

Explanatory Memorandum

Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5 - Palmview Structure Plan and Consequential Amendments

1 April 2016



1. Short title

The amendment instrument to which this explanatory memorandum relates is the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* for the Palmview Structure Plan, Planning Scheme Policy for Palmview Structure Plan and Consequential Amendments.

This explanatory memorandum provides details of the amendments relating to the Palmview Structure Plan and Consequential Amendments.

Details of the amendments relating to the Planning Scheme Policy for Palmview Structure Plan are outlined in a separate Explanatory Statement for the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5*.

2. Type of local planning instrument

The amendment to the *Sunshine Coast Planning Scheme 2014*, relating to the Palmview Structure Plan and Consequential Amendments, constitutes a 'major amendment' in accordance with Section 2.3A.4 of *Statutory guideline 04/14: Making and amending local planning instruments*.

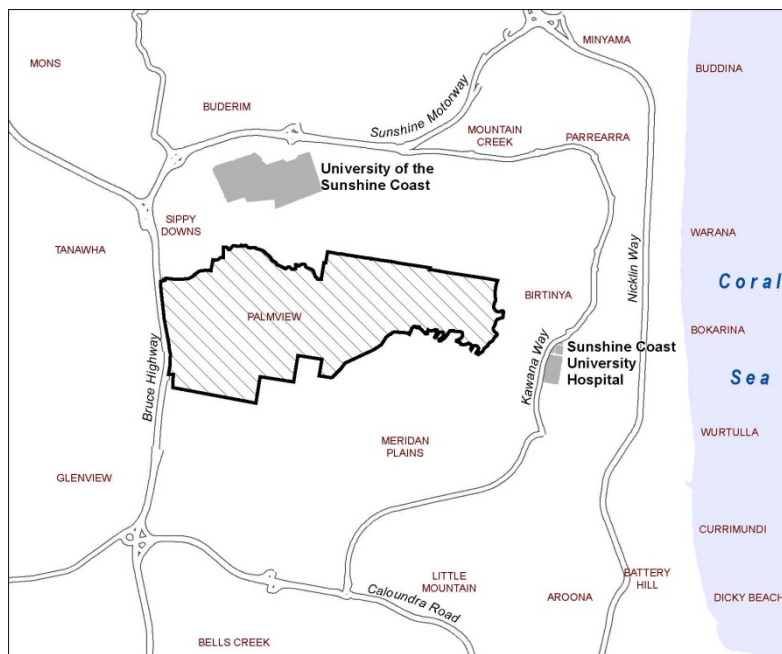
3. Entity making the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5

The entity making the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* is the Sunshine Coast Regional Council.

4. Land affected by the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5

The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* generally applies to that part of the planning scheme area indicated on Map 1 below and referred to as the Palmview Master Planned Area.

Map1 Palmview Master Planned Area



5. Purpose of the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5

The purpose of the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* is to:

- (a) revise the land use locations, densities and road layouts;
- (b) change the Palmview Structure Plan and its standards of provision for infrastructure to ensure consistency with the *Sunshine Coast Planning Scheme 2014*;
- (c) remove the water and sewer desired standards of service in accordance with Unitywater's requirements;
- (d) remove the requirements for the preparation of the Energy Management Plan, Sustainable Transport Plan and Affordable Living Plan in accordance with changes to the Palmview Structure Plan; and
- (e) amendments to other planning scheme provisions including maps, to make any consequential planning scheme amendments to reflect changes made to the Palmview Structure Plan and the Planning Scheme Policy for Palmview Structure Plan.

6. Details of the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5

The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* primarily relates to amendments to Part 10 (Other Plans) as detailed in **Table 6.1** below.

Table 6.1 – Summary of planning scheme amendments to the Palmview Structure Plan

Issue	Summary of Amendments to the Palmview Structure Plan (Part 10 <i>Sunshine Coast Planning Scheme 2014</i>)
Ensuring the capacity of infrastructure in residential areas surrounding non-residential uses such as schools is adequate.	This matter has been addressed in the Overall Outcomes for the Whole of the Master Planned Area, the Neighbourhood Design, Housing and Density Performance Outcomes, the Overall and Performance Outcomes in Community Purpose Precinct and the Overall Outcomes for the Development of Infrastructure and Services.
Housing Affordability Fund Agreement	Removal of all provisions relating to the Housing Affordability Fund agreement which has lapsed.
Defined Flood event	Definition amended and footnotes removed so that the provisions now relate to more up-to-date climate change predictions and modelling.
Dedicated public and active transport corridor (Greenlink)	Removal of references to the north-south and east-west public and active transport corridors but retention of a north-south bicycle pedestrian corridor and the provision of land for a future public transport corridor within the Palmview Master Planned Area.
Local Industry and Enterprise Area	Has been moved closer to the District Activity Centre and renamed the Local Employment Area.
State Government Community Facilities Area	Has been renamed the Community Facilities Area and broadened to include private educational establishments.
Dwellings minimum and maximums	Amended to reflect the revised land uses and densities and infrastructure capacities.
Ecological protection and rehabilitation target	The ecological protection and rehabilitation target has been reduced from 615ha to 483.4ha which removes the requirement to provide land external to the Structure Plan Area but protects all the land within the Structure Plan area that is protected under the current Structure Plan.
Housing affordability	Removal of the specific target of 12.5% of housing to be affordable, but retain the requirement for affordable housing to be provided.
District Activity Centre	Increase to the GFA for the District Activity Centre from 12,000sqm to 15,000sqm commensurate with the removal of the two of the four Local Activity Centres and identification of land uses that are not to be developed.

Issue	Summary of Amendments to the Palmview Structure Plan (Part 10 Sunshine Coast Planning Scheme 2014)
Vertical integration	Removal of the requirement for vertical integration of residential and non-residential uses in the District Activity Centre.
Road Transport Network standards	To achieve consistency with the requirements of the <i>Sunshine Coast Planning Scheme 2014</i> , road, public transport and bicycle infrastructure is now to be in accordance with the Transport and Parking Code and Planning Scheme Policy rather than the standards in the Palmview Planning Scheme Policy.
Water and Sewerage Network	Removal of the water and sewerage infrastructure requirements in accordance with Unitywater's direction and changes to the map number references, the code numbering and footnote numbering through the document to reflect the removal of the water and sewerage network provisions. Inclusion of performance outcomes and acceptable outcomes to protect the SEQ Bulk Water Supply Infrastructure Network.
Energy Infrastructure	The specific provisions for the Energy infrastructure network have been removed but the requirement for the developers to provide infrastructure in accordance with the electricity infrastructure entity's requirements has been retained.
Telecommunications Infrastructure	Telecommunications infrastructure requirements have been removed from the Palmview Structure Plan Code as it is addressed through the provisions in the <i>Sunshine Coast Planning Scheme 2014</i> which are called up in the Tables of Assessment.
Other Services	Removal of the requirement to provide for a reticulated gas service as this requirement was based upon a natural gas pipeline being in place from Brisbane to Maryborough.
Protection of existing uses	Inclusion of provisions to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses.

Table 6.2 provides a summary of the amendments to the Palmview Structure Plan Maps.

