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28 April 2017

Rob Ruskin  
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PACIFIC PARADISE QLD 4564

[info@twra.net](mailto:info@twra.net)

Dear Sir/Madam

**Response to submission on the Proposed Sunshine Coast Planning Scheme 2014  
(Major Amendment) – Twin Waters West**

I refer to your submission in relation to Council's proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* relating to Twin Waters West, which was placed on public consultation from 26 September to 7 November 2016.

A total of 629 properly made submissions were received, including 3 petitions with a total of 614 signatories.

Every submission has been reviewed and the issues raised were considered by the Council at the Special Meeting held on 13 April 2017. A summary of your submission and Council's response is included in the attached table. The majority of responses to submissions are addressed in a Key Issues Paper, which is also attached.

Having reviewed all submissions, Council resolved to proceed with the *proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) – Twin Waters West*, with changes. Council officers will now write to the Planning Minister seeking approval to adopt.

Should you require any further information please contact Council's Strategic Planning Branch on (07) 5420 8014 or email [planningscheme@sunshinecoast.qld.gov.au](mailto:planningscheme@sunshinecoast.qld.gov.au).

Yours sincerely



Stephen Patey  
**Manager Strategic Planning**

Attachment

Attachment 1: Submission Summary and Council Response

## Attachment 1: Submission Summary and Council Response

No.	First Name	Last Name	Submission summary	Response
270	Rob	Ruskin  (on behalf of Twin Waters Residents' Association)	<p>This submission supports the proposed Twin Waters West planning scheme amendment.</p> <p>The submitter states that despite the last-minute “noise” from various interest groups the majority view within the Twin Waters community is support for the proposed planning scheme amendment.</p> <p>The submitter outlines that, land which is within the SEQ Urban Footprint and well located in proximity to the new CBD and the Airport, will inevitably be required for residential development to cater for population growth on the Sunshine Coast. The submitter wants to ensure that if and when residential occurs, it is of a standard that is at least as good as the existing Twin Waters, or better.</p> <p>The submitter also outlines that the Twin Waters Residents' Association (TWRA) has open, transparently and constructively engaged in discussions with Stockland and Council to secure their requirements for any development on the land and that the TWRA Conditions Precedent has been incorporated into the proposed planning scheme amendment.</p> <p>The submission also includes copy of the TWRA submission, extent of community consultation and list of Conditions Precedent.</p> <p>The submission provided by the TWRA outlines that the TWRA supports the process to date and the intentions as expressed in the proposed amendment, subject to the following comments:</p> <ul style="list-style-type: none"> <li>• TWRA represents the Twin Waters community – the TWRA outlines that this submission should not be considered (or counted) as a single submission as it is made on behalf of more than 400 household members, in excess of 800 people, and also the wider Twin Waters community and is confident that the comments in the submission represent in good faith the majority views of the community;</li> <li>• Proposed amendment substantially reflects the Conditions Precedent and the process agreed by the TWRA – the TWRA acknowledges that, subject to the further comments, the intention to secure the Conditions Precedent has been accomplished in the proposed amendment;</li> <li>• Proposed amendment may have been from an inappropriate base - the TWRA requests that the proposed amendment be subject to further critical review by Council officers to ensure that there are no unintended consequences from the references to the P&amp;E Court case that are carried through into the proposed amendment, particularly in relation to buffers;</li> </ul>	<p>The submitter's comments are noted.</p> <p><i>Refer to Key Issues Paper: Twin Waters West</i></p>

## Attachment 1: Submission Summary and Council Response

No.	First Name	Last Name	Submission summary	Response
			<ul style="list-style-type: none"> <li>• The flood refuge requirement is unrealistic – the TWRA requests that this requirement be reconsidered;</li> <li>• Lot sizes and housing density – the TWRA notes that there are lots in the existing Twin Waters community that are less than 500m<sup>2</sup> and that describing an AO in terms of area may not be appropriate. The TWRA requests that this be further examined by professionals;</li> <li>• Traffic access and egress – the TWRA supports the primary access point to the site via a new round-a-bout at the David Low Way and Ocean Drive intersection and the secondary access point at Godfreys Road. However, wishes to place on record that a small number of members have expressed concern with the secondary access point at Esperance Drive;</li> <li>• Wildlife, specifically Kangaroos – the TWRA notes that there is a large population of kangaroos on the site and that many residents are concerned about the fate of the kangaroos if development proceed, however acknowledges that this is a matter addressed as part of any DA. The TWRA also notes that the proposed amendment retains existing treed conservation areas as well as a proposed buffer for wildlife movements to other conservation areas on the North Shore.</li> </ul>	



**Proposed Sunshine Coast Planning Scheme 2014 (Major Amendment)**  
**Twin Waters West**  
 Review of Submissions  
**Key Issues Paper: Twin Waters West**

