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4 October 2023

Chief Executive Officer
Sunshine Coast Regional Council

URGENT PLEASE

BY EMAIL:

Internet Mailbox CEO Office <CEOOffice@sunshinecoast.qld.gov.au>

mail@sunshinecoast.qld.gov.au

Dear Emma,

RE: CONCERNS REGARDING PROCESS IN MCU23/0113 – DEVELOPMENT APPLICATION FOR DEVELOPMENT ON FLOODPLAIN AT TWIN WATERS WEST

As you would be aware, OSCAR is the Peak Residents Group on the Sunshine Coast representing 36 Sunshine Coast Member Groups. Some of those Member Groups, as well as OSCAR, have supported Council in court cases relating to the land, the subject of this Development Application. The two previous Court cases resulted in refusals of the Development Applications. It only stands to reason that concerned Groups want to ensure the Development Assessment process is transparent and fair.

PUBLIC NOTIFICATION

Deadline for Submissions

The deadline for submissions on this Development Application (DA) was Friday 29 September. OSCAR made several enquiries of Council regarding the actual deadline ie. –

- Is it the close of business on 29 September? or
- is it 11.59 on 29 September?

Several different answers were provided. No-one we spoke to could provide a definitive answer.

In any case, the Groups lodged their submissions by the deadline. The submissions on this DA were based on all the information contained on Developmenti at the time of the commencement of the public notification period.

Public Notice Non-compliant

In an email from Council to SARA dated 3 October 2023 Council states –

“You are advised that on 16 August 2023 the applicant gave council notice under the Planning Act 2016 that the application is changed. The application was changed to include that part of Lot 1 on RP98356 which is subject to Easement A on RP98356”.

It also says -

“Is public notification required for the changed application? YES”

The change was made prior to the commencement of the public notification period (31 August 2023). The Public Notice Advertisement included “Lot 1 on RP98356 which is subject to Easement A on RP98356” but it did not include “**230** Godfreys Road” in the address on the Public Notification Advertisement. Most members of the community relate to street addresses, not real property descriptions. Had some of our Member Groups realised 230 Godfreys Road was included their submissions would have changed substantially.

LETTER OF ADVICE

On 28 September 2023 Council sent a Further Advice Letter to the developer. A copy of that letter is **attached**. Council has advised the letter is not an Information Request. We note the following:-

1. The letter was sent without any request for advice by the developer.
2. The letter was placed on Developmenti on “26 September 2023”, however, the letter is actually dated “28 September 2023”.
3. Regarding the contents of the letter we note the following:-
 - 3.1 Under the heading **FURTHER ADVICE** it states –

*“You are advised that **information** and/or amendments are required in order to **progress** your development application....” (emphasis added)*
 - 3.2 No 1, page 2, first sentence, states:

*“... **Council’s information request did not adequately address...**” (emphasis added)*
 - 3.3 No 1, page 2, under **Groundwater**, the third last sentence commences –

*“**Demonstrate how**, during times of drought...” (emphasis added)*
 - 3.4 No 2, page 3, first sentence, it says –

*“**Council requires information on ...**” (emphasis added)*

And in the next sentence it says *“**Provide Information on**” (emphasis added)*
 - 3.5 No 5, page 3, first sentence says –

*“**The submitted information request response materials do not provide sufficient information** in relation to utility servicing of the development. In particular, **further information is required** relating to the following matters.” (emphasis added)*

3.6 The bottom line on page 3 says “**Provide Information on...**” (*emphasis added*)

3.7 No 6, page 4 says –

“The submitted information request response materials do not provide sufficient information...” (*emphasis added*)

3.8 No 7, page 4, commences –

“The information request response materials do not adequately demonstrate...” (*emphasis added*)

3.9 Item 8, page 5, commences –

“The submitted Arboricultural Assessment does not adequately demonstrate...” (*emphasis added*)

It appears there is Advice provided in this letter but it is also clear there is information sought. Some of the information sought is as a result of the Advice given and some of it relates to the previous Information Request/s.

This Advice provided and Information requested is extensive and relates to many issues raised by the community in their submissions.

At the end of the letter it states –

*“Please provide written confirmation of your intended action **within 2 days** from the date of this correspondence, otherwise the assessment manager will finalise the assessment of the application based on the information available.”*

Even though Council said a response was to be provided within 2 days, at the time of writing this letter, that is 4 October, there has been no response from the developer.

REQUEST

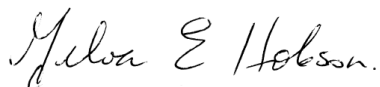
Could we please have an urgent meeting with you as the Chief Executive Office to discuss these concerns namely –

1. Public Notification is deficient in that, even though it refers to the lot number, it does not refer to “**230** Godfreys Road”. Most community members would relate to the address, not the real property description;

2. Why the purported Letter of Advice dated 28 September is shown to be registered on Developmenti on 26 September, two days before the letter was sent? When was it actually viewable on Developmenti?
3. Why the purported Letter of Advice is not a Request for Further Information; and
4. Why Council felt compelled to write a letter of advice to a wealthy developer with its own experts, without an official request for advice being submitted by the developer. Surely these were matters that Stockland's experts would easily have known should have been relevant?

We do note you are on leave. We request a meeting with you on your return from leave. In the meantime, given the urgency of the matter, we request an urgent response from the Acting CEO.

Yours sincerely,



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

cc. Debra Robinson, Patricia Jensen, Cr O'Pray, Cr Suarez