

2 November 2016

The Chief Executive Officer  
Sunshine Coast Council

By Email: [planningscheme@sunshinecoast.qld.gov.au](mailto:planningscheme@sunshinecoast.qld.gov.au)

Dear Sir or Madam:

**Submission re Proposed Planning Scheme Amendment – Twin Waters West**

The Twin Waters Residents' Association (TWRA) makes this submission on behalf of its 423 members (households) and the Twin Waters community regarding the proposed Planning Scheme Amendment – Twin Waters West.

In brief, the TWRA supports the process to date and the intentions as expressed in the proposed amendment, subject to some comments as below. We note that we have been engaged in detailed and transparent discussions with both Council and Stockland over a considerable period about the process and the intention of the amendments. Our submission is made on behalf of the TWRA and Twin Waters community, who are the closest neighbourhood potentially affected by the amendments. Our community has been fully informed about the proposed amendment. ***We support the intention that the subject land be re-zoned as “Emerging Community”*** and note also that any future development will require a detailed Development Application that will then be subject to further public consultation.

**TWRA Represents the Twin Waters Community**

The TWRA is one of the most active community associations on the Sunshine Coast. We now have more than one-third of all households in Twin Waters as financial members (423 financial members as at end-October 2016). The percentage of owner-occupied households who are members would be higher, probably approaching 50%. The total number of people who are financial members (as opposed to households, which is our basis for financial memberships) is probably in excess of 800.

The TWRA has been directly involved in the questions around the future development of the subject land from the outset. As Council is aware, we joined with Council to oppose the appeal by Stockland to the Planning & Environment Court after Council had refused their first DA for the site. Following the loss of that appeal in 2012, Stockland has reconsidered its approach and, over the past two years, the TWRA and Stockland have consulted deeply and extensively about the nature of any future development on that site. Council (the Mayor, key Councillors and Council officers) has been fully engaged and supportive of this consultation.

Twin Waters Residents' Association Inc.  
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President: Rob Ruskin

Secretary: Sophie Lever  
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Treasurer: Mary-Helen Boag

The TWRA has fully and transparently engaged with the Twin Waters community during the discussions and negotiations about the future of the land. All residents have been kept informed by regular reports in the Newsletter that is distributed monthly to all households in Twin Waters. Members have been informed by emails immediately following discussions with Stockland and Council. The matter has been regularly discussed at TWRA Committee meetings and General meetings. In addition, there have been large volumes of email traffic to our TWRA Mail where any issues of concern or areas requiring further clarification have been dealt with. On this matter, our community has been extremely well informed over the full term.

The extent of our communications with the Twin Waters community and our members is shown in the Chronology of communications (Attachment 1).

***This submission should not be considered (or counted) as single submission. It is a submission on behalf of our more than 400 members, in excess of 800 people, and also the wider Twin Waters community. We are very confident that the comments in this submission represent in good faith the majority views of our community.***

### **Proposed Amendment Substantially Reflects the Conditions Precedent and the Process agreed with TWRA**

As part of the negotiations with Stockland, the TWRA secured agreement from them that our support for rezoning of the land would be subject to certain Conditions Precedent. (CPs). A copy of these is included as Attachment 2, for reference.

In the discussions with Council, it was agreed that the Conditions Precedent could be secured for the future by making an amendment to the Planning Scheme that incorporated the most substantial CPs. This would secure those conditions regardless of who the developer might be.

***The TWRA wishes to acknowledge that, subject to the further comments below, the intention to secure the CPs has been accomplished in the proposed amendment.***

### **Proposed Amendment May Have Been from an Inappropriate Base**

While we are generally supportive of the proposed amendment, Council officers did advise us during a briefing that the amendment was developed from the outcome of the P&E Court case referred to earlier as well as the CPs negotiated with TWRA and also relevant updated State and Council requirements. The cumulative effect of these conditions and requirements may have had unnecessary and onerous consequences on the resulting terms for the amendment.