Table 6.2 - Amendments to the Palmview Structure Plan Maps (Schedule 2 Other Plans Maps)

Mapping Amendments to the Palmview Structure Plan Maps (Schedule 2 Other Plans Maps)	Planning Scheme Reference
Relocation of the three school sites.	OPM P3, P4, P6, P10, P15
Realignment of Claymore Road into the Palmview Structure Plan Area so the first stage of the road services all 3 landowners.	OPM P1, P3, P4, P6, P7, P8-P13, P15, P16
Relocation of the Urban Open Space Areas, land areas and provision triggers based on revised population numbers.	OPM P1, P3, P4, P6, P10, P13
Removal of the South East Road.	OPM P1, P3, P4, P6, P7, P8, P9, P10, P11, P12, P13, P15, P16
Removal of the Greenlinks.	OPM P1, P3, P4, P6, P7, P9, P10, P13, P15
Removal of two of the four Local Activity Centres.	OPM P3, P6
Relocation and renaming of the Local Employment Area.	OPM P1, P3, P5, P6
Removal of the water and sewerage infrastructure maps OPM 11 and OPM 12 and renumbering of subsequent maps.	OPM P11 and OPM P12

Mapping Amendments to the Palmview Structure Plan Maps (Schedule 2 Other Plans Maps)	Planning Scheme Reference
Removal of the Telecommunications Infrastructure Map.	OPM P17
Protection of a corridor within the Structure Plan Area for future light rail.	OPM P1, P3, P4, P6, P7, P9, P10, P13, P15
Removal of the HAF bring forward area.	OPM P7
Text box relating to "possible" access to Western Service Road via Pignata Road which was conditioned by the Minister has had the wording amended to remove the word "possible".	OPM P3, P4, P6, P7, P8
Change to title of Distributor Road to District Collector Street in the legend to be consistent with the Transport and Parking Code terminology.	OPM P1, P8, P9, P10, P13, P15, P16
Inclusion of development entitlements for existing approval on the northern parcel of Crosby land.	OPM P5
Amend wording in table to ensure that if there is a road connection to the western service road, the road connection will be appropriate to accommodate the traffic.	OPM P7
Amend road connection to the Western service from a neighbourhood street to a District Collector/Major Road to reflect the above.	OPM P1, P3, P4, P6, P7, P8, P9, P10, P11, P13, P14
Amend the reference to the Southern Road Link Upgrade within the table to include the wording "or alternative road transport infrastructure."	OPM P7
Amend the note under Table to read "Equivalent Dwelling or ED is the measure of the demand for the number of vehicle trips equivalent to that generated by a Dwelling calculated for the relevant development type worked out by the Council using the demand generation rates, as specified in the Palmview Structure Plan Planning Scheme Policy."	OPM P7
Inclusion of a recreation trail connection to the existing trails in Bellflower Estate in accordance with an infrastructure obligation in a current development approval.	OPM P10
Amend to reflect new non-urban open space provision target and provision requirements for each landowner.	OPM P14
Amend to include the SEQ Bulk Water Supply pipeline and a buffer of 20m to protect this infrastructure.	OPM P4
Updates to the Digital Cadastral Database (DCDB)	OPM P1 to OMP P14

Table 6.3 and **Table 6.4** provide a summary of the consequential text and mapping amendments to the planning scheme.

Table 6.3 - Consequential text amendments to the *Sunshine Coast Planning Scheme 2014*.

Consequential Amendments to the <i>Sunshine Coast Planning Scheme 2014</i>	Planning Scheme Reference
Amend to remove references to "Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)" and "Local Transit, Bicycle and Pedestrian Corridors (part of Greenlink)".	Section 3.5.1(f) (Transport Strategic Outcomes) Section 3.5.5.1(b) (Public Transport Network Specific Outcomes)
Amend to remove references to "Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)".	Section 7.2.14.2 (Context and Setting) Section 7.2.14.3 (2) (r) (Purpose and overall outcomes)

Consequential Amendments to the <i>Sunshine Coast Planning Scheme 2014</i>	Planning Scheme Reference
	<p>Table 7.2.14.4.1 (Criteria for assessable development)</p> <p>Figure 7.2.14A (Kawana Waters Local Plan Elements)</p> <p>Section 7.2.25.2 (Context and setting)</p> <p>Section 7.2.25.3 (2) (q) (Purpose and overall outcomes)</p> <p>Table 7.2.25.4.1 (Criteria for assessable development in the Sippy Downs local plan area generally)</p> <p>Figure 7.2.25A (Sippy Downs Local Plan Elements)</p>
Amend the figure to remove the roads within the Palmview Declared Master Planned Area and the south east road link.	Figure 9.4.8A (2031 Functional Transport Hierarchy)
Amend the figure to remove the pathways within the Palmview Declared Master Planned Area and along the south east road link.	Figure 9.4.8B(i) (2031 Strategic Network of Pedestrian and Cycle Links (Pathways))
Amend the figure to remove the On-road cycleways within the Palmview Declared Master Planned Area and along the south east road link.	Figure 9.4.8B(ii) (2031 Strategic Network of Pedestrian and Cycle Links (On Road Cycleways))
Amend the figure to remove the Public Transport Links within the Palmview Declared Master Planned Area and along the south east road link.	Figure 9.4.8C (2031 Strategic Network of Public Transport Links)

Table 6.4 - Consequential mapping amendments to the *Sunshine Coast Planning Scheme 2014*

Consequential amendments to the maps of the <i>Sunshine Coast Planning Scheme 2014</i>	Planning Scheme Reference
<p>Amend to remove reference to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from the diagram.</p> <p>Amend to remove reference to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from the legend.</p> <p>Amend to remove Note 7 which refers to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)”.</p>	Strategic Framework Map SFM1 (Land Use Elements)
<p>Amend to remove reference to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from the diagram.</p> <p>Amend to remove reference to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from the legend.</p>	Strategic Framework Map SFM2 (Economic Development Elements)

Consequential amendments to the maps of the <i>Sunshine Coast Planning Scheme 2014</i>	Planning Scheme Reference
Amend to remove Note 6 which refers to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)”.	
Amend to remove reference to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from the diagram. Amend to remove reference “C”- “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)” from Table 1. Amend ‘Explanation of Symbols’ table to remove reference to “Greenlinks” in the description for the ‘Dedicated Public Transport’ mode detail. Amend ‘Explanation of Symbols’ table to remove the reference to “Greenlinks” in the description for the ‘PT’ mode detail. Amend to remove Note 2 which refers to the “Dedicated Public Transit, Bicycle and Pedestrian Corridors (Greenlink Corridors)”.	Strategic Framework Map SFM3 (Transport Elements)
Amend map to include the SEQ Bulk Water Supply pipeline that traverses the Palmview Master Planned Area, and include a 20m buffer along the pipeline.	Regional Infrastructure Overlay Map OVM 30K, OVM 35K (Kawana Waters Local Plan Area), OVM 43K and OVM 44K (Caloundra West Local Plan Area)

7. Compliance with the Sustainable Planning Act 2009

The *Sunshine Coast Planning Scheme 2014* complies with the purpose and key elements of the *Sustainable Planning Act 2009*. In particular the *Sunshine Coast Planning Scheme 2014* appropriately reflects the standard planning scheme provisions in version 3.0 of the Queensland Planning Provisions and coordinates and integrates State and regional matters through compliance with State planning instruments. The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* does not affect this compliance.

