



Submission to SCRC: Proposed Planning Scheme and the Biodiversity Waterways and Wetlands Code and Mapping, intended to protect sea turtle nesting habitat

The grounds for this submission are:

Friends of Buddina partially objects to and partially supports selected components within the proposed 6.5 Biodiversity, Waterways and Wetlands Overlay Code (the Code) and its Overlay Mapping (the Mapping). While these instruments represent commendable advancement towards protection of endangered sea turtle nesting habitat, further important targeted amendments to both the Code and the Mapping are essential to ensure alignment with the intended environmental outcomes.

The reasons for our (*Friends of Buddina*) partial objection and partial support:

A. The following concerns identified with the Mapping for the sea turtle nesting sensitive area warrant amendments to ensure effective protection of sea turtle nesting habitat and to account for locations where the foreshore reserve is very narrow (15–30 metres), compared to areas where the reserve is much wider (up to 150 metres):

Mapping should be measured from the Highest Astronomical Tide (HAT), rather than the foreshore reserve boundary to the first row of houses (with few exceptions).

The HAT is a more appropriate marker and provides a consistent reference point. It is also dynamic as a future sea-level rise and climate change marker and avoids reliance on reserve boundaries, some of which have been altered by past development (e.g. the estate development at Buddina compared to Warana).

We recognise the proposed Mapping adopted a process using digital assessment of lighting impacts, west of the first row of houses adjacent to the foreshore reserve. However, this approach does not consider the large variation in (i) foreshore reserve width, (ii) the vegetation density, (iii) changes in that vegetation, and (iv) the proximity of development to the beach. Consider Buddina where the first houses are ~100-125 metres from the HAT and the foreshore reserve is only 15-30 metres wide. Then consider Warana, the first houses are ~200-220 metres from the HAT and the foreshore reserve at that location is much wider at 120-150 metres.

These differences have major implications for light pollution, as the narrow foreshore reserve and its vegetation buffer at Buddina is significantly less effective in filtering artificial light at night (ALAN), than the much wider foreshore reserve at Warana. The significant risk to endangered loggerhead sea turtle nesting habitat from the impact of ALAN (direct and sky glow) is well documented. The most recent Sunshine Coast Report (2017 – 2022) confirms ALAN increases between 22% (hinterland) to 77% (coastal) over the 5 years.

The proposed Mapping approach. As a minimum, the **sea turtle nesting sensitive area** should extend from the HAT to:

- 250 metres** for all residential land zoned up to a maximum of **3 storeys** (LDR and LMDR), and
- 500 metres** for all other zoned land with building heights of **3 or more storeys**.

Measuring from the HAT will provide clarity for developers and residents, plus deliver more effective protection in areas with narrow coastal foreshore reserves.

B. The following concerns identified with the Code warrant amendment to ensure effective protection of sea turtle nesting habitat:

1. **Absence of lighting controls during construction-phase.** Within the sea turtle nesting sensitive area, the Code does not address the impact of lighting during the construction phase of developments. This

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omission presents a significant risk to nesting turtles and hatchlings. Appropriate provisions should be incorporated into the Code. Council's Approval Condition 68 in MCU18/190.02 et al, was effective during construction and could serve as a model. Equivalent wording should be inserted into the Code.

2. **Lack of ongoing compliance obligations.** The proposed provisions for both the sea turtle nesting sensitive area and the sea turtle nesting area buffer do not impose any ongoing compliance requirements for the life of the development. Proposed compliance ends with assessment at the development approval (DA) stage and post-construction sign-off. After completion of construction, there are no mechanisms in the Code to ensure ongoing adherence, unlike DA approval conditions which remain enforceable throughout the operational life of the development. For example:

(i) Requirement R1.5 for accepted development, please rephrase the first paragraph to ensure obligations are ongoing and enforceable, and extend responsibility during and beyond construction.

3. **Use of the subjective term "visible from the beach".** This expression is subjective and unenforceable - what is visible varies by viewpoint, vegetation, weather, and individual opinion. Please use objective, measurable language that can be tested during assessment and post-construction compliance. For example:

(i) **R1.5 (b)** refers to "any glass visible from the beach" – these words ought to be removed and replaced with alternate wording such as "all glazing on the north, south and eastern elevations". This was effective in a turtle lighting Approval Condition in MCU18/190.02 et al.

(ii) **AS15.3** refers to "all windows and glass doors visible" from the beach" – these words ought to be removed and replaced with alternate wording such as "all glazing on the north, south and eastern elevations".

(iii) **PO16 (b)** requires "screen the development (including associated artificial light) to a level where it is not visible from the beach or ocean" warrants rephrasing to remove the subjective wording.

4. **Use of the subjective term "managed".** This expression is also subjective and unenforceable – it is vague and non-committal. It does not require a specific outcome, only that something is "done" and this makes enforcement almost impossible. Please replace "managed" in **PO19** with outcome-focused, measurable wording.

5. **Requirements for assessable development.** The assessment benchmarks have omitted a similar requirement to that in R1.5 (a) (vi) which requires that external lighting must not be located on the roof of the building, including on any rooftop deck. Please add this critical requirement to **AS15.2** to align accepted and assessable development, particularly in the sea turtle nesting sensitive area.

6. **Shielding of landscaping lights.** The shielding requirement has been inadvertently omitted from **AS15.4** whereas other external lights are required to be shielded by minimum 30cm vertical shields.

7. **The use of timers** has been inadvertently omitted from **AS18** whereas other external lights are subject to this requirement (R1.5, AS15.2, AS19.2, AS20.2). It is noted AS18 requires the lights to be "switched off", which, if not completed by automated timers, this would otherwise require human intervention which is not enforceable.

8. **The wording in AS 19.3 for sporting fields** uses subjective words "designed to target light onto the sports field" which warrants rewording for clarification and enforceability.

9. **Amend PO16 to correctly identify the foreshore reserve,** noting that the foreshore is the beach area between low & high tide. The intended reference in this PO is likely the foreshore reserve, i.e. the vegetated land between the foreshore and the development.

Thank you for considering our submission.