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30 June 2023

To: The Chief Executive Officer  
Sunshine Coast Regional Council  
BY EMAIL  
[mail@sunshinecoast.qld.gov.au](mailto:mail@sunshinecoast.qld.gov.au)  
Copy: Marc Cornell- Assessment Officer  
Cr. Maria Suarez

#### NOTICE OF SUBMISSION

Application No: MCU22/0033

Proposal: Preliminary Approval for a Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014)

Street Address: 91 and 61-65 Thomas Rd, 951 Yandina Bli Bli Rd, 67-89 Thomas Rd, 45, 117, 59 and Lot 3 Lefoes Rd, Bli Bl

#### Introduction

OSCAR is a non-partisan and not-for-profit umbrella/peak organisation covering resident and community organisations on the Sunshine Coast and Noosa local government areas (LGAs) in South East Queensland.

OSCAR aims to support member organisations by:

1. Advocating to local and state government and the public on policy issues that are of regional significance and of concern to our members;
2. Acting to resolve issues of strategic or region-wide relevance that are referred by member organisations;
3. Representing the member organisations on region-wide matters of interest to the community;
4. Maintaining awareness and responsiveness through frequent and regular ordinary meetings and dialogue with member organisations; and
5. Practising professional, honest and ethical conduct.

One of the OSCAR objectives relates specifically to the topic of the importance of the Planning Scheme to development applications:

*A culture in which planning schemes are subject to amendment only in the public interest after a rigorous process of public consultation and never to expedite the approval of a development application.*

Ref: [Home - OSCAR Inc](#)

OSCAR does not support this application on a number of grounds:

1. **The lots included in this application are covered by the “rural” zoning** for agricultural rural activities and should be assessed in all aspects under that zoning.
2. **The application is seeking designation as a master planned community**  
91 and 61-65 Thomas Rd, 951 Yandina Bli Bli Rd, 67-89 Thomas Rd, 45 ,117 ,59 and Lot 3 Lefoes Rd BLI BLI - Preliminary Approval for a Material Change of Use of Premises (including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014) for a master planned development (including Residential, Shopping centre and Retirement facility uses in accordance with a Plan of Development) - Focus Estates Pty Ltd and One Man Bli Bli Pty Ltd - Covey Associates

The Community is concerned that development of such a Master Plan with staged development will, after the first stage of development the remaining stages will be Code Assessable, thus removing the community from any level of input, following their experiences in the first stage of such a development or any proposed changes to the Master Plan.

3. **The application is seeking rezoning to the Emerging Community Zone**

In the Development Assessment Report written by the Applicant the following reference is made to the South East Queensland Regional Plan.

*In 2015 the now Department of State Development, Infrastructure, Local Government and Planning (DSDILGP), commenced a review of land uses within the South East Queensland Regional Plan (SEQRP). A submission was made to rezone the properties the subject of this application to be within the Urban Footprint. In March 2017, the Draft SEQRP mapping was issued for public consultation, proposing the site be included within the Urban Footprint following a comprehensive review of the land and the subsequent overlays and constraints by all State Departments (Figure 4). The site was included within the SEQRP as Urban Footprint in August 2017 (Figure 5)*

Source: Development Assessment Report P 9 Covey and Associates

OSCAR members ask the question – does that mean that the Area in question should necessarily be placed in the Emerging Community Zone?

4. **The total area of the proposed development is on the Maroochy River floodplain and all that that entails.**

The Maroochy River Floodplain is an essential flood storage area and the OSCAR members believe that it should maintain that status. The developer has undertaken studies re flooding and included details in the Flood Impact Assessment by SLR p16 and states:

*As illustrated in Table 3, the proposed development will provide sufficient flood storage capacity for the regional Maroochy River 1% AEP event, such that the existing riverine flood storage capacity in the catchment will be maintained.*

Flood impact assessment by SLR p16

The Report also states:

*The advice provided in this search is based upon standards relating to current and year 2100 climatic conditions and historically recorded flood events only. Year 2100 estimates include allowances for future climate conditions which specifically include increased rainfall intensity (20%) and higher mean sea level (0.8m).*

Source: Flood Impact assessment by SLR page 54

Given the recent IPCC Reports, we are fully aware that the IPCC reports forecast greater impacts from Climate Change and that the 1% AEP and 0.8m level must be amended. We await the various levels of government in Australia updating their predictions and regulations.