**No. of submissions: 629**

**Key issues raised in support:**

- Reflects the Twin Waters Residents' Association Conditions Precedent
- Economic benefits
- Additional housing opportunities

**Key issues raised in opposition:**

- Contradicts Council's refusal of a previous development application and Court appeal
- Inconsistent with State planning requirements
- Development/filling in the floodplain and worsening of flooding impacts
- Impact on coastal processes and coastal resources
- Loss of green space and associated visual and environmental values
- Loss of habitat and impacts on wildlife
- Increased traffic/congestion and impacts on existing infrastructure
- Impact on Indigenous cultural heritage
- Inadequate community consultation

**OVERVIEW OF PROPOSED PLANNING SCHEME AMENDMENT**

The Twin Waters West land is currently included in the Rural zone under the *Sunshine Coast Planning Scheme 2014* and is located outside (but adjacent to) the Maroochy North Shore Local plan area and the Urban Growth Management Boundary.

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* for Twin Waters West seeks to amend the zoning of the majority of the Twin Waters West land from the Rural zone to the Emerging community zone and include the land within the Urban Growth Management Boundary and within the Maroochy North Shore Local plan area, to provide for the future development of this land for residential purposes (refer to **Figure 1**). The proposed planning scheme amendment also includes specific provisions in the Maroochy North Shore local plan code to guide future development within the Emerging community zone.

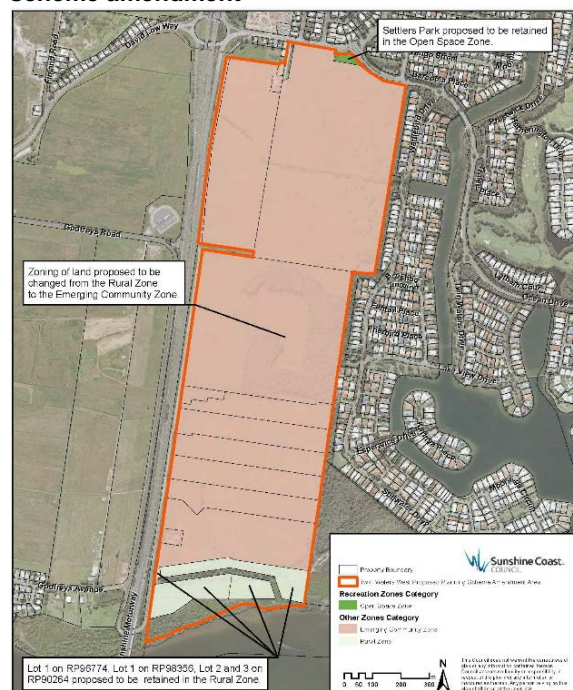
**INTRODUCTION**

The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* relating to Twin Waters West was placed on formal public consultation from 26 September to 7 November 2016.

During the public consultation period, Council received a total of 629 submissions. Approximately 20% of submissions were in support and 80% were opposed to the proposed planning scheme amendment.

**Part A** of this Paper provides a summary of submissions and considers the key issues raised. **Part B** of this Paper considers the matters raised by some individual submitters seeking specific changes to certain provisions in the proposed planning scheme amendment.

**Figure 1: Area subject to proposed planning scheme amendment**



## PART A

### SUMMARY OF SUBMISSIONS IN SUPPORT

Council received 127 submissions in support of the proposed planning scheme amendment.

Of the 127 submissions in support, 80 were pro-forma submissions. The pro-forma submissions:

- outlined support for the proposed planning scheme amendment;
- outlined support for the Twin Waters Residents' Association submission; and
- advised that the Twin Waters Residents' Association has kept the submitter well informed over an extended period.

Some individual submissions outlined that development of the Twin Waters West land would provide economic benefits to the area and additional housing opportunities for the North Shore locality.

A small number of individual submissions in support of the proposed amendment also raised some concern about traffic, access and flooding impacts.

### SUMMARY OF SUBMISSIONS AGAINST

Council received 502 submissions (comprising 443 pro-forma letters and 3 petitions with a total of 614 signatories) in opposition to the proposed planning scheme amendment.

There were two different versions of pro-forma submissions received.

