

Highrise trial could set precedent for future developments

A COMMUNITY group will take on Sunshine Coast Council and the Buddina Beach highrise developers in a case which could set a precedent for future building approvals.

In September last year, Sunshine Coast councillors voted in favour of the controversial 21-metre, 73-unit, seven-storey apartment building across residential blocks on Iluka Ave and Talinga St, Buddina.

Community group Friends of Buddina have long argues the development breached the Planning Scheme; its lighting would impact the nearby endangered loggerhead turtles' nesting population; and the building height and coverage would impact neighbours' views, vistas and privacy.

In the latest development, Friends of Buddina have launched Planning and Environment Court action against Sunshine Coast Council and developer Diamond 88, headed by Robert Scott and Sam Kassis.

The hearing is scheduled for August 17 to 18 and seeks a legal declaration that council's approval in September last year was "invalid and of no legal effect" and order the approval be "remitted to council to reconsider according to law".

Concept plans for the Buddina Beach development, which will be the subject of a Planning and Environment Court hearing in August this year.

Mr Scott defended Buddina Beach and said he was of the view the approval was lawful and was granted after councillors applied the Planning Scheme 2014.

Mr Boyce said he believed they had a strong case and had "hit the jackpot" to be represented by Chris McGrath who is a University of Queensland professor, environmental lawyer and recipient of the United Nations Queensland Division 2018 Sustainable Development Goals Hero.

Mr Boyce said because the development was code assessable, they could not legally challenge its merits, which he described as "horrendous".

He said, instead, they would argue council did not comply with proper town planning processes, and "misapplied" the assessment benchmarks for the high-density residential zone code.

He said a ruling in their favour could set a legal precedent for future code-assessable applications across the Coast. Mr Scott accused Mr Boyce of making misleading comments regarding the development over the past 14 months. "Over the past two years we have consulted with the community and council and have made numerous adjustments to the building and wording of conditions to satisfy all stakeholders, including a significant reduction in building size from the original design, to ensure we have created a vibrant community lifestyle for the future residents of Buddina," Mr Scott said.

Mr Scott said they would build setbacks from the boundary which complied and were in some instances greater than necessary to protect "vistas and views".