The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* has been prepared in accordance with:

- (a) Part 5 (Making, amending or repealing local planning instruments) of the *Sustainable Planning Act 2009*; and
- (b) *Statutory guideline 04/14: Making and amending local planning instruments*.

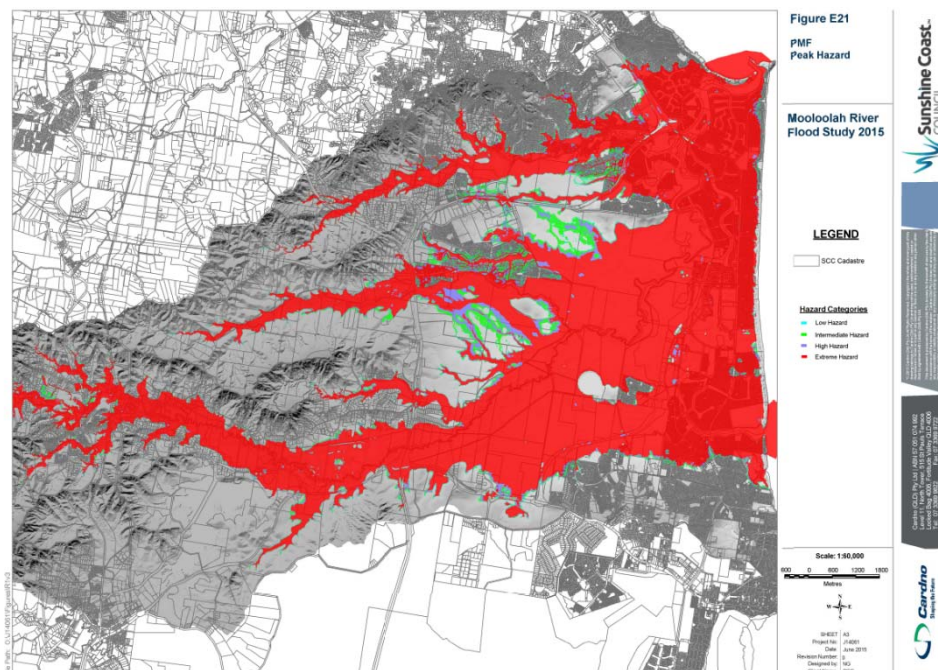
8. Compliance with State planning instruments

At the time of the gazettal of the *Sunshine Coast Planning Scheme 2014* in May 2014, the Minister identified that the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy* were appropriately reflected in the planning scheme. The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5* does not adversely affect the planning scheme’s compliance with State planning instruments.

The State interests identified through the first State interest review have been complied with as indicated below:-

State Interest	Summary of Compliance
Planning for liveable communities and housing	The proposed amendment includes provisions that support the efficient location and assessment of education infrastructure – state (18ha) and non –state (4.5ha).
Planning for economic growth	Unitywater has agreed to limit any potential overlap of the proposed rising sewer main with the resource/processing area of Key Resource Area (KRA) 49. Meetings have been

State Interest	Summary of Compliance
	held with DNRM, Council and Unitywater to resolve the preferred alignment.
Planning for safety and resilience to hazards	Council is currently in the early stages of preparing an amendment package for the <i>Sunshine Coast Planning Scheme 2014</i> which is intended to include revised bushfire hazard mapping and assessment provisions.
Planning for infrastructure	<p>The proposed amendment includes mapping amendments to identify the SEQwater bulk water supply pipeline and a 20m buffer and includes performance outcomes to protect the integrity of the water supply pipeline from incompatible development.</p> <p>The proposed amendment includes mapping amendments to ensure the scheme accurately reflects the agreement between DTMR and Council to conduct further investigations for an alternative to the provision of the Southern Road Link Upgrade and to clarify the definition of equivalent dwelling units.</p> <p>While the proposed amendment removes the State's condition to include the word "possible" in the description of the access to the Western Service Road, Council does not consider this impacts on the State's interest of protecting the safe and efficient operation of the state-controlled road, as this access can only be provided if the Western Service Road is in place.</p> <p>Flood events greater than the defined flood event have been considered. Flood modelling has demonstrated that a significant proportion of the Palmview "island" remains unaffected by flooding, even in the Probable Maximum Flood event, and that shelter is in place is a practical strategy for disaster management for events exceeding the defined flood event. In addition, for the preliminary design work which has already been undertaken by Investa's consultants, in accordance with QUDM a severe storm impact assessment has been a requirement for the bridge design and this has been a critical determinant in specification of the bridge deck elevation.</p> <p>See Map below</p> <p>The proposed amendments reflect that Unitywater's demand projections and infrastructure planning for Palmview assume that all demands are sourced from potable supplies. The growth that will occur in Palmview is incorporated into the growth and water demand projections for the broader Sunshine Coast region.</p>



9. Consultation with government agencies

Consultation with relevant state agencies is a mandatory requirement for a major amendment under section 2.4A of *Statutory guideline 04/14: Making and amending local planning instruments*.

During the early stages of the preparation of the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 5*, Council met with representatives from the former Department of State Development, Infrastructure and Planning (DSDIP), Regional Services – SEQ (North) to discuss the content of the proposed amendment and likely state interests.

In accordance with Section 2.4A.1, Step 1.4 of *Statutory guideline 04/14: Making and amending local planning instruments*, by letter dated 21 October 2014, Council advised the Planning Minister that Council had resolved to prepare the proposed amendment and sought approval to proceed to first State Interest Review of the proposed amendment. A copy of the proposed amendment was provided to the Planning Minister along with a response to the draft State interest review comments and a consultation report which included written statements about:

- the extent and outcomes of consultation undertaken with State agencies and the public in preparing the proposed amendment;
- how the proposed amendment coordinates and integrates matters of State and regional interest;
- how the proposed amendment addresses section 88 of the *Sustainable Planning Act 2009*; and
- the background studies or reports that informed the preparation of the proposed amendment.

10. Compliance with State imposed conditions

By letter dated 27 August 2015, Council received approval from the Minister for Infrastructure, Local Government and Planning to proceed to public notification subject to compliance with the following Ministerial conditions:

- amending maps to include the existing SEQ Bulk Water supply pipeline and a buffer of 20m to protect this infrastructure;
- amending the map references to the Southern Road Link Upgrade (in the table) to include the wording “or alternative road transport infrastructure”;
- amend the description of ‘access to Frizzo Road’ from ‘Future access’ to ‘Possible future access’ on relevant maps; and
- providing further clarification in the table of Other Plan Map OPM P7 to clarify ‘equivalent dwelling unit’.

The Council complied with the Minister’s conditions by undertaking the necessary modifications to the proposed amendment prior to public notification.

However, in relation to the third dot point above, after consideration of submissions, Council is reinstating the original wording prior to the final State Interest Review which removes the State’s condition to include the word “possible” in the description of the access to the Western Service Road. Council does not consider that this impacts on the State’s interest of protecting the safe and efficient operation of the state-controlled road, as this access can only be provided if the Western Service Road is in place.