One version raised the following comments:

- *“objection to the change in zone from Rural to Emerging Community because this green space with its visual and environmental values should be retained;*
- *objection to the Maroochy flood plain being filled because this will worsen the effects of major flooding elsewhere;*
- *objection to Council favouring an influential developer, particularly when the Sunshine Coast already has adequate greenfield and infill sites to support future population growth;*
- *objection to the assumption that the local community endorses the expansion of the residential area over the Twin Waters West site. In particular strongly object to the assumption that the Twin Waters Residents Association represent the local community view; and*

- *objection to Council's disregard for the State's requirement that the Twin Waters West site be kept as a development-free buffer against future coastal inundation and erosion.”*

The other pro-forma submission version raised the same comments as above, but also outlined:

- support for the proposal to change the zoning of a large part of the Coolool Industry Park from the High impact industry zone to the Medium impact industry zone; and
- support for Council's proposal to amend the planning scheme in relation to building heights at Section 3.8.3.1 (d), provided its purpose is to strengthen compliance with current height limits.

The comments made in relation to the Coolool Industry Park and the building height provisions relate to amendment items under a separate proposed planning scheme amendment for site specific and operational matters. The submissions in support of these proposed amendment items are noted and are being dealt with separately.

A number of pro-forma submissions in opposition also made a range of additional comments on the proposed planning scheme amendment for Twin Waters West, which generally related to:

- Council's decision to prepare a planning scheme amendment;
- loss of agricultural land;
- inconsistency with the South East Queensland Regional Plan and State Planning Policy;
- impact on Indigenous cultural heritage; and
- inadequate community consultation.

Individual submissions also included similar comments as provided in the pro-forma submissions.

A small number of submitters also expressed opposition to Council undertaking amendments to the planning scheme generally.

The following section responds to the key issues raised in submissions relating to the proposed planning scheme amendment for Twin Waters West, which are categorised as follows:

- Council's decision to prepare a proposed planning scheme amendment and inconsistency with State requirements;
- development/filling in the floodplain and worsening of flooding impacts;

- impacts on coastal processes and coastal resources;
- loss of green space and visual amenity;
- loss of habitat and impacts on wildlife;
- increase in traffic/congestion and impact on existing infrastructure;
- impacts on Indigenous cultural heritage; and
- inadequate community consultation.

## CONSIDERATION OF KEY ISSUES

### Council’s decision to prepare a proposed planning scheme amendment and inconsistency with State requirements

Some submitters questioned why Council has prepared a proposed planning scheme amendment for the Twin Waters West land following Council’s refusal of a previous development application and successfully defending the Court appeal. Some submitters also believed that the proposed planning scheme amendment was inconsistent with State planning requirements, particularly in relation to the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy*.

Council has prepared the proposed planning scheme amendment in response to representations seeking to include the Twin Waters West land within an urban residential zone via a proposed planning scheme amendment.

In preparing the proposed planning scheme amendment, Council has had regard to the issues raised in the Court appeal. It is considered that the majority of these issues can reasonably be overcome by the inclusion of the Twin Waters West land in an urban residential zone (e.g. issues relating to conflict with the planning scheme) and through a subsequent development assessment process (e.g. flooding and visual amenity issues). The proposed planning scheme amendment has also been drafted to include specific provisions in relation to these issues, in particular flooding, buffers, protection of ecologically important areas, access, density and character.

Council’s interests relate solely to the potential suitability of the land for urban purposes at a strategic level, not who owns or intends to develop the land now or into the future. Council also has no firm view of the detailed design of any future development, except to the extent that it achieves the relevant development parameters as set by the planning scheme which are deemed to be in the public interest.

As outlined below, the proposed planning scheme amendment has also been prepared in accordance with the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy*.

### SEQ Regional Plan

Under the *South East Queensland Regional Plan 2009-2031* (SEQ Regional Plan), the Twin Waters West land is included in the Urban Footprint (refer to **Figure 2**).

**Figure 2: Extract of SEQ Regional Plan – Regional land use categories**



The SEQ Regional Plan provides the framework for how urban growth will be managed in the region to 2031. It is the responsibility of Council, through its planning scheme, to establish and refine the desired use of land and the preferred timing of development within the Urban Footprint.

The draft *South East Queensland Regional Plan* (October 2016) also includes the Twin Waters West land in the Urban Footprint. A key difference between the current SEQ Regional Plan and the draft SEQ Regional Plan is the focus on better utilisation of areas in the urban footprint to accommodate projected population and employment growth and the requirement for local governments to investigate these areas for urban redevelopment opportunities.

During the preparation of Council’s preliminary submission to the SEQ Regional Plan review, Council undertook a strategic review of

undeveloped land included in the SEQ Regional Plan's Urban Footprint. The Twin Waters West land was identified for potential inclusion in the *Sunshine Coast Planning Scheme 2014* Urban Growth Management Boundary given its strategic location close to the Maroochydore Principal Regional Activity Centre, access to existing infrastructure networks and being viewed as a logical extension to the existing community.

### State Planning Policy

The *State Planning Policy* (SPP) sets out the policies around matters of State interest that a local government must consider and integrate when making or amending a planning scheme and may also apply in the assessment of development applications.

