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Mail: PO Box 105
Coolum Beach QLD 4573

Email: mail@oscar.org.au

18 December 2023

To: The Assessment Manager Sunshine Coast Regional Council (SCRC)

By: email

mail@sunshinecoast.qld.gov.au

Dear Sir/Madam

RE: NOTICE OF SUBMISSION Application No: MCU23/0238 Proposal: A development application over land at 698-706 David Low Way and 11-13 Menzies Drive, Pacific Paradise, Qld 4564, more formally described as Lot 1 on SP118479 and Lot 10 on SP111175, respectively.

OSCAR is committed to open and transparent processes in local government, sustainable development, protection of the SCRC and Noosa Planning Schemes and rates set as low as possible consistent with efficient and effective delivery of local government services.

OSCAR is a non-partisan umbrella organisation representing some 37 member resident/community associations united by their determination that the Sunshine Coast and Noosa Planning Schemes serve the public interest.

OSCAR has some serious concerns in relation to this application as follows.

Yours sincerely

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

What this development application seeks to achieve?

The development application seeks:

Development Permit for a Material change of use for a Short-term accommodation (65 rooms)

Development Permit for a Material change of use for a Food and drink (160m2)

The proposed development consists of two stages;

Stage 1 involves the delivery of Short-Term Accommodation and Food and Drink Outlet, and Stage 2 involves the delivery of Multiple Dwellings. North Shore is a mixed-use village that will deliver an activated, lifestyle precinct and expand the Pacific Paradise centre for the community.

The applicant maintains that the proposed development:

1. *Creates an integrated, vibrant community*
2. *Improves walkability and accessibility through encouraging public and active transport connections*
3. *Greater activation in the precinct for improved safety*
4. *Architecturally designed development including streetscape revitalisation*
5. *Provides diverse accommodation options for key workers to assist with housing demand*
6. *Increases local economic benefits*

However, in making this claim the applicant neglects to state that the proposed development does not comply with the Sunshine Coast Planning scheme 2014 and/or State Interests in the following areas:

1. Height
2. Bulk and scale
3. Traffic impacts on a State controlled road
4. Local Centre Zone
5. Sport and Recreation zone

General comments relating to the applicant's generosity to itself in interpretation of some components of the PS

An analysis of the Town Planning Report by Place Design group raises some questions re interpretation, of the relevant sections of the Sunshine Coast Planning scheme and including the Maroochy North Shore Local Plan Area. In places some interpretations are overly generous allowing considerable latitude in relation to the development proposal.

For example:

The Town Planning Report references information released about possible directions under the PS 2024 where *"to help inform the development of the new planning scheme, Council released the Sunshine Coast Land Use Planning Proposal 2041, which includes:*

Part 1 – Proposed Vision and Regional Planning Directions –

Part 2 – Proposed Local Planning Directions"

In *Part 2 – Proposed Local Planning Directions* document includes the proposed planning directions for the North Shore local plan area. ***This document outlines the intent to extend the Local centre zone at Pacific Paradise to include the former bowls club site to provide the opportunity for the centre to expand.*** (our emphasis), (Page 32 of the Town Planning Report).

However, the possible changes to the Sport and Recreation zoning on this site area are not relevant to this application as the PS 2024 has only just been submitted to the State Government for the First State Interest Check, and will not be released for community consultation and comment until 2024.

However, the Town Planning Report (Table 17, pages 52-55) suggests that the development application complies with a number of the Overall Outcomes of the Sport and Recreation Zone, particularly Outcomes: a-e, and j, k and m, where the report is very generous to itself in the interpretation of those outcomes as they relate to this application. The report basically responds to the Sport and Recreation zoning at the Northshore Community Centre and the North Shore Multi Sports complex zoning NOT the current zoning on part of the site of its application.

Maybe the applicant should wait until the new Planning Scheme is released!!!

To identify all the non-compliances of this application with the Sunshine Coast Planning scheme one only has to read the Council Information request of 29 September 2023 to the Applicant which clearly details all of the non-compliances with the Planning Scheme.

Actual Compliance with the North Shore Local Plan code.

In this submission we make reference specifically to the Maroochy North Shore Local Plan code as per:

Sunshine Coast Planning Scheme 2014 - Version 26 (23 October 2023) - Text Part 7 Section 7_2_18.

How does this application meet the requirements of the Maroochy North Shore local plan code as per the SC Planning scheme Part 7?

Section 7.2.18 Maroochy North Shore Local Plan Code 7.2.18.3 Purpose and Overall Outcomes (h and J) states:

(h) Development in the Local centre zone at Pacific Paradise supports the role and function of the centre as a local (full service) activity centre providing a business and community focus for the local plan area.

Development contributes to a low-scale, compact centre with a village character which provides an attractive interface and gateway to David Low Way and other local roads through high quality building design and the provision of landscape treatments, active frontages and off street car parking.

*(j) Development in the Low density residential zone, Medium density residential zone and Local centre zone is designed to protect and reinforce the **low key coastal village character** (our emphasis) of the established residential communities within the local plan area.*

The development application does not comply with either of these codes. It is not business focussed with their being only a few business activities with the main focus being residential and short-term accommodation. Nor is it community focussed.

Building heights

Acceptable building heights of Lot 1 is 12 metres and 8.5m for Lot 10. The proposed buildings include:

Building A at 10.16m, Building B at 16.73m, Building C at 19.75 metres and the STA building also at 6 levels.

There is some discussion in the applicant's response to the initial Information Request regarding community expectations. The applicant wrote the following:

Reasonable expectations of the local community. The mention of 'reasonable expectations' is not defined within the Sunshine Coast Planning Scheme 2014 (Planning Scheme) or the Planning Act. The expectations of the community are 'varied' and dependent on their individual circumstances, dwelling typology preferences and affordability. These expectations are difficult to qualify and over the life of a Planning Scheme, reasonable expectations of the community with respect to building height can vary and change significantly. (Page 5 of Information request response).

The current version of the 2014 Planning Scheme is Version 26 as at 23 October 2023. Therefore the applicant would have been responding one assumes to Version 24 or 25 of the scheme. Further to that at the Twin Waters West P&E Court Case in July 2022, Judge Everson made the statement that community expectations are expressed via the Planning Scheme. As the new Planning scheme has not been and will not be available for community consultation until mid-2024 at the earliest, the Applicant, will have to take the Planning scheme at the time of his application as reflecting community Expectation.

Again, maybe the Applicant should withdraw this application and submit a new application following the gazettal of the 2024 Planning Scheme.

Bulk and scale

The Information Request of 29 September 2023 from Council to the applicant also referenced bulk and scale, identifying also that it did not comply with the requirements of the Planning scheme. The bulk and scale, particularly with the STA building of 6 levels being at the shipping centre end of the site does not meet community expectations as it does not comply with the Planning Scheme.

Traffic impacts of the proposed development

SARA in its Information request of 16 October 2023 has listed major concerns re the traffic impacts on and around a State-controlled Road, being David Low Way, a major through road in Pacific Paradise.

Conclusion

As indicated in the beginning of this response to identify issues associated with this application, one only has to read both the Council's Information Request and that of SARA to see that this application in its current form does not comply with the Planning scheme and State requirements for State-controlled roads.

Therefore OSCAR recommends that this application in its current form be refused and the Applicant recommended to make a new complying application following the gazettal of the 2024 Planning Scheme.