Refer to **Appendix 2** which lists all amendments requested by Council, conditioned by the State and proposed in response to submissions.

11. Public consultation

Public consultation was undertaken in respect of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* in compliance with the *Sustainable Planning Act 2009*, for 30 business days between **14 September 2015 until 26 October 2015**.

A public notice was placed in the Sunshine Coast Daily on the 12 September 2015.

A copy of the public notice along with the material in the public notification package was placed on Council's website and at Council's customer service centres at Caloundra, Maroochydore and Nambour. The public notification package included:

- **Explanatory memorandum** which details the proposed amendments to the Palmview Structure Plan and the consequential planning scheme amendments.
- **Explanatory statement** which details the proposed amendments to the Planning Scheme Policy for the Palmview Structure Plan.
- **Amendment instrument** which details the changes to be made to the Sunshine Coast Planning Scheme 2014 in relation to the amendments to the Palmview Structure Plan, Planning Scheme Policy and consequential planning scheme text and map amendments.
- **Tracked changes version** of the Palmview Structure Plan and amended Palmview Structure Plan maps.
- **Tracked changes version** of the proposed planning scheme policy for the Palmview Structure Plan.

During the public notification period, Council officers liaised with key stakeholders including the Sippy Downs and District Community Association, Kawana Forest Residents Association and University of Sunshine Coast.

Consultation with officers from relevant State government agencies was undertaken to ensure that to the greatest extent possible, the sewer rising main identified from Palmview to the Kawana STP did not impact on the resource/processing area of Key Resource Area (KRA) 49 – Meridan Plains.

Unitywater were also consulted in relation to SEQwater's concerns about the level of bulk water supply required by the Palmview development.

12. Consideration of submissions

A total of 155 properly made submissions were received in relation to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)*. The majority of submissions supported the proposed amendment, particularly:

- the reduction in housing densities;
- the early construction of district sports fields;
- changes to the location of the three school sites;
- changes to the assessment criteria to ensure the capacity of infrastructure (roads and paths) in residential areas is adequate to accommodate the demands of non-residential uses such as schools;
- the current road network sequencing;
- the removal of the Greenlink corridors;
- the retention of the north-south bicycle and pedestrian corridor;
- the provision of land for a future public transport corridor; and
- the requirement for the developer to provide public transport in the early stages of development.

The key issues raised in the submissions included:

- the need to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses;
- a request for additional land to be allocated to the Community Purpose Precinct for a catholic high school;

- the removal of sustainability provisions including the affordable housing target, Energy Management Plan, Sustainable Transport Plan and Integrated Water Cycle Management system;
- ensuring access from Palmview to the western service road of the Bruce Highway; and
- the decline of the Sippy Downs/Palmview kangaroo population.

In accordance with *Statutory Guideline 04/14: Making and amending local planning instruments*, following public consultation, Council must consider every properly made submission about the proposed amendment. Council provided responses to all submitters on 12 December 2015, advising them of how their submission had been addressed. A summary and consideration of the key issues raised by submitters is provided in **Appendix 1- Key Issues Discussion Paper - Palmview**.

Two changes to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* were made as a result of submissions:-

- (a) *Provisions to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses.*

The Palmview Structure Plan Code was further amended to include Performance Outcomes in relation to Buffers to Sensitive Land, Incompatible Uses and Infrastructure, Acoustic Amenity and Noise and Avoidance of Contaminated Land.

- (b) *Certainty in relation to access to the Western Service Road.*

The maps in the Palmview Structure Plan had the text box amended to remove the word "possible", so it now reads "*Future access to the Western Service Road (Frizzo Road) is subject to further investigations to be undertaken in relation to the future upgrading of the Bruce Highway (indicative location only).*"

A drafting amendment was also made to ensure the wording on the Palmview Structure Plan maps was consistent with the drawings on the Palmview Structure Plan maps. Specifically the road connection indicated on the map in **Appendix 2** (and all other structure plan maps showing this connection) was changed, so that it reflects the wording in the Table of Map OPM P7 which states that "the local road network in Area A is to be planned to accommodate a future district collector street to the Western Service Road." It was previously mapped as a neighbourhood collector street rather than a district collector street.

The Council considered that the changes made to the proposed amendment did not lead to the amendment being significantly different from the version which had undergone public consultation. On this basis, the Council requested the Minister's approval to adopt the proposed amendment.

The proposed amendment was sent to the Minister for the final State interest review on the 7 December 2015 seeking approval for Council to adopt.

On the 2 March 2016, Council was advised by the Minister that the planning scheme amendment had been assessed in terms of comments and changes made as a result of public consultation, the *Sustainable Planning Act 2009* and whether or not State interests would be adversely affected by the proposed planning scheme amendment. Council was advised that the Minister was satisfied that the relevant State interests had been integrated and that the Council may adopt the version provided to the Department of Infrastructure, Local Government and Planning in December 2015.

Proposed Amendments to Sunshine Coast Planning Scheme 2014

Review of Submissions

Key Issues Discussion Paper – Palmview

Key Issue:

Amendments to Palmview Structure Plan

No. of submissions:

155 submissions (comprised of 133 SDDCA form letters)

Major issues raised

- the need to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses;
- a request for additional land to be allocated to the Community Purpose Precinct for a catholic high school;
- the removal of sustainability provisions including the affordable housing target, Energy Management Plan, Sustainable Transport Plan and Integrated Water Cycle Management system;
- ensuring access from Palmview to the western service road of the Bruce Highway;
- construction of Claymore Road extension; and
- the decline of the Sippy Downs/Palmview kangaroo population.

1.0 INTRODUCTION

The Palmview Structure Plan is contained in Part 10 (Other Plans) of the *Sunshine Coast Planning Scheme 2014* and the associated maps contained in Schedule 2. The supporting Palmview Structure Plan Planning Scheme Policy is contained in Schedule 6. This structure plan was prepared after considerable community, landowner and State consultation and negotiation.

The Palmview Structure Plan contained in the *Sunshine Coast Planning Scheme 2014* is the version as gazetted on the 5 November 2010 and as it was in effect on the 22 November 2012 when the amendments to the *Sustainable Planning Act 2009* (SPA) commenced, with the exception of those changes required as a consequence of the amendments to the SPA and administrative changes required to integrate the structure plan into the draft planning scheme (i.e. to accord with the new Queensland Planning Provision definitions).

During the public notification of the draft Sunshine Coast Planning Scheme a number of submissions were received in relation to the Palmview Structure Plan. The most comprehensive submissions received on the draft planning scheme in relation to Palmview were from the Palmview landowners and the Sippy Downs and District Community Association.

The changes to the Palmview Structure Plan that were proposed in the submissions were significant enough to require a readvertising of the draft planning scheme if included and also related to matters which were also the subject of a related Infrastructure Agreement between Council, Unitywater and the Palmview landowners. As such it was determined that proposed amendments to the Palmview Structure Plan be considered in a separate planning scheme amendment process and in conjunction with amendments to the Palmview Structure Plan Infrastructure Agreement.