The matters of State interest that were considered to be potentially relevant to the proposed planning scheme amendment were detailed in the Explanatory Memorandum for the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) – Twin Waters West*, and included:

- the *SEQ Regional Plan 2009-2031* – Regional land use categories (Urban Footprint); and
- the *State Planning Policy* (April 2016) –
  - Planning for liveable communities and housing (housing supply and diversity);
  - Planning for economic growth (agriculture, development and construction);
  - Planning for the environment and heritage (biodiversity, coastal environment and cultural heritage);
  - Planning for safety and resilience to hazards (natural hazards, risk and resilience); and
  - Planning for infrastructure (state transport infrastructure).

It was considered that the relevant matters of State interest were appropriately reflected either in the existing *Sunshine Coast Planning Scheme 2014* (e.g. via the strategic framework and overlays), or in the proposed planning scheme amendment, and would be considered in further detail in the assessment process for any forthcoming development application.

In accordance with the *Sustainable Planning Act 2009* and *Statutory guideline 01/16 – Making and amending local planning instruments*, Council (in October 2015) sent a copy of the proposed planning scheme amendment to the Minister for Infrastructure, Local Government and Planning

(the Planning Minister) for formal consideration of State interests. In July 2016, the Planning Minister advised Council that the state interests were appropriately reflected in the proposed planning scheme amendment and that Council may proceed to public consultation, with no conditions.

### **Development/filling in the floodplain and worsening of flooding impacts**

A range of concerns in respect to flooding were raised in submissions and generally included the following:

- history of the extent of flooding in the area;
- objection to development in the floodplain and loss of flood storage;
- concern about the impact of filling in the floodplain and the extent of filling required, including impacts on existing habitat areas;
- concern about the worsening of flooding impacts, particularly on nearby residents and surrounding area;
- flood modelling and the cumulative effect of new major drainage and earthworks in the area (including the drainage and earthworks associated with the construction of the new runway at Sunshine Coast Airport); and
- the likely effects of climate change and sea level rise as well as increasing severe weather events.

There is evidence of historic flooding over the Twin Waters West land and this is consistent with Council flood mapping that shows the Twin Waters West land significantly affected by flooding in the defined flood event (DFE). The planning scheme Flood hazard overlay code has provisions that require a proponent to demonstrate (as part of any future development application) that there will be no worsening of flood impacts. It also requires that climate change is considered in the development design (with allowance for sea level rise and increases in rainfall intensity).

The concerns raised in relation to filling in the floodplain, the cumulative effects of filling in other parts of the floodplain and worsening of flooding impacts, are acknowledged.

Council is confident, at a strategic level, that the Twin Waters West land has development potential with appropriate application of the Flood hazard overlay code. This conclusion was also shared by the experts who provided evidence to the Planning and Environment Court as part of the previous appeal. It is also considered that there are appropriate provisions in the existing

*Sunshine Coast Planning Scheme 2014* and in the proposed planning scheme amendment that address flooding issues and would be considered in further detail in the assessment process for any forthcoming development application. A proponent will also be required to prepare a comprehensive flood impact assessment as part of any forthcoming development application and make this information available as part of the common material placed on public display for the development application.

### **Impact on coastal processes and coastal resources**

Some submitters expressed concern about the impact of development on the Twin Waters West land on coastal processes and resources and that the proposed planning scheme amendment is inconsistent with State requirements that the Twin Waters West land be kept as a development-free buffer against future coastal inundation and erosion.

It is acknowledged that the Twin Waters West land is subject to State mapping, particularly in relation to Lot 3 on RP842858 at the southern extent of the Twin Waters West land, which is within the Coastal Management District and Erosion Prone Area.

The proposed planning scheme amendment includes specific provisions and identifies this southern area as a 'Conservation and rehabilitation area' in the Maroochy North Shore Local plan code, which is intended to be protected as a 'development free' area in accordance with State planning requirements. The extent of this area to be protected as a 'development free' area will be subject to further assessment and consultation with relevant State agencies as part of any future development application.

Development within the Emerging community zone is also assessed against all elements of the planning scheme which are relevant to the proposed development, including Overlay codes and Other development codes. The Flood hazard overlay code, the Biodiversity, waterways and wetlands overlay code and Stormwater management code include specific provisions that seek to protect the coastal environment (particularly in relation to ecologically important areas, waterways, wetlands, hydrological regimes, water quality, flood and storm tide inundation and constructed waterbodies).

### **Loss of green space and visual amenity**

Some submitters expressed concern about the loss of green space with its visual and environmental values and suggested that the land should become a recreational park. Some submitters also raised concern about the loss of Good Quality Agricultural Land (GQAL).

It is acknowledged that the proposed conversion of the Twin Waters West land from an undeveloped rural landscape to residential will change the visual amenity and character of the area.

