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16 May 2023

To: [mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)

Attention: Katrina Patey, Assessment Officer

Copy: [Joe.Natoli@sunshinecoast.qld.gov.au](mailto:Joe.Natoli@sunshinecoast.qld.gov.au)

Dear Katrina

**RE: Minor Change application, MCU18/0190.04 to be REJECTED.**

Application number: MCU18/0190.04 Minor Change to Development Approval

Application address: 2 & 6 Talinga St, 84 & 85 Pacific Blvd, & 61 & 63 Iluka Ave, BUDDINA

Name: Organisation Sunshine Coast Association of Residents Inc. (OSCAR)

Email: [mail@oscar.org.au](mailto:mail@oscar.org.au)

Submission made by Melva Hobson President OSCAR

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Residential address 9 Goongilla St Yaroomba 4573

1. This Submission is made following a motion by the 27 April 2023 OSCAR General Meeting which resolved: "That OSCAR make submission to SCRC objecting to the 'minor change' application – including precedent implications."

2. OSCAR opposes this minor change application to remove Approval conditions 70(a), (b) and (c) and request that Council reject the application, without amendment.

### Reasons for rejection

Our reasons for rejection include, but are not limited to:

- Removal or any dilution of these approval conditions will increase the severity of known impacts (*Artificial Light at Night*) on the endangered loggerhead turtle & their nesting habitat at Buddina
- Removal or any dilution of these approval conditions eliminates compliance criteria and ongoing certainty of the protection measures, further diminishing the protection of the endangered species.
- Removal or any dilution of these approval conditions introduces uncertainty as to how to block interior artificial light spill which will not be measurable, manageable nor enforceable without the compliance criteria.
- Removal or any dilution of these approval conditions may undermine Council's legislative responsibility to protect a listed endangered species, also classified as MSES under State legislation.
- Removal or any dilution of these approval conditions reflects inconsistency with multiple other DA approvals by Council which specifically include similar turtle lighting control elements (such as 15% VLT on glazed surfaces).

## Community expectations

The community expects from its Council planning and assessment system that decisions are made that give surety to both the community and developers as to the standards expected in the making of planning decisions.

The community also expects that Council will abide by its own Strategic Policies which have informed the Planning Scheme including the 3 strategies - Environment and Liveability, Community and Economic. The issues that are the matter of this proposed "minor change" relates to all 3 strategies, but particularly to the Environment and Liveability strategy.

OSCAR respectively reminds the assessment team of the following key components of this strategy relating to coastal environments in particular:

*Re population growth - This increased demand for land along the coastal strip to accommodate the growth of residential, commercial and industrial buildings, along with a growing demand for access to our natural assets, including the beaches and waterways, will also put additional pressure on our open space network, natural environment and access to services and facilities that underpin our lifestyle.*

## Challenges and opportunities

*Careful planning and delivery around economic growth are required to ensure that the **healthy environment that underpins our liveability is protected and enhanced**, enabling a prosperous region built on a diverse local and global economy and our natural advantage. (OSCAR emphasis)*

14 Sunshine Coast Environment and Liveability Strategy 2017 - Part A

## Landscape and Character policy positions

*1.1 The distinctive and diverse landscape is preserved to maintain the beauty of the area:*

*a The landscape is retained and continues to underpin the character of the Sunshine Coast.*

*b The urban form is contained within the defined urban footprint.*

*c The natural landscape remains intact, undiminished and protected from development that is incompatible with its values.*

*d Prominent natural landscape features are protected and celebrated.*

Sunshine Coast Environment and Liveability Strategy 2017 - Part A 33

## Coastal policy positions

*4.1 The natural values and function of coastal environments are preserved:*

*a Natural coastal processes are preserved.*

*b Coastal landforms, habitats and vegetation communities are protected and enhanced.*

*c Native coastal fauna populations are maintained and enhanced.*

*d Water quality is maintained and enhanced to support ecosystems and associated coastal values.*

*4.2 A healthy coast and near-shore marine environment is preserved to sustain our valued coastal lifestyle and economy:*

*a Coastal recreational, social and economic activities have minimal impact on coastal values and natural processes*

Sunshine Coast Environment and Liveability Strategy 2017 - Part A 45

The community expectation is that SCRC will not compromise on ensuring protection of endangered and vulnerable species and in this case species that are listed as endangered.

The community also expects Council to demonstrate its support for and application of a rules-based planning system that is consistently applied and does not respond to the whims of an individual developer.