The proposed amendment was provided to the Minister for Infrastructure, Local Government and Planning in October 2014. The negotiated Palmview Structure Plan Infrastructure Agreement was executed on 23 April 2015.

Council received approval from the Minister to proceed to public notification of the proposed amendment on the 27 August 2015.

The public notification of the proposed amendment and the amended Palmview Structure Plan Planning Scheme Policy and consequential planning scheme amendments commenced on the 14 September 2015 and closed on the 26 October 2015.

2.0 CONSIDERATION OF ISSUES

During the public notification period of the proposed amendments to the Palmview Structure Plan and Planning Scheme Policy, 155 submissions were received.

The majority of submissions (133) supported:

- the reduction in housing densities;
- the early construction of district sports fields;
- changes to the location of the three school sites;
- changes to the assessment criteria to ensure the capacity of infrastructure (roads and paths) in residential areas is adequate to accommodate the demands of non-residential uses such as schools;
- the current road network sequencing;
- the removal of the Greenlink corridors;
- the retention of the north-south bicycle and pedestrian corridor;
- the provision of land for a future public transport corridor; and
- the requirement for the developer to provide public transport in the early stages of development.

The key issues raised in the submissions included:

- the need to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses;
- a request for additional land to be allocated to the Community Purpose Precinct for a catholic high school;
- the removal of sustainability provisions including the affordable housing target, Energy Management Plan, Sustainable Transport Plan and Integrated Water Cycle Management system;
- ensuring access from Palmview to the western service road of the Bruce Highway;
- the construction of Claymore Road extension; and
- the decline of the Sippy Downs/Palmview kangaroo population.

These key issues are discussed in more detail below.

2.1 Key Issue No 1: Protection of existing neighbouring uses A submission was received regarding the need to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses.

Lot 449 on CG4623, 21 Pignata Road, Palmview adjoins the south west corner of the Palmview Master Planned Area. The site contains a timber preservative treatment business and has been in operation at that location for approximately 30 years. The owners of the site have indicated that they intend to commence the approved sawmilling component of their business in accordance with their existing approvals and relevant ERA conditions.

The business is the only timber preservative treatment business on the Sunshine Coast and treats timber for many small and medium sized hardwood and pine sawmills from the Sunshine Coast, Gympie to Caboolture and out to Gayndah.

The submitter is concerned that there is insufficient buffer from their site to the proposed residential community in the Palmview Master Planned Area and that this may impact on their future operations.

Key issues discussion paper - Palmview

Under the current planning provisions, a buffer of 80m off the Bruce Highway is to be provided, which will sit approximately 15-20m from the site's eastern boundary, with an additional 15-20m proposed as road reserve (Refer to diagram below.) The submitter considers the resultant 30-40m buffer along the site's eastern boundary is insufficient to mitigate the potential impacts (noise, dust, odour) emanating from the approved uses on the site, making it very difficult to them to have a long term future once the Palmview area is fully developed.



Discussion

Meetings were held with both the submitter and the adjoining landowner, Investa Property Group to discuss solutions for the protection of the operations of the timber treatment business into the future.

Key issues discussion paper - Palmview

It was agreed that the Palmview Structure Plan Code could be amended to include the new Performance Outcomes 39 to 42 below, to address these concerns.

Buffers to Sensitive Land, Incompatible Uses and Infrastructure	
<p>PO39 Development provides for lots to be created in locations that:-</p> <ul style="list-style-type: none"> (a) are adequately buffered to prevent potential adverse impacts on future users of the lots and the adjacent lots; (b) separate the lots from incompatible uses and <i>infrastructure</i>; and (c) do not create 'reverse amenity' situations where the continued operation of existing uses is compromised by the proposed development. 	<p>AO39 No acceptable outcome provided.</p>
Acoustic Amenity and Noise¹²	
<p>PO40 Development that is a <i>sensitive land use</i> is located, designed, constructed and operated to achieve a satisfactory level of acoustic amenity where there is potential for noise emissions generated from surrounding development to adversely affect the <i>sensitive land use</i>.</p> <p><i>Note:-</i></p> <p>This performance outcome relates to a 'reverse amenity' situation where a proposed <i>sensitive land use</i> may be adversely impacted by noise emissions from surrounding development. In such cases, it is contingent upon the proposed <i>sensitive land use</i> to implement measures to ensure a satisfactory level of acoustic amenity is provided to prospective occupants and users of the development.</p>	<p>AO40 The <i>sensitive land use</i> is not established in an area that will be adversely impacted by noise generated by existing land uses, activities and possible future development in the area.</p> <p>OR</p> <p>Where located in an area where adverse noise impacts are likely, the <i>sensitive land use</i> mitigates all potential impacts through site layout, design, construction, and operation.</p>
<p>PO41 Development that is a <i>sensitive land use</i> is located, designed, constructed and operated to ensure that the proposed use is not subject to odour, dust or particulate emissions from surrounding development that would cause environmental nuisance.</p>	<p>AO41 No acceptable outcome provided.</p>
Avoidance of Contaminated Land	
<p>PO42 Development ensures that lots are not created on contaminated land, unless the land is first remediated and declared to be fit for the intended purpose.</p>	<p>AO42 No acceptable outcome provided.</p>

Officer Recommendation

Amend the proposed planning scheme amendment to include the above performance outcomes in the Palmview Structure Plan Code.

Council Direction

Recommendation supported.

¹ Editor's note-the **Planning scheme policy** for nuisance code provides guidance for achieving outcomes of this code, including the preparation of a noise impact assessment report, odour impact assessment report and lighting impact assessment report.

² Note-Council will take the order of occupancy of new and existing noise sources into consideration in implementing Performance Outcome PO39 of this code. The intent of this performance outcome is not to require existing lawful uses to control noise emissions in response to encroachment by new noise sensitive development.

Key issues discussion paper - Palmview

A submission was received requesting additional land (6.5ha) to be allocated to the Community Purpose Precinct for a catholic high school.

The submitter supports the level of assessment for a MCU for education facility being code assessable where zoned and supports the whole of sector approach to the planning for education facilities in the structure plan area.

The submitter has identified Palmview as a key area for the future provision of a Catholic education and notes that while the structure plan currently identifies a primary school for the non-government sector and a primary and secondary school for the government sector, they believe a high school for non-government sector is also required.

The submitter seeks 11 hectares rather than the current 4.5 hectares be zoned for a primary and secondary catholic school and would prefer to locate the school land on flood immune land, but would consider locating the school ovals within the flood plain.

Discussion

In accordance with the *Statutory Guidelines 04/14 – Making and amending local planning instruments*, the three Palmview landowners were given the opportunity to provide a response in relation to this request for a change in zoning.

The landowners do not support the submission to zone an additional area of 6.5ha of land for Community Purpose Precinct (Education Establishment) for the following reasons:

- the preparation of the planning scheme amendments and the Infrastructure Agreement (IA) involved extensive and protracted negotiations between Council, Government representatives and the Palmview landowners to achieve the current planning and agreement on infrastructure provision;
- non-government schools have the opportunity to negotiate the purchase of land on commercially appropriate terms and it would be inappropriate to specifically zone more land for educational purposes.

