

Development Watch Inc

PO Box 1076, Coolum Beach, QLD, 4573



ABN 53 627 632 278

www.developmentwatch.org.au

10 January 2017

The Chief Executive Officer
Sunshine Coast Council
By Email: mail@sunshinecoast.qld.gov.au

Dear Sir,

NOTICE OF SUBMISSION
REC15/0127 – 82 STEGGALLS ROAD, YANDINA

Tiprush Pty Ltd (the Applicant) has proposed Reconfiguration of 1 lot into 50 residential lots and 1 Environmental Reserve. We believe a similar Application was refused by Council in the past and was also refused by the Planning and Environment Court.

Development Watch believes there are insufficient grounds for Council to approve this proposed subdivision. Our concerns are raised by way of our objections set out below.

CONFLICT WITH THE PLANNING SCHEME

This Application conflicts with Maroochy Plan 2000 (MP2000) as follows:

1. The **STATEMENTS OF DESIRED PRECINCT CHARACTER** for Precinct 7 Yandina North (Neighbourhood Residential) where it states:

“Although a few residences exist in this Precinct it is generally intended that land in this Precinct will not be developed for urban use until there is a demonstrable need for additional urban lands and adequate infrastructure can be made available. It is intended that future residential development (in the first instance) occur closer to the town centre and be compatible and connected with the established residential areas in the locality.”

2. The **CODE FOR RECONFIGURING LOTS** where it states:

“The minimum lot size in Yandina’s obsolete Neighbourhood Residential Precinct where the site is located is 700 square metres”.

3. The **KEY CHARACTER ELEMENTS - ENVIRONMENTAL VALUES** where it states:

“Significant vegetation that forms a backdrop to town on the western edge of Yandina will be retained”;

4. The **PERFORMANCE INDICATORS FOR MAROOCHY’S CHARACTER AND ASPIRATIONS SET OUT IN THE INTRODUCTION** where it states:

“By the year 2005, this planning scheme is expected to have achieved the following:

- (a) Ecological condition and the level of protection for majority of ‘Endangered’ or ‘Of Concern’ vegetation communities remain unchanged or improved;*
- b) At least 70% of ‘Endangered’ or ‘Of Concern’ vegetation communities on private land protected as a result of self-assessable and assessable development in the Shire”.*

5. The **PERFORMANCE CRITERIA in ENVIRONMENTAL MANAGEMENT CODE 2.1.1, CODE FOR NATURE CONSERVATION AND BIODIVERSITY** where it states:

“Clearing of other remnant or regrowth vegetation shown on Regulatory Map No 1.1 (Nature Conservation Management Areas) is minimised, with at least 70% of the vegetation within the site retained.”

The property is shown on Nature Conservation Strategy Code Map Figure 4-2.1.1 as Nature Conservation Management Area.

Development Watch accepts that, under certain circumstances, Council may approve an Application that conflicts with MP2000. Any departure from the Planning Scheme must of course be justified by the Applicant demonstrating to Council that there are sufficient grounds for that departure. The Sustainable Planning Act (SPA) requires that Council’s decision must not *“conflict with [the planning scheme], unless ... there are sufficient grounds to justify the decision, despite the conflict.”*¹ “Grounds” are defined as *“matters of public interest”* but do not include *“the personal circumstances of an applicant, owner or interested party.”*²

If Council does resolve to approve the Application despite the conflict with MP2000, then it must publish in its Decision Notice *“the reasons for the decision, including a statement of the sufficient grounds ...”*³

¹ *Sustainable Planning Act 2009* (SPA), s326(1)(b).

² SPA Schedule 3, Dictionary.

³ See SPA s335(1)(n).

NO OVERRIDING NEED

The Applicant has failed to provide a requested Needs Analysis demonstrating a need for additional lots in the area.

CONCLUSION

The proposal by Tiprush Pty Ltd conflicts with the requirements of MP2000. No sufficient grounds to approve the proposal despite this conflict have been identified.

Accordingly, based on our above comments, Development Watch recommends that Council refuse REC15/0127.

Yours faithfully

A handwritten signature in cursive script that reads "Lynette Saxton".

Lynette Saxton
President, Development Watch Inc.