However, the proposed planning scheme amendment includes specific provisions in the Maroochy North Shore Local plan code for development in the Emerging community zone to provide a substantial landscape buffer along the full frontage of the site to the Sunshine Motorway and proposed Dedicated Public Transport Corridor (CAMCOS), in order to provide effective visual and acoustic screening. The proposed planning scheme amendment also requires development within the Emerging community zone to provide an open space network that meets the open space and recreational needs of residents and visitors and maximises public access to waterways.

It is also acknowledged that the Twin Waters West land is currently mapped as good quality agricultural land. However, it is considered that this land is isolated and fragmented from a broader area of good quality agricultural land on the western side of the Sunshine Motorway. In addition, it is considered that this land is significantly constrained for primary production due to its adjacency to established residential development.

### **Loss of habitat and impacts on wildlife**

Submitters expressed concern that development on the Twin Waters West land would result in the loss of habitat (including the habitat areas associated with the Maroochy River and Maroochy River Conservation Area) and impact on wildlife (such as the swamp wallaby, eastern grey kangaroo, wallum froglet and rare water mouse).

The proposed planning scheme amendment includes specific provisions in the Maroochy North Shore Local plan code, which require that development in the Emerging community zone (Twin Waters West) provides for the protection and buffering of ecologically important areas and other significant environmental areas (including



the Maroochy River and the Maroochy River Conservation Area). This includes the protection of the existing remnant vegetation community in the central-eastern part of the Twin Waters West land and the provision of an enhanced linking corridor/buffer between this vegetation and the Maroochy River Conservation Area to the south.

Development on the Twin Waters West land is also subject to the Sunshine Coast Planning Scheme's Biodiversity, waterways and wetlands overlay code, which includes specific provisions relating to the protection and buffering of ecologically important areas and requirements for detailed ecological assessment and reporting. Any future development proponent would also be required to address State and Federal environmental requirements (including any threatened flora and fauna species on site and those species potentially indirectly impacted by the development).

A number of submitters were also particularly concerned about the kangaroo population that currently occupies the Twin Waters West land.

Historically, the Twin Waters West land was vegetated and subsequently cleared for the purposes of growing sugar cane and other agricultural activities. During this time, it is unlikely that kangaroos were present on the Twin Waters West land in high numbers. Since the land has ceased being used for sugar cane production, the land has been maintained by way of slashing which has provided an artificial grassland reportedly supporting an elevated number of kangaroos. If the land had been left unmaintained since the cessation of agricultural activities, it is highly likely the land would have started to naturally regenerate and over time the grassland would have been replaced with woody vegetation, eventually lowering the kangaroo carrying capacity of the land.

Under a development scenario, the Twin Waters West land is unlikely to support kangaroos in their current numbers. Some kangaroos may persist on the edge of the development utilising areas of native vegetation and available open space. It is anticipated that the majority of kangaroos on the land will gradually disperse once development activity commences, either to the west to the cane lands on the western side of the Sunshine Motorway and potentially east to the Twin Waters golf course area. Specific management responses for the current kangaroo population on the Twin Waters West land will be a matter for any future development application to address via ecological assessment and reporting.

### **Increase in traffic/congestion and impact on existing infrastructure**

A number of submitters expressed concern about the increase in traffic that would be generated from development on the Twin Waters West land and how this would add to existing traffic congestion and impact on local infrastructure and amenities. Some submitters also raised concern about the potential local access at Esperance Drive/Stillwater Drive and impact on local traffic and nearby residents.

During the preparation of the proposed planning scheme amendment, preliminary consultation was carried out with relevant State agencies and internal officers in relation to preferred access arrangements for the Twin Waters West land and potential impacts on the safety and efficiency of the surrounding road networks (including State infrastructure and State transport corridors and networks, such as the David Low Way, Sunshine Motorway and the proposed Dedicated CAMCOS corridor).

Preliminary traffic modelling identified an upgrade of the existing Ocean Drive/David Low Way intersection to a four way roundabout as the preferred primary access arrangement for future development of the Twin Waters West land. It was also identified that modifications would be required to the Sunshine Motorway and David Low Way to manage traffic flows. Benefits of this arrangement include:

- provision of a separate access to the Twin Waters West land;
- increased safety and reduction in delays during peak periods; and
- provision of greater long term capacity of the road network.

In addition to the primary access arrangement, a local access via Esperance Drive/Stillwater Drive and Godfreys Road is required to achieve connectivity and improve accessibility between the existing Twin Waters community and future development of the Twin Waters West land. Both connections would also provide an alternative route for emergency access and Godfreys Road may also be utilised during the construction phase.

