the General Aviation and Helicopter flights with some proactive recommendations and that the Fly Neighbourly Policy implementation be made a priority by Airport Management.

Action Points:

CAF Webpage agreed.

Draft Fly Neighbourly Policy input and response by 27/10.

Response by SAC Mgt. to the MRA Presentation Points.

ASA P I R.

The Meeting was well attended and included representation from Noosa Council

b) CHAS (Susie Chapman)

The full CHAS met on Monday of this week. The small working groups have continued to meet and discuss issues related to areas of concern across the Sunshine Coast. There is a Councillor workshop on the 26 October with plans for community engagement to start in early November. A range of engagement activities has been developed to ensure that the process is inclusive. Officers are keen to talk with community groups.

NB. Susie will outline in more detail and answer questions at the OSCAR meeting on Thursday 22 October. OSCAR is negotiating for Gillian Smith to present to our OSCAR November meeting.

c) SEQCA

A number of issues were discussed including:

- Restructure of EDO (Environment Defenders Office)
- Logan City Council – no Councillor mobile phone numbers are given to the public as councillors have 24x7 access to the building!!
- Discussion around it being time to monitor and measure the outcomes from the SEQRP 2017.
- Opportunities to raise concerns during the proposed audit on local government
- <https://www.qao.qld.gov.au/audits/contribute-audits-queensland> (see agenda for more detail) Note opportunities to raise issues of concern during proposed audit on local government:

LG Audit Objective- This audit will assess whether local governments' processes for development applications and approvals are efficient and effective and comply with relevant regulatory requirements.

Contribute to audits in Queensland | Queensland Audit Office

You can contribute to audits in Queensland by: suggesting a new topic for a performance audit raising an issue about financial waste or mismanagement contributing information to an open performance audit – please see list below When suggesting new topics or raising issues, they need to relate to public sector entities or money being spent on public services.

See more at <https://www.qao.qld.gov.au/audits/contribute-audits-queensland>

- Information booklets on recent changes to LG are available on the DLGRMA website: <http://www.dlgrma.qld.gov.au/local-government-reform.html>
- The Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 was passed and is now before the Senate. It has not yet been referred to a Committee.
- This planning website analyses the contents of the Bill, which is essentially the One Stop Shop Bill 2014 updated: <https://hsfnotes.com/environmentaustralia/2020/08/27/epbc-amendment-bill-tabled-to-facilitate-bilateral-approval-agreements/>
- SEQCA resolved to write to new minister/s post-election reiterating our ongoing issues and concerns

c) QLGRA

Beyond routine business, the meeting was largely about Community Forum and

AGM. <https://www.facebook.com/qlgralliance/photos/a.1421278631241580/3450956134940476>

d) SCRC Transport Strategy Community Advisory Group and Mass Transit

Second travel behaviour workshop 15 October 2020 (attended by M Hobson)

Purpose – *the focus of the workshop will be on coming up with feasible initiatives that address the overall goal of reducing car use on the Sunshine Coast in ways that are as imaginative as possible*

Each participant outlined possibilities for reduction of car use within their organisation. For OSCAR the following issues and possibilities were shared:

i) reduce car use and need for parking when attending SCRC ordinary meetings – possible solution – SCRC continue to live-stream

ii) reduce need for members to travel eg those from the hinterland to attend OSCAR meetings at Northshore or other meeting places – possible solution – SCRC make grants available for community facilities and groups to have audio to computer connector so those on Zoom or other platform can hear those in situ clearly.

Participants were then allocated to 4 working groups each with a topic to consider imaginative solutions.

OSCAR was in the group that considered 2 topics:

i) *Free up space in centres from parking by:*

- reducing the number of cars seeking parking space
- reducing the number of local trips required

ii) Reduce congestion around schools and events

- soft approaches – marketing
- free buses eg increase radius for free bus travel to and from schools
- engagement with school kids to come up with imaginary solutions
- include ramps etc on route for kids to use a variety of types of transport
- majority of congestion around schools relates to children being picked up by car but living within 2 kms of the school

The report from this and other workshops when received will be included in future Updates.

e) SCRC and Noosa Shire ordinary meetings – reporting by exception

f) Update report from Friends of Buddina re Code assessable development application on primary dune.