Surely the evidence across many part of Eastern Australia over the last few years should be sufficient for action to be taken by governments.

However, given in this instance that the sites in this application are zoned rural then is it correct to assume that any assessment should take into account the key concepts of Part 3 of the Strategic Framework as follows?

#### **Key concepts**

*(1) Recognition of a high risk profile for natural hazard exposure on the Sunshine Coast.*

*(2) Identification of acid sulfate soils, bushfire, coastal erosion, **flooding**, landslide and steep land as particularly relevant to the Sunshine Coast.*

*(3) Achievement of an increased level of resilience to natural hazards such **that natural hazards do not pose a serious risk to people, property, community health and wellbeing, economic activity and the region's biophysical values.***

*(4) Adoption of a precautionary and conservative approach to planning for natural hazards.*

*(5) Adoption of mitigation measures that are compatible with the nature of each natural hazard taking account of its predicted frequency and severity.*

*(6) Reshaping the pattern of settlement to **avoid development in areas subject to the critical natural hazards of bushfire, coastal erosion, flooding and landslide.***

*(7) Responding appropriately to natural hazards in existing developed or committed areas to mitigate impacts and achieve adaptation over time.*

#### **3.10.1 Strategic outcomes**

The strategic outcomes for the natural hazards theme are the following:-

*(a) In 2031, the Sunshine Coast has a high level of resilience to natural hazards including acid sulfate soils, bushfire, coastal erosion, **flooding**, landslide and steep land.*

*(b) The predicted effects of climate change and **the potential for increases in the frequency and intensity of extreme weather events have been** appropriately considered to identify areas likely to be at risk from natural hazards and the severity of that risk.*

*(c) Hazard avoidance and management strategies reflect a **precautionary and conservative approach that recognises the high risk profile of the Sunshine Coast** as an area where a significant proportion of development is located adjacent to the coast and in river plains.*

*(d) The pattern of settlement is shaped such that new urban areas are not affected by critical natural hazards and in particular, are not potentially at risk from bushfire, coastal erosion, **flooding** and landslide.*

*(e) Where natural hazards cannot practically be avoided, appropriate adaptation responses are adopted to reduce the risk and severity of the impact of the hazard.*

OSCAR is concerned that the statement in the SLR report below has not sufficiently applied the “precautionary principle”, (references highlighted in bold above), even given that the information that the 2100 reference includes some allowance for greater rainfall intensity and higher mean sea levels.

*The advice provided in this search is based upon standards relating to current and year 2100 climatic conditions and historically recorded flood events only. Year 2100 estimates include allowances for future climate conditions which specifically include increased rainfall intensity (20%) and higher mean sea level (0.8m).*

Source: Flood Impact assessment by SLR page 54

## **5. Lake Tenure and Management**

Section 5.0 of the Development Assessment Report refers to the future Ownership and Management of the Lake and associated infrastructure.

*5.1 Lake Ownership Details Ownership of the lake and its associated infrastructure will be transferred to Council on the conclusion of the On Maintenance phase (two years from completion of the lake).*

*5.2 Lake Owner’s Responsibilities The Lake is intended to be used by the community in a responsible way for their enjoyment, with minimal adverse impact upon the amenity of those dwellings in proximity to the lake. The following uses and rules are expected to apply:*

- The lake owner (Focus Estates Pty Ltd & One Man Bli Bli Pty Ltd until handover to Council) shall be responsible for satisfying the lake management plan performance standards;*
- The developers shall be responsible for the erection, and maintenance of signs within and around the lake (if required) to notify relevant prohibitions and restrictions for activities on the lake in accordance with the relevant Local Laws prevailing at the time;*

*Further re ongoing maintenance the report states:*

*9.0 MAINTENANCE - the Lake will require routine, planned and reactive maintenance works. The frequency of inspections and maintenance, as well as the authority responsible will be outlined will be further outlined and specified in a future LDMP. This LDMP generally outlines the planned and reactive maintenance requirements for the proposed lake.*