The P&E Court case referred to a specific development plan that is no longer relevant. That plan involved, inter alia, high-density lower value housing and a dry land development i.e. no canals or lakes. While some of the expert reports may continue to be relevant (e.g. GQAL), most of them will not be relevant if a future development concept involves a completely different scope e.g. including canals and waterways.

While we have not fully investigated what may or may not continue to be relevant, we do have concerns about the scale of buffer zones now being required. In particular, we would draw attention to two examples:

- The requirement for buffer zones surrounding the existing green treed nature zone, which we would regard as buffer zone in itself i.e. buffer zones for an existing natural buffer zone seems excessive.
- The requirement for a tapered buffer zone to the south west of the site for “visual amenity” purposes also seems excessive. Firstly, there is existing privately owned freehold land already in the south west corner that is excluded from the re-zoning and, secondly, there is no existing “visual amenity” to preserve in that area. There is no existing view to the Maroochy River from the Sunshine Motorway travelling south. Existing roadside vegetation and tree growth that presumably will be preserved already blocks it. This requirement seems excessive.

***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&E Court case that are carried through into the proposed amendment.***

### **Flood Refuge Requirement is Unrealistic**

In the Performance Outcomes section, Item PO24 refers to the requirement for “safe refuge” when referring to flood immunity. This particular issue was highly contentious in the relevant Expert Reports for the previous development proposal that is now no longer relevant. It was contentious because, inter alia, it was deemed an unrealistic requirement – something that is difficult to define in terms of need, scope and timing, but which could definitely impact on the scope and character of any development of the site. Inter alia, how will its adequacy be determined? It is tempting to visualise this as a requirement to provide a refuge that has similar characteristics to sea gulls on a sand bar in the Maroochy River. It is an unrealistic requirement.

If Council is serious about addressing this issue, it needs to give consideration to the possible needs for all North Shore residents, including the existing Twin Waters community which does not have such a facility (but which does have plenty of two-storey houses). Perhaps a North Shore facility at a more central location or at the Sunshine Coast Airport could be considered.

***The TWRA requests that this requirement be reconsidered.***

### **Lot Sizes and Housing Density**

As Council is aware, the issue of Lot Sizes and Housing Density is a significant one for the Twin Waters community. We accept and acknowledge that we are now talking about a potential future new development on the site, not a re-presentation of the original scheme that has been rejected by Council. That old scheme had lot sizes / housing density that were completely unacceptable to the Twin Waters community because of the potential impact on the character of the development that would have ensued.

It is very clear that Council has drafted the proposed planning amendment to fully accept the CP that any development on the site should have the scale, facilities, character and amenity that are at least equal to or better than those which are comparable to the existing Twin Waters development. This is the core “Statement of Intent”. We support this intent.

With regard to the specifics, we should acknowledge that a development in the near future or in the distant future, depending on the timing of any subsequent development, may not “look” like the existing Twin Waters. That would be unrealistic. But the intent is clear, as restated in the previous paragraph.

We have reservations about Performance Outcome PO 22 or, more specifically, Acceptable Outcome AO 22. In fact, PO 22 correctly states the intent. AO 22 imposes unrealistic conditions in item (a) (i) and (ii). There are already lots in Twin Waters that are less than 500 sq. m. It is possible that describing an AO in terms of area (sq. m) may not be the correct or appropriate measure. We are not town planning professionals but we are open to alternative suggestions, provided they enable the achievement of the Statement of Intent previously cited.