BUDDINA BEACHFRONT DEVELOPMENT - UPDATE Legal Challenge

Community Group, Friends of Buddina, continues its challenge in the Planning and Environment Court over the Buddina Beachfront development approval

The contentious Buddina Beachfront development was again mentioned in the Planning and Environment Court this morning (16 October 2020) in a scheduled Review of the case. The outcome of today's Court Review was an additional Order that each party must file and serve:

- (a) an outline of argument; and
- (b) a list of legislation and authorities on which it relies

by 4pm on 23 November, prior to commencement of the scheduled **Court hearing on 26 and 27 November 2020**.

BACKGROUND

Friends of Buddina have long argued that the proposed "Buddina Beachfront" development breached the Planning Scheme, including that its lighting would negatively impact the nearby endangered loggerhead turtles' nesting habitat. In addition, the building height, excess site-coverage, mass and density with less than prescribed setbacks would significantly impact local residents' views, vistas, amenity and privacy.

An Originating Application was lodged in November 2019. The P&E Court initial dates were set and legal processes commenced early in 2020 with Friends of Buddina Ltd as the *Applicant*, Sunshine Coast Council as the *1st Respondent* and Pacific Diamond 88 Pty Ltd, the Sydney-based developer, as the *2nd Respondent*.

On 8 April 2020, the developer (*2nd Respondent*) submitted a "minor change" proposal to Council (*1st Respondent*) for proposed changes relating to the Turtle Lighting approval conditions, one of the subjects of the P&E Court documents lodged by Friends of Buddina Ltd. This arrangement was made between the two *Co-Respondents* in the case; their own legal teams were advised, yet, neither Friends of Buddina nor their legal team were advised of these actions by *Co-Respondents*, even though their action would directly impact the case. There is no legal obligation to advise – advice is optional.

Friends of Buddina and their legal team became aware of the *two Co-Respondents* actions in May and all parties agreed that the Directions Orders of the Court be vacated until the minor change application has been decided. On 23 July 2020, Council (*1st Respondent*) approved the "minor change" proposal for the developer (*2nd Respondent*).

Interesting tactics that appear to demonstrate that both Council and the developer were so concerned about their legal position that they needed to alter some of the approval conditions in an attempt to improve their own defence of the Development Approval.

Nevertheless, in reviewing those changes to the approval conditions, there are some improvements (such as tinting of all glazing facing north, south and east). However, other changes appear to have diluted and weakened some of the original conditions introducing further ambiguities. In addition, failure to address other key assessable benchmarks and amenity provisions of the Planning Scheme remain outstanding and the Approval continues to be challenged on the basis it was unlawful.

g) Twin Waters Update (Kathryn)

The initial P&E Court Review before Judge Kefford was primarily to review administrative issues. The next dates of importance are 2 November when SCRC has to supply their list of reasons for refusal and then early December (TBC) when "We refer to the Order made by her Honour Judge Kefford on 12 October 2020 (*Order*). "Pursuant to paragraph 5 of the Order, the parties and their legal representatives (if any) are required to attend, participate and act reasonably and genuinely in a without prejudice conference in Brisbane before the ADR Registrar on or before 4 December 2020".

IT IS ORDERED THAT:

Issues in dispute

1. On or before 2 November 2020, the Respondent must file and serve a particularised list of all of the matters relied upon by the Respondent to support the refusal of the proposed development including

any assessment benchmarks and any other relevant matters pursuant to section 45(5)(b) of the *Planning Act 2016*.

2. On or before 16 November 2020, the Co-Respondents by Election are to:
 - (a) give written notice to the parties as to whether they adopt matters relied upon by the Respondent notified pursuant to paragraph 4 of this Order and if so, the particular matters relied upon; or
 - (b) if the Co-Respondents by Election do not adopt matters relied upon by the Respondent, or if they wish to identify additional matters, file and serve a particularised list of all of the matters relied upon by the Co-Respondents by Election to support the refusal of the proposed development including any assessment benchmarks and any other relevant matters pursuant to section 45(5)(b) of the *Planning Act 2016*.
4. On or before 23 November 2020, the Appellant must file and serve a particularised list of all the matters relied upon by the Appellant to support the approval of the proposed development, including any assessment benchmarks and any other relevant matters pursuant to section 45(5)(b) of the *Planning Act 2016*.

Without prejudice conference

5. On or before 4 December 2020, the parties and their legal representatives, if any, are to attend, participate and act reasonably and genuinely in a without prejudice conference to be conducted by the ADR Registrar in Brisbane, at a time to be agreed between the parties.

Review

6. The appeal be listed for review on 9 December 2020.