*9.1 General Maintenance General maintenance of the lake and its assets are the responsibility of Council at the conclusion of the ‘On-Maintenance’ phase.*

*General activities will include:*

- Ongoing maintenance of any weir structures;*

- *Ongoing maintenance of the recirculation system; and,*
- *Removal of debris, rubbish and weed growth from the lake areas. In addition to the lake maintenance requirements, Council will also be responsible for:*
- *Policing drainage runoff into the lake through the underground pipe system;*
- *Ensuring no drainage is allowed to enter the lake from any dwelling, or other premises abutting the lake, other than those that can lawfully be discharged into the underground piped drainage system contained within the road reserve.*
- *Ensuring no materials or liquids likely to cause pollution are to be allowed to enter the lake; and,*
- *Erecting and maintaining signage (including the maintenance of signage required to be erected by the developer), in appropriate locations.*

## Development assessment Report P13

OSCAR participants as Co-respondents in the Twin Waters West Case in the P&E Court in 2022 have very clear recollections of Council's Barrister, Mitchell Batty making the statement (very emphatically) in the proceedings that Council did not want and would not take over the ownership and maintenance of the lake in that development proposal.

OSCAR supports such an approach and we presume that Council will take the same approach this time. Not having had the time to analyse the contribution proposed by the developer to Council to manage and maintain the Lake, and being sceptical of other proposals re such contributions, OSCAR questions whether what is supplied is an accurate and realistic analysis for the life costs of the Lake.

### 6. Cultural Heritage Assessment

In the Development Assessment Report Cultural heritage provided by Covey on page 11 the report states that:

*As will be discussed later in this report, the applicant has engaged with the Kabi Kabi people for some time directly and has enabled direct, on-site assessment of the cultural heritage matters on the site (See Appendix T - Cultural Heritage Assessment by Converge Heritage and Community).*

*As the landowners, the applicant submits that dealing with matters of cultural heritage significance may be better able to be collaboratively achieved with the traditional owners over the longer term process this Variation Request and subsequent development applications, with the specificity that general planning instruments may not be able to achieve.*

Further in section 8.9 of the Development Assessment Report states:

*Aboriginal cultural heritage issues will be managed through compliance with the Aboriginal Cultural Heritage Act 2003 (Qld) (ACHA) The applicant is very aware of its obligations to meet the Cultural Heritage Duty of Care under the ACHA for any actions that may impact Aboriginal cultural heritage. Although not relevant to the subject matter of this application, the Applicant:*

- *has undertaken a significant level of due diligence in relation to Aboriginal cultural heritage matters relating to the site;*
- *has implemented a comprehensive engagement strategy with the determined native title holders and "Aboriginal Party" as that term is defined in the ACHA (the Kabi Kabi group);*
- *has resourced a comprehensive cultural heritage site survey and assessment with Kabi Kabi representatives and experienced consulting archaeologists (Converge) out of which mutually agreed recommendations will be implemented;*
- *will continue its engagement with the Kabi Kabi with a view to forming a strong and sustainable relationship with this important stakeholder group;*

*• ensure that it at all times is meeting the Cultural Heritage Duty of Care, through developing appropriate process and agreements to manage any impact on cultural heritage (including sites, objects and values) A copy of the report is provided in Appendix T.*

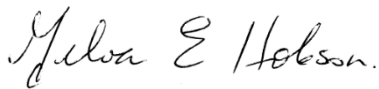
Appendix T it seems is not available on the system. This may be owing to cultural requests by the Kabi Kabi which we respect. However, we would wish to see some form of supporting statement from the Kabi Kabi that their concerns have been met.

## **CONCLUSION**

Given all of these circumstances outlined in this submission, we ask that Council refuse this Development Application.

OSCAR would also maintain that, given that the new Planning Scheme 2024 is under development there should not be any amendments made to the current Planning Scheme.

Yours sincerely



Melva Hobson PSM

### **President**

Organisation Sunshine Coast Association of Residents Inc. (OSCAR)

Email: [mail@oscar.org.au](mailto:mail@oscar.org.au) (NB this is our preferred form of communication)