***Without making a specific suggestion, the TWRA requests that this receive further examination by professionals. We are open to further discussion.***

### **Traffic Access and Egress**

The TWRA notes, favourably, that the primary access point to the site would be via a new roundabout at the intersection of David Low Way and Ocean Drive. The location of the primary access point was a major concern of the Twin Waters community for the previous scheme. We note that Dept. of Transport & Main Roads (DTMR) has provided in principle support for this new proposed roundabout and also that this is reflected in the proposed planning scheme amendment. ***This is a critical requirement for our community. We support the proposed arrangement.***

We also note that indicative secondary local road linkages are shown at Godfrey’s Road and Esperance Drive at the south-western end of Twin Waters. ***We fully support the Godfrey’s Road access, especially, but not only, for construction.***

We should place on record that a small number of existing Twin Waters residents (some of whom reside in the Esperance Drive area) have expressed concern about this proposal (Esperance Drive linkage) to varying degrees. It is clear that nobody wants an access point that could enable “rat running” in peak times, especially since it is widely accepted that the Twin Waters streets are not designed for traffic volumes (and TransLink has made clear that the Twin Waters roads are not acceptable for their busses). That said, from a strategic planning perspective, it would seem that some provision should be made for purely local traffic only or even for emergency vehicles. This may, in the end, depend on the design / scope of the proposed internal traffic roads and flows within Twin Waters West that should be assessed more fully as part of any Development Application for the site in the future.

### **Wildlife, specifically Kangaroos**

As Council will undoubtedly be aware, there is a relatively large kangaroo population on the site. This has become a local “icon” around the area and many residents are concerned about the fate of the kangaroos if any development was to proceed. That said, it would appear that this is principally a matter to be addressed as part of any DA on the site. However, it is noted that the ***proposed amendment retains the existing treed conservation zone as well as a proposed buffer zone for wildlife movements to other conservation zones on the North Shore.***

## **Conclusion**

The TWRA appreciates the opportunity to comment and make a submission on behalf of our members and the Twin Waters community. We have a deep and continuing involvement in the matter of any future development of the land called herein "Twin Waters West".

We appreciate the consultation that has taken place over an extended period between TWRA and Council, as well as Stockland. We accept that, at some future date, development of the site is likely to occur. The land is too well situated for this not to happen at some stage. We therefore want any development that does take place, whenever it does, to be to standards that will maintain and enhance the character of the existing very successful Twin Waters development.

Thank you for the opportunity to comment.

Yours sincerely

Rob Ruskin  
President

### **Attachment 1 - Chronology of Communications**

#### **Canelands / Twin Waters West - Chronology of Communications with Members & Community**

<b>Date</b>	<b>Event</b>	<b>Topic</b>	<b>Comment</b>
1-Feb-15	Email to Members	Advice of Initial discussions with Stockland	
9-Feb-15	General Meeting	Stockland / Canelands Development	First briefing to members on discussions
Mar-15	Newsletter	Canelands...What's Next	First briefing to community
Apr-15	Newsletter	Canelands Update	
May-15	Newsletter	Stockland Update	
13-May-15	Meeting	Mayor, Some Councillors, Senior Council Officers, Stockland, TWRA	Update, forward path & possible timeline
Jun-15	Newsletter	Further Canelands Discussion & Progress	
12-Jun-15	Letter to Stockland & Council from TWRA	Formal request for acknowledgement of CPs	
15-Jun-15	Email to Members	Advice of Letter plus copies of letter & CPs	
17-Jun-15	Letter from Stockland	Confirming Acceptance of CPs	
Sep-15	Newsletter	Stockland Update	
9-Sep-15	Meeting	Called by Mayor of all parties to review and ensure all parties were "on same page".	
10-Sep-15	Email to Members	Report on meeting with Mayor et al	
23-Sep-15	Email to Members	Report on meeting with Mayor et al	
12-Oct-15	General Meeting	Stockland Update	
Nov-15	Newsletter	We Do Things for Twin Waters	
7-Mar-16	Public Meeting	Mayoral & Council Candidates Forum	Question re Attitude to Canelands
8-Aug-16	AGM & General Meeting	Progress Report from President	
21-Sep-16	Email to Members	Report re briefing from Council officers	
26-Sep-16	Email to Members	Copy of Information Sheet from Council	
10-Oct-16	General Meeting	Council reps briefed meeting on Amendment	
26-Oct-16	Email to Members	Update & reminder re submissions	