The landowners have noted that some opportunity may exist under the Palmview Infrastructure Agreement to review the suitability of the Urban Development Investigation areas for residential and other suitable uses such as educational establishments.

In reviewing the Sunshine Coast Region Catholic School Demand Investigation provided as an attachment to the submission, the basis for the demand for an additional high school in Palmview is based on a catchment which includes the SA2 areas of Buderim South, Landsborough, Mountain Creek, Parrearra-Warana, Sippy Downs and Wurtulla-Birtinya. The demand for an additional high school within Palmview is based on a much greater catchment than the demand that is being generated from the Palmview development alone. It is therefore not considered appropriate to impose further requirements on the Palmview development to provide infrastructure for the wider catchment.

In addition, as noted in the landowner submissions, schools are able to develop within Palmview and are code assessable development within the District Activity Precinct as well as within the Community Purpose Precinct. Applications are also able to be lodged for the use within the Mixed Density Precinct but these would be impact assessable.

Officer Recommendation

No amendment to the proposed planning scheme amendment.

Council Direction

Recommendation supported.

2.3 Key Issue No 3: Sustainability Provisions

10 submissions were concerned about the removal of sustainability provisions which they believed established Palmview as a benchmark for the type of communities that should be seen on the Sunshine Coast. The specific concerns raised related to:

- Neighbourhood Design
- Housing Diversity
- Housing Densities
- Affordable housing
- Public Transport Infrastructure
- Shared Zone/Main Street within the District Activity Centre
- Land requirement for ecological and landscape protection
- 80% reduction for reticulated water demand
- Zero emissions target and renewable energy infrastructure
- Total water cycle management
- Energy efficiency infrastructure
- Sustainable Transport Plan

The submissions contend that the proposed amendment scrap all of the above provisions creating a community that perpetuates car dependency, single storey dwellings that are inappropriate for our climate, use energy and water inefficiently.

Discussion

Neighbourhood design, housing and density outcomes

All of the landowners are required by the Palmview Infrastructure Agreement to submit a preliminary approval development application over their entire development area, which is to be approved by Council prior to any development occurring on site. The purpose of the preliminary approval development application is to ensure the landowners demonstrate how their development achieves the requirements of the Palmview Structure Plan and the *Sunshine Coast Planning Scheme 2014*.

The preliminary approval will require each landowner to produce and implement a best practice neighbourhood design to ensure the development provides for diversity in neighbourhood design, housing and density (SC6.20.3 Neighbourhood design, housing and density outcomes).

The Structure Plan also maintains sustainability provisions for the development including the creation of an efficient land use pattern, which effectively integrates and prioritises sustainable transport modes, including cycle and pedestrian networks. The built form provisions include passive solar design principles to support a sub-tropical lifestyle. There are requirements for the landscape design to incorporate significant native vegetation and large shade trees in private and public spaces, with most dwellings to be located within 500 metres of a park, supporting a sustainable and healthy community.

Densities, Vertical integration of residential and non-residential uses.

The total average density across the Structure Plan area has been reduced to address concerns raised by the developers and the community and to make them more consistent with densities in current planning guidelines. Nonetheless, the development is still required to provide an average net residential density of at least 18 dwellings per hectare compared to the previous requirement of 20 dwellings per hectare.

The requirement for residential development within the local activity centres has not been removed, even though the average net residential density has been deleted. The Intent for the Local Activity Centre has increased the requirements for residential density close to and surrounding the local activity centres.

The provisions requiring the vertical integration of residential and non-residential uses are maintained within the Local Activity Centre but removed from the District Activity Centre. Nonetheless, the average density of the District Activity Centre is unchanged, the development is intended to achieve

an average net residential density of 40 dwellings per hectare (10.3.4.9, PO1 (h) Intent for the District Activity Centre). The District Activity Centre is still required to support a range of uses including more intensive residential development.

Affordable housing

The specific target for affordable housing has been removed because it related to the Commonwealth's Housing Affordability Fund agreement, which has now lapsed. However, the ability to provide for affordable housing within the Palmview Master Planned area will still be achieved through the Structure Plan objectives which require a diversity of housing product, housing design, locations and access to services and facilities (10.3.2.4 Strategic Outcome 1 – Master Planned Area).

The landowners/developers will be required to demonstrate how the development in Palmview complies with the Structure plan objectives as part of the Preliminary Approval stage which is to be approved by Council prior to any development occurring on the site.

Public Transport Infrastructure, Greenlink and the Sustainable Transport Plan

The submitters concern about the provision of Public Transport Infrastructure is noted. The Palmview Structure Plan maintains many sustainability provisions including the creation of an efficient land use pattern, which effectively integrates and prioritises for sustainable transport modes, including public transport, cycle and pedestrian networks.

The requirement for dedicated bus lanes and bus priority at major intersections has been removed. The standards for public transport infrastructure have been amended to reflect the Transport and Parking Code, the Planning Scheme Policy for the Transport and Parking Code and the Planning Scheme Policy for the Palmview Structure Plan. These standards require the development to provide public transport routes and corridors which are efficient and effectively connected to key destinations. Specifically this could include bus priority measures such as priority public transport services and stops, frequent bus services, dedicated lanes and/or queue jump/ priority signals.

The requirement for a Sustainable Transport Plan has been deleted, however, the Palmview landowners/developers, through the Infrastructure Agreement, are now required to provide \$2m towards the provision of a local bus service from the commencement of development and will need to prepare an effective local bus service strategy in consultation with Council and this is to be regularly reviewed with Council every 6 months. The bus service is to provide a connection between Palmview and the Sippy Downs Town Centre and the public transport service network outside the Structure Plan area.

The preliminary approval will require each landowner to produce and implement a master plan which will demonstrate how the development meets the objectives to create a transit, orientated community. Specifically, the master planned area will be developed to support high levels of bicycle and pedestrian use and prioritises these modes; supports high levels of access to public transport; and effectively services the area.

The proposed planning scheme amendments have removed both the north-south and east-west greenlinks from the Palmview Structure Plan and the rest of the planning scheme at the request of numerous submitters to the draft Sunshine Coast Planning Scheme in 2012.

The proposed Greenlink alignment was intended to create a public transport link, which was direct and segregated from other traffic, permitting reliability and frequency. The amended transport network now includes a segregated local public transport corridor and a dedicated bicycle and pedestrian corridor which will provide a direct link from the Palmview Town Centre to Chancellor Park. (SC6.20.6 Road transport infrastructure network outcomes). The Palmview landowners are still also required to provide \$2m towards the provision of a local bus service from the commencement of development within the Palmview Structure Plan area.

Shared Zone/Main Street within the District Activity Centre

The removal of the requirement for a shared zone was proposed in order to provide some flexibility in the design of the District Activity Centre. The District Activity Centre (the future Town Centre) is required by the Palmview Structure Plan Area Code to be established as a people orientated place where walking, cycling and shopping are prioritised over the driving of vehicles. The main street will not have through traffic running through it, and will not be a high speed environment and so will still be a pedestrian friendly, active main street. The District Activity Centre and in particular the main street will support a range of uses including more intensive residential development and the proposed

changes to the provisions mean these uses can occur side by side, rather than making it mandatory to have residential above retail uses.