The proposed planning scheme amendment includes specific provisions that requires development on the Twin Waters West land to provide primary access from the David Low Way/Ocean Drive intersection and local access from the Esperance Drive/Stillwater Drive and via Godfreys Road and to be designed and located

to minimise traffic impacts on existing residential areas. Further detail in relation to these access arrangements would be considered as part of any forthcoming development application and will be subject to further community consultation.

### **Impact on Indigenous cultural heritage**

Some submitters outlined that the Twin Waters West land has significant Aboriginal cultural heritage value to the Kabi Kabi Traditional Owners and that these values should be protected.

Indigenous cultural heritage is protected under the *Aboriginal Cultural Heritage Act 2003*. In accordance with this Act, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (“the cultural heritage duty of care”). Therefore, the proponent of any future development application involving the Twin Waters West land will be bound by this duty of care.

### **Inadequate community consultation**

Some submitters expressed concern about the community consultation process and felt that the local community should have been better informed.

*Statutory Guideline 01/16 Making or amending local planning instruments* prescribes the minimum requirements for public notification of a proposed major amendment to a planning scheme, which include a 30 business day consultation period and a public notice in the local paper.

Council has complied with, and exceeded the statutory requirements in this regard. In particular, the consultation and communication strategy implemented during the consultation period for the proposed planning scheme amendment, included:

- a notice placed in the Sunshine Coast Daily and at Council offices;
- a notice and a copy of the proposed planning scheme amendment (including a summary information sheet) published on Council’s website;
- letters sent to land owners and adjoining land owners advising of the proposed planning scheme amendment, including a summary information sheet about the proposed amendment and public consultation period;
- emails sent to local community groups, including the Twin Waters Residents’

Association, Pacific Paradise Progress Association, North Shore Traders, Marcoola Community Group and Mudjimba Residents Association prior to the commencement of the public consultation period, advising of the proposed amendment and inviting representatives to contact Council for a briefing;

- newsflash issued to registered planning scheme users and community members;
- briefings/meetings with community associations and land owners; and
- various phone, email and counter enquiries.

Further community consultation will also occur as part of any future development application.

### **SUMMARY**

From a strategic planning perspective, the proposed planning scheme amendment is considered to be in the public interest when that interest is considered as a whole and appropriate weight is given to balancing the different relevant considerations.

The proposed planning scheme amendment has been informed by relevant technical assessments and it is considered that the concerns raised by submitters are appropriately addressed either by provisions of the existing *Sunshine Coast Planning Scheme 2014* (i.e. via the strategic framework and overlays) or by the content of the proposed planning scheme amendment itself. It is acknowledged that a number of site development issues will require more detailed assessment and the proposed planning scheme amendment provides that this work be undertaken as part of a future development application that would be subject to impact assessment (including a statutory public notification period).

### **COUNCIL DECISION**

**That Council proceed with the proposed planning scheme amendment for Twin Waters West and that no changes are made to the proposed planning scheme amendment in response to the consideration of the above key issues.**

Note—some changes are recommended to the proposed planning scheme amendment as a consequence of consideration of other submissions. These changes are detailed in **Part B** of this Paper.

## **PART B**

### **CONSIDERATION OF OTHER SUBMISSIONS**

Some individual submissions requested specific changes to certain provisions within the proposed planning scheme amendment, particularly in relation to:

- development density;
- open space;
- buffers;
- flood refuge requirement;
- building heights; and
- the Baptist Church site.

Each of these matters are discussed in turn below.

#### **Development density**

Some submitters considered that the density provisions in the proposed planning scheme amendment were overly prescriptive and would result in a development that is not reflective of the character of the broader Twin Waters community.

In particular, it was requested that the minimum lot size requirement of 500m<sup>2</sup> is reduced to 400m<sup>2</sup>. It was also requested that an alternative measure is provided for the average lot size requirement of 700m<sup>2</sup> and to refer to a net residential density of 13 dwellings per hectare.

It was also requested that a maximum density of 40 dwellings per hectare, up to 20% of the total site area, is prescribed for the Twin Waters West land.

It is acknowledged that the existing Twin Waters community has a density of approximately 11 dwellings per hectare and a minimum lot size of 403m<sup>2</sup> for low density residential uses. A further analysis of the existing Twin Waters community has identified that approximately 12% of the total number of low density residential lots are between 403m<sup>2</sup> and 500m<sup>2</sup> in size.

It is also acknowledged that multi-unit residential development in the existing Twin Waters community occupies approximately 17% of the total developed area in Twin Waters. It is also noted that the Multi unit residential uses code in the planning scheme prescribes a density range of between 30-50 equivalent dwellings per hectare for multi-unit residential uses in the Medium density residential zone.