- *Note the number of communications with the Community (via Newsletters) and members (via emails and General Meetings).*
- *Copies of the Newsletter items can be viewed at our website [www.twra.net](http://www.twra.net)*
- *In addition to outgoing emails via TWRA Mail, there were extensive incoming emails from members expressing views, concerns etc which were dealt with via normal email correspondence.*
- *It is possible that not all of the relevant communications are included in the above list.*

**Conclusion: Members & Twin Waters community are very well informed about the Canelands/Twin Waters West matter**

## Attachment 2 - Conditions Precedent

### Points for Incorporation as Conditions Precedent in Canelands Infrastructure Agreement

<b>AGREED OUTCOMES</b>	
<b>1. General</b>	<p>Development is designed and sited such that it maintains the integrity of the established residential properties adjacent to the eastern boundary (Twin Waters) that is characterised by buildings fronting internal canal systems, or surrounded by landscaped grounds.</p> <p>Development maintains or improves the amenity of neighbouring premises having regard to:</p> <ul style="list-style-type: none"><li>• overshadowing</li><li>• privacy and overlooking</li><li>• building character and appearance</li><li>• building massing and scale as seen from neighbouring premises; and</li><li>• access and connectivity.</li></ul>
<b>2. Traffic Access and Egress</b>	<p>Development provides:</p> <ul style="list-style-type: none"><li>• a primary access point for the site from David Low Way; and</li><li>• a secondary access to the site via Godfrey's Road.</li></ul> <p>Any additional points of access or egress and/or connectivity to the existing Twin Waters development will be subject to further community consultation.</p>
<b>3. Traffic within the Development</b>	<p>Development provides for a street and road network which:</p> <ul style="list-style-type: none"><li>• does not locate Collector roads immediately adjacent to existing residents in the Twin Waters area; and</li><li>• may include Minor roads immediately adjacent to existing residents in the Twin Waters area.</li></ul>
<b>4. Pathways and Connections</b>	<p>Development provides a safe and convenient pedestrian and cyclist network which connects with the existing pedestrian and cyclist network in the immediate surrounds.</p>
<b>5. Waterways</b>	<p>Development provides suitable water/waterway areas, and ensures that the layout of the site maximises the number of waterfront lots.</p> <p>Waterways connecting to an existing waterway network will provide maintenance and operational guidelines to ensure that water quality levels are maintained in accordance with the ANZECC water quality guidelines and Environmental Protection Policy – Water (EPP).</p>
<b>6. Lot Sizes</b>	<p>Development to be of a nature, character and scale of the existing Twin Waters community.</p> <p>The average lot size should be similar to the existing Twin Waters average lot size and</p>

## AGREED OUTCOMES

allow for a diverse range of housing types, including:

- detached dwellings (dominant dwelling type);
- semi-attached dwellings (terraces, town houses and duplexes); and
- attached dwellings (apartments).

Apartments will have a maximum height of 3 storeys and will be located in high amenity locations fronting or adjacent to canals, parkland or nature reserves.

### **7. Parks and Open Space**

Development provides for suitable areas as open space (inclusive of parkland, open space and conservation areas), comprising between 25% and 30% of the site area.

Ongoing maintenance of open space will be subsidised to allow for a maintenance standard beyond the standard Council level of service. This will be funded through a benefited rating levy, of the same value and application as the existing Twin Waters levy.

### **8. Building Covenants**

Development is subject to a Building Covenant agreed upon by Council which will establish a consistent and preferred character, commensurate to Twin Waters, providing for a contemporary coastal built form that epitomises sub-tropical design.

### **9. Flora and Fauna**

Vegetation clearing does not occur within the Conservation Landscape area identified on the Canelands Project Vision plan to ensure that:

- ecological processes, biodiversity and the habitat values of native flora and fauna are protected and enhanced;
- the functioning and connectivity of biodiversity corridors and fauna movement networks is maintained;
- the character and visual amenity of the surrounding community is maintained.