Land requirement for ecological and landscape protection

The 483.4 ha of ecologically significant land within the Palmview Structure Plan Area that was protected under the gazetted Palmview Structure Plan remain protected under the amended Structure Plan. The remaining 131 ha previously identified to meet the 615ha target, was to be provided outside the structure plan area. This obligation was over and above the requirements asked of any other landowner/developer within the Council area and so the obligation was removed.

Zero emissions target and renewable energy infrastructure & energy efficiency infrastructure

While the requirement for an Energy Management Plan and Sustainable Energy Infrastructure has been removed, the planning scheme policy provides advice on how to satisfy the energy infrastructure network outcomes including opportunities for sustainable energy generation so the development reduces reliance on the predominantly coal fired power grid. The development is also required to be designed in accordance with the Sustainable design code of the planning scheme, to take advantage of local climatic and environmental conditions; to optimise its energy efficiency; to minimise reliance on non-renewable energy sources; and to facilitate and promote alternative energy supply through the use of renewable energy sources.

80% reduction for reticulated water demand & total water cycle management

The requirements for an integrated water cycle management infrastructure network and potable water demand reduction form part of the water and sewerage infrastructure and operations, which are no longer the responsibility of Council but are the responsibility of Unitywater. It should be noted that the targets for water demand that were being considered at the time have largely been achieved by the broader community already.

Gated Communities

It is recognised that some developments, e.g. retirement villages, like to be gated. However, it is considered important that this does not impact on the connectivity and safety of the broader community. As such the provisions in the Code still require the design of such uses to maintain a high level of connectivity and integration with adjoining land uses.

Universal design principles for dwellings

While the target of 13% of dwellings to incorporate universal design principles has been removed, the Structure Plan still requires the development in Palmview to provide a significant proportion of universally designed dwellings with the focus being on attached dwellings over which there is a greater level of control because the Material Change of Use applications for these uses are code assessable while detached houses are self-assessable.

Designated Dog and Cat Free Residential Areas

The requirement for designated dog and cat free residential areas has been removed based on previous experience in other developments indicating that these provisions are an ineffective means to manage threats to native animals as the provisions cannot be effectively enforced. The Planning Scheme Policy for the Palmview Structure Plan acknowledges threats to native animal come from a range of sources including machinery, swimming pools, deep sided drains, domestic animals, security fencing, road traffic, lighting and noise. It is therefore considered more appropriate to create or improve movement pathways for native animals which avoid those parts of the development that potentially cause them harm.

The Planning Scheme Policy advises that critical boundaries between wildlife habitat and movement corridors and the development should be identified and managed appropriately. The Structure Plan has commenced that work by identifying key locations for fauna crossing and fencing within the Structure Plan Maps (OPM P4 Infrastructure Elements, OPM P8 Road Transport Infrastructure Network, and OPM P9 Public Transport Infrastructure Network).

Standards and guidelines for bicycle and pedestrian infrastructure

The standards and guidelines for bicycle and pedestrian infrastructure have been amended to be consistent with the standards required by the Planning Scheme policy for transport and parking. Therefore, it is not necessary to duplicate those details in the Palmview Structure Plan.

Officer Recommendation

No amendment to the proposed planning scheme amendment.

Council Direction

Recommendation supported.

2.4 Key Issue No 4. Access to Western Service Road

138 submissions were received seeking guarantees that the access from Palmview to the western service road of the Bruce Highway would be provided.

Discussion

The State as part of the Infrastructure Agreement negotiations requested a clause be inserted into the agreement stating:

<p>8 Alternative Southern Road Link Upgrade Investigation</p> <p>8.1 Landowners to cooperate with investigation</p> <p>(a) The Landowners acknowledge that the Department of Transport and Main Roads (Department) proposes in consultation with the Council to carry out at the Department's cost an investigation (Alternative Southern Road Link Upgrade Investigation) of the road transport infrastructure which is an alternative to the provision of the Southern Road Link Upgrade (Alternative Road Transport Infrastructure).</p> <p>(b) The Landowners agree to cooperate with the Department and the Council in relation to the carrying out of the Alternative Southern Road Link Upgrade Investigation.</p> <p>8.2 Landowners to confer and negotiate in good faith to change this document</p> <p>If the Department having carried out the Alternative Southern Road Link Upgrade Investigation in consultation with the Council, determines that the Alternative Road Transport Infrastructure is to be provided, the Landowners are to in a manner which is as timely as is reasonably practicable:</p> <p>(a) confer with the Department and the Council with the view to reaching an agreement as to the affect the Department's determination has on the Proposed Development and a Development Obligation under this document and the Structure Plan and Structure Plan Planning Scheme Policy;</p> <p>(b) using the best endeavours, negotiate in good faith with the Department and the Council and change this document to reflect that the Prescribed Financial Contributions for the Southern Road Link Upgrade are to be used for the provision of the Alternative Road Transport Infrastructure, subject to the Landowners not being required to provide Infrastructure Contributions for road transport infrastructure the value of which exceeds that provided for in this document; and</p> <p>(c) invoke the dispute resolution process under clause 16 if an agreement cannot be reached for a matter in paragraphs (a) and (b).</p>

One of the alternative alignments to be investigated by the State government includes the access from Palmview to the Bruce Highway Western Service Road.

The State recommended a minor change to the Map OPM P7 in the planning scheme to include reference to "Alternative Road Transport Infrastructure" in the description for item 4 (see Major transport infrastructure elements column). The State considered the planning scheme a more accessible public document than the Infrastructure Agreement, and that adopting the suggested description "Southern Road Link Upgrade or Alternative Road Transport Infrastructure" would communicate more effectively that there is potential for "an alternative to the provision of the Southern Road Link Upgrade (Alternative Road Transport Infrastructure)" as provided for in the Infrastructure Agreement.

Key issues discussion paper - Palmview

It is considered that until these further investigations have been undertaken, the access to the Bruce Highway via the Western Service Road can only be identified as a 'possible' connection.

Council officers have provided input to the Department of Transport and Main Roads team undertaking the Bruce Highway widening to ensure that an access road from Palmview to the Western Service Road via Pignata Road can be accommodated in the future.

Officer Recommendation

No amendment to the proposed planning scheme amendment.

Council Direction

Officer recommendation not supported. Council direction is to support the Sippy Downs community and also the businesses on the western side of the Bruce Highway, which consider this link to be critical, by removing the word "possible" from the text box on the maps in the Palmview Structure Plan.

With respect to the businesses, Council believes this link will alleviate some of the concerns about the proposed closure of the ramp 191 as part of the Bruce Highway upgrade.

2.5 Key Issue No 4. Construction of Claymore Road Extension

135 submissions raised concerns about the need for Council to ensure that during construction of the Claymore Road extension, the developer would be required to:

- ensure the safety and amenity of residents and commuters, including pedestrians and cyclists;
- provide slip/turning lanes at t-intersections and traffic lights if warranted;
- provide adequate dust and noise mitigation; and
- ensure access during peak times (including school and university traffic) is considered.