Should SCRC approve or amend the requested changes it could be seen as:

1. Demonstrating preferential treatment by Council in favouring this particular developer by providing reduced compliance and substantial cost savings, not available to other developers.
2. Setting a precedent, where other developers in similar situations may argue that they should have the same or similar consideration.

### **OSCAR Recommendation**

**OSCAR maintains that Condition 70 must be retained, unaltered, as approved in July 2020. That is, there should not be any amendment to the Approval Condition nor any sub-clauses of that condition.**

### **Commentary**

Approval Condition 70 outlines prescribed measures to “**minimise light spill and maintain or reduce** the existing established sky glow levels at the adjacent turtle nesting grounds”.

Approval conditions 70(a), (b) and (c) are specific design requirements for achieving these outcomes and specify that:

- (a) all glazing (including windows and doors) on the north, south and eastern elevations must be tinted with non-reflective tinting, or utilise smart glass technology, to achieve a maximum 15% visible light transmittance;

{Explanatory Note: 15% VLT blocks 85% of artificial light when tinted glazed doors and windows are closed and consistently blocks 85% of artificial light on all tinted glazed fixed panels. Tinted glazed doors and windows can be opened at all times, 24/7, 365 days a year at the discretion of the residents};

- (b) all windows and doors within all units on the north, south and eastern elevations must be fitted with automatic opaque blinds. The automated blinds must be configured to be closed automatically, and must remain closed, between 8:00 pm and sunrise during turtle nesting and hatching season (1 October – 31 May)

{Explanatory Note: When tinted doors and windows are open at night, the closed blinds block a high % of artificial light during turtle nesting season. The blinds can be opened during daylight hours 365 days a year};

- (c) indoor and outdoor paint/surfaces/fixtures must be matte and dark in colour and have a maximum reflectance value of 30%.

{Explanatory Note: LVR of 30% absorbs 70% of the light, which can help reduce energy costs plus reducing LVR to 30% can have a significant impact on skyglow at night - by reducing the amount of light that is emitted upward, less light will be scattered back down, resulting in less skyglow.}

Condition 70, in its current form was approved by Council on 23 July 2020 as minor change MCU18/0190.01 based on the submitted application by the developers. The formal resolution reference is OM20/70. The Decision Notice was issued on 30 July 2020.

Council determined that the Officers' recommendations in MCU18/190.01 were sufficient to effect the requirements for protecting the MSES recognised endangered loggerhead turtles. The established principles for the protection are to ensure:

- (i) NO increase in direct artificial light at night is visible from the beach and inshore waters as a result of the development;
- (ii) NO increases in sky glow at night as a result of the development;
- (iii) Certainty and enforceability of all approval conditions.

Contrary to and in the interests of correcting some "unbalanced and/or misleading" statements,

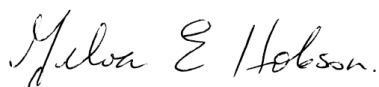
- Residents are not restricted whatsoever in opening their doors and windows during daylight hours nor during the evenings;
- Similarly, residents are not restricted whatsoever in accessing their balconies;
- There are no grounds for suggesting Condition 70 prevents resident access to daylight and fresh air;
- The artificial lighting restrictions includes 15% VLT tinting which provides positive on-going energy cost savings to residents;
- The 15% VLT provides significant sun, heat and glare protection, blocking out most of the harmful UV rays, reducing the need for air conditioning. Aesthetically, a 15% VLT can give glazed surfaces a sleek, stylish look that enhance the appearance of a building. It also provides some level of privacy, making it harder for people to see inside a building;
- Similarly, the automated blind closures during summer months also supports these outcomes, particularly when doors and windows are left open.

Marketing of the apartments should have identified the requirements to potential purchasers and they would have (or should have) been aware of the lighting restrictions applicable for the protection of the endangered loggerhead turtles. Current marketing suggests "almost sold out". Therefore, any proposed changes to effect and increase "the outlook through closed doors and windows" of the residents are post-contract and not what was (or should have been) marketed to potential purchasers of the apartments.

Whatever marketing messages were used or not used or should have been used are NOT the responsibility of the Sunshine Coast Regional Council and should play absolutely no part in any consideration by SCRC in the assessment process.

Furthermore any consideration of the current housing crisis as a justification for approval is irrelevant given the current marketing assessment as "almost sold out".

Yours sincerely



Melva Hobson PSM  
President  
OSCAR  
(Organisation Sunshine Coast Association of Residents)