In recognition of the residential densities, the proportion of low density residential lots less than 500m<sup>2</sup> and the proportion of multi-unit residential lots in the existing Twin Waters community, it is recommended that the proposed provisions in the Maroochy North Shore Local plan code for development in the Emerging community zone (Twin Waters West) (i.e. Acceptable Outcome AO22), are modified to:

- reduce the minimum lot size from 500m<sup>2</sup> to 400m<sup>2</sup>;
- limit the proportion of lots less than 500m<sup>2</sup> to 12% of the total number of low density residential lots;
- include a maximum density of 12 lots per hectare; and
- include a maximum density of 40 dwellings per hectare for multi-unit residential uses up to a maximum of 15% of the net developable area.

The above recommended changes are considered appropriate to facilitate a residential development on the Twin Waters West land that is more consistent with the established low density residential character of the existing Twin Waters community.

#### **Open space**

The proposed planning scheme amendment requires development within the Emerging community zone (Twin Waters West) to provide 25% of the total site area as open space. It was requested that the open space quantum of 25% be further clarified and that it should either allow for the inclusion of waterbodies and waterways or include all walkable waterfront areas, conservation areas and associated buffer/rehabilitated areas.

It is agreed that further clarification is warranted and therefore it is recommended that the proposed provisions in the Maroochy North Shore Local plan code (i.e. Acceptable Outcome AO34) are amended to clarify that the open space quantum of 25% includes all walkable waterfront areas, linear parks, conservation areas and buffers.

#### **Buffers**

Some submitters requested that the term 'rehabilitated' in Acceptable Outcome AO35 of the proposed planning scheme amendment is removed and that the southern buffer requirement to the Maroochy River be reduced from 150 metres to 50 metres, on the basis that the 150 metre buffer does not reflect the on-

ground values nor the setbacks identified on the Biodiversity, waterways and wetlands overlay. It was also outlined that, advice from the Department of Environment and Heritage Protection (DEHP) indicated that a setback of development needs to be established generally parallel with the present day shoreline and running generally along the edge of highpoints on the land. It was also requested that provision is made for the opportunity for some buffers to accommodate roads and linear open space where it can be demonstrated that it will not compromise the protection of retained vegetation.

The proposed planning scheme amendment requires development in the Emerging community zone (Twin Waters West) to provide a rehabilitated buffer with a minimum width of 150 metres measured from the southern boundary of Lot 3 on RP842858 (Acceptable Outcome AO35). The proposed planning scheme amendment also identifies the majority of Lot 3 on RP842858 as a Conservation and rehabilitation area on Figure 7.2.18A (Maroochy North Shore Local Plan Elements), which is intended to be protected as a 'development free' area in response to State planning requirements relating to coastal inundation and erosion.

It is considered that a minimum buffer width of 150 metres is required to provide for the protection, buffering, connection and rehabilitation of ecologically important areas (including the Maroochy River and the Maroochy River Conservation Area) and the management of coastal hazards and coastal processes. It is also considered that the buffer needs to be of sufficient width that minimises sight lines through to the estuarine wetland vegetation (mangrove and saltmarsh vegetation) located to the south of the Twin Waters West land, as the mangrove and saltmarsh vegetation communities are highly susceptible to degradation from unmanaged public access. It is also considered that there may be opportunity for some of the buffer areas to accommodate linear open space but not roads.

It is also considered appropriate that the southern buffer can be measured from the Highest Astronomical Tide (HAT) rather than the southern property boundary of Lot 3 on RP842858. The HAT generally corresponds with the edge of the mapped estuarine wetland vegetation and the measurement of the buffer from this feature is generally consistent with the advice from DEHP.

It is therefore recommended that a minimum buffer width of 150 metres and the term 'rehabilitated' is retained within the proposed planning scheme amendment, with changes to the measurement of the buffer to be from HAT. It is also recommended that the proposed planning scheme provisions be changed to include reference to the management of coastal hazards and coastal processes, to protect land vulnerable to coastal erosion and tidal inundation and to provide for some buffer areas to accommodate linear open space where it can be demonstrated that it will not compromise the protection of retained vegetation and the management of coastal hazards and coastal processes.

It was also considered by submitters that the 150 metre buffer along the southern frontage of the Twin Waters West land was derived from a superseded masterplan concept and requested that the buffer to the Sunshine Motorway and the proposed Dedicated CAMCOS corridor be reduced from 40-150 metres to 20 metres. This request was made on the basis that adequate visual separation and noise amelioration from the motorway can be achieved using a 20 metre wide buffer comprising of a combination of earth mounding, acoustic fencing and a vegetated strip along the full length of the motorway.