There were also a number of submissions seeking the widening of Claymore Road to accommodate the increased traffic and trucks entering Palmview.

Discussion

These concerns about the construction of Claymore Road are beyond the scope of the proposed planning scheme amendment and will be referred to the relevant Council department for consideration when dealing with the operational works application for the road construction.

The planning for Palmview requires the sequencing of construction of the roads to ensure the traffic volumes along each road are appropriate. As such, while Claymore Road/Peter Crosby Way (Sub-arterial) is to be constructed first, the Southern Road (sub-arterial) is to commence construction before traffic volumes exceed 18,000 vehicles per day on Claymore Road. The next road link to be constructed is then Springhill Drive/University Way and then either an additional two lanes are to be constructed along the Southern Road link alignment, or along an alternative alignment that is to be investigated by the Department of Transport and Main Roads in conjunction with Council. The approximate cost of these roads are also indicated on the attached map, and are to be funded by the developers.

Planning for Palmview also requires the developers to upgrade intersections along Claymore Road which will include a channelised right turn and an auxiliary left turn into Bainbridge Circuit and signalised intersections at Albany St, Fitzwilliam Drive and University Way. These works are to be undertaken before the approval of any subdivision within the Palmview Master Planned Area.

In relation to the submissions received regarding the widening of Claymore Road, extensive consideration was given to whether there was a need to widen Claymore Road to the east into the Mooloolah River National Park to accommodate four lanes during the Palmview structure planning process. It was determined that the development of the Palmview Master Planned Area did not trigger the requirement to four lane Claymore Road. Recent traffic modelling undertaken by Council has confirmed this position.

However, if it is determined that development beyond 2031 and external to the Palmview Master Planned Area is likely to result in the need for the four laning of Claymore Road, then Council may pursue a land swap for land from Mooloolah River National Park and may look to secure this opportunity prior to 2031.

Officer Recommendation

No amendment to the proposed planning scheme amendment.

Refer the concerns relating to the construction of Claymore Road to the relevant Council department for consideration during the assessment of the operational works application.

Council Direction

Recommendation supported.

2.6 Key Issue No 5. Decline of Sippy Downs Kangaroo Population

A submission raised concerns that the proposed amendment could have a potential impact on local macropod populations, with research indicating that road kill and habitat loss are significant factors in the continued decline of the eastern grey kangaroo population in the Sippy Downs/Palmview area.

The submitter notes that the Palmview area is identified as a habitat link for kangaroos from Buderim through to Caloundra and for the Mooloolah River National Park that needs to be maintained to ensure the survival of the eastern grey kangaroo on the coastal plain.

The submitter also notes that the kangaroos, while being ecologically, important also have significant amenity value to the community.

The submitter is concerned that on and off-site impacts pose a significant risk to the Sippy Downs kangaroo populations through:

- displacement through loss of habitat;
- risk from increased road traffic;
- a reduction in the minimum land requirement for ecological rehabilitation; and
- the risk of kangaroos being trapped on Claymore Road due to incomplete fauna fencing;

The submitter also believes appropriate fauna crossing structures need to be provided and maintained in order to mitigate road kills and has suggested criteria for the optimal design of such crossing structures.

Discussion

Displacement of kangaroos

The Structure Plan requires the rehabilitation and revegetation of a minimum of 483.4 hectares of land for ecological purposes, some of which is specifically required to be managed as grassland as grazing habitat for macropods.

Risk from increased road traffic internal road network

The Planning Scheme Policy for the Palmview Structure Plan provides Standards, Guidelines and Advice for Fauna Movement Outcomes. When designing the internal road network the applicant/landowner or developer is required to consult with council prior to implementing any of the fauna movement measures detailed in the Structure Plan. Further, the Structure Plan has identified a number of critical locations which must be managed appropriately, with fauna crossing and/or fencing (OPM P4 Infrastructure Elements; OPM P8 Road Transport Infrastructure Network; OPM P9 Public Transport Infrastructure Network).

Risk from increased road traffic fencing along the Mooloolah River National Park

The submitter is concerned that increased road traffic volumes in combination with the incomplete and poor state of fencing along the Mooloolah River National Park could result in more kangaroos being killed as they cross Claymore Road.

The submitter comments are noted. However, the management of fauna fencing along the Mooloolah River National Park is a State Government matter and not within the mandate of the Palmview Structure Plan.

Land requirement for ecological and landscape protection

Ecologically significant areas within the Palmview Structure Plan Area that were protected under the current Structure Plan are protected under the amended Structure Plan. The remaining 131 ha previously identified was to be provided outside the structure plan area. This obligation was over and above the requirements asked of any other landowner/developer within the Council area and so the obligation was removed.

Continuous habitat linkages between University of the Sunshine Coast campus, Mooloolah River NP, Palmview Environmental Protection and Enhancement areas and Palmview Conservation Park

The development of the Structure Plan areas is required to protect and rehabilitate ecologically important areas and reinforce ecological connections between the Mooloolah River National Park, the Palmview Conservation Park, the Birtinya Wetlands and the Mooloolah River and Sippy Creek riparian corridors and otherwise preserve the functions of the non-urban open space infrastructure network. The USC campus has a number of pre-existing urban and non-urban features which are a barrier to creating a continuous habitat link to the Palmview Structure Plan area. Furthermore, these pre-existing urban and non-urban features are generally outside the Structure Plan area and therefore not a requirement of the development.

It should be noted that, the Structure Plan requires the rehabilitation and revegetation of a minimum of 483.4 hectares of land for ecological purposes, some of which is specifically required to be managed as grassland as grazing habitat for macropods.

Fauna movements along southern boundary of Structure Plan area

The southern boundary of the Structure Plan area is recognised as being contiguous to the Palmview Conservation Park to the south and forms part of the Palmview fauna corridor. This area is identified in the Structure Plan as Landscape Unit 8 and it is specifically required to be protected and rehabilitated to reconnect the fragmented habitat along an east-west alignment.

Fauna Crossing Design and Maintenance

The Palmview Structure Plan requires that development that fauna sensitive design features are provided and barriers provided where fauna movement needs to be avoided. The Planning Scheme Policy for the Palmview Structure Plan provides Standards, Guidelines and Advice for Fauna Movement Outcomes. The advice provided by the submitter regarding the Optimal Design of Fauna Management structures for macropods and the ongoing need for maintenance is noted and it is considered that the current planning scheme policy provisions (which address all fauna rather than macropods) are sufficient and that to satisfy PO11 (b) in section 10.3.4.21 of the planning scheme, the policy advises applicants to consult with Council to determine the most appropriate measures to be implemented.

In addition, The Planning Scheme Policy for the Palmview Structure Plan acknowledges that threats to native animals come from a range of sources including machinery, swimming pools, deep sided drains, domestic animals, security fencing, road traffic, lighting and noise. Therefore, the Structure Plan advises that it is more appropriate to create or improve movement pathways for native animals which avoid those parts of the development that potentially cause harm to them.

Critically, the Planning Scheme Policy advises that critical boundaries between wildlife habitat and movement corridors and the development, should be identified and managed appropriately. The Structure Plan has commenced that work by identifying the