It is considered that there is some opportunity to reduce the 150 metre buffer requirement along the south-western frontage of the Twin Waters West land. However, due to a level of uncertainty in relation to the proposed Dedicated CAMCOS corridor alignment, it is considered appropriate that a minimum buffer width of 40 metres is maintained along the full frontage of the western boundary of the Twin Waters West land. This is to ensure development in the Emerging community zone (Twin Waters West) does not compromise the provision or operation of the proposed Dedicated CAMCOS corridor or State controlled roads (e.g. Sunshine Motorway) and provides for effective visual and acoustic separation and screening as well as the provision of a regional pedestrian and cycle path adjacent to the Sunshine Motorway and the proposed Dedicated CAMCOS corridor.

### **Flood refuge requirement**

The proposed planning scheme amendment includes the requirement for development within the Emerging community zone to provide adequate flood immunity (including safe refuge) and emergency access arrangements. Some submitters considered the 'safe refuge' requirement was unnecessary and requested it to be removed.

This request is not supported on the basis that:

- the critical duration of flooding is not the same as flood warning times. When it becomes apparent that evacuation is necessary, it is likely that the evacuation route may already be compromised;
- local flooding of the local road network may still mean that offsite evacuation is unsafe or not without offsite consequences; and
- the traffic and accommodation requirements of offsite evacuation create an unnecessary burden for disaster managers and emergency services, which Council seeks to avoid.

It is therefore recommended that the safe refuge requirement is retained in the proposed planning scheme amendment.

### **Building height**

Under the *Sunshine Coast Planning Scheme 2014*, a maximum building height of 8.5 metres applies to the Twin Waters West land as well as the majority of the existing Twin Waters community, with the exception of the medium density residential areas which have a maximum building height limit of 12 metres. This is depicted on the Height of buildings and structures overlay map OVM21H for the Maroochy North Shore Local plan area.

It was requested that a comparable height limit of 12 metres be afforded to the Twin Waters West land, to facilitate development for multi-unit residential uses.

In consideration of the above, it is proposed to amend the Height of buildings and structures overlay map OVM21H to include a Site Specific Note, which provides for a maximum height of 12 metres to be allowable in certain parts of the Emerging community zone (Twin Waters West), to accommodate multi-unit residential uses, where nominated on an approved plan of development.

### **Baptist Church**

Some submitters requested that the Baptist Church site, which immediately adjoins the Twin Waters West land to the north-west, be included in the Emerging community zone.

This request is not supported, as the inclusion of the land in the Emerging community zone would constitute a significant change to the proposed planning scheme amendment and would need to be readvertised.

## **SUMMARY**

The recommended changes to the proposed planning scheme amendment are considered appropriate to ensure that the form and structure of development in the Emerging community zone (Twin Waters West) is consistent with the character of the adjoining Twin Waters residential community and addresses all relevant matters.

The recommended changes to the proposed planning scheme amendment are not considered to result in the amendment being significantly different to the version placed on public consultation.

## **COUNCIL DECISION**

**That the following changes are made to the publicly notified version of the proposed planning scheme amendment relating to development density, open space, buffers and building height, in response to the consideration of submissions:**

- (a) change Acceptable Outcome (AO22) to:**
  - (i) reduce the minimum lot size from 500m<sup>2</sup> to 400m<sup>2</sup>;**
  - (ii) limit the proportion of lots less than 500m<sup>2</sup> to 12% of the total number of low density residential lots;**
  - (iii) include a maximum density of 12 lots per hectare; and**
  - (iv) include a maximum density of 40 dwellings per hectare for multi-unit residential uses up to a maximum of 15% of the net developable area.**
- (b) change Acceptable Outcome (AO34) to clarify that the quantum of open space includes all walkable waterfront areas, linear parks, conservation areas and buffers;**
- (c) change Performance Outcome (PO35) to include reference to the management of coastal hazards and coastal processes to protect land vulnerable to coastal erosion and tidal inundation;**
- (d) change Acceptable Outcome (corresponding to PO35) to:**
  - (i) clarify that the minimum 150 metre buffer to the Maroochy River is to be measured from the Highest Astronomical Tide;**
  - (ii) include a 'Note' that specifies that some buffers may provide the opportunity to accommodate**

**linear open space where it can be demonstrated that it will not compromise the protection of retained vegetation and the management of coastal hazards and coastal processes;**

- (e) change Acceptable Outcome (AO36) to retain a consistent minimum buffer width of 40 metres to the Sunshine Motorway and proposed dedicated CAMCOS corridor, along the full western frontage of the Twin Waters West land; and**
- (f) amend the Height of buildings and structure overlay map OVM21H to include a Site Specific Note relating to the Twin Waters West land, which provides for a maximum height of 12 metres to be allowable in certain parts of the Emerging community zone (Twin Waters West), to accommodate multi-unit residential uses, where nominated on an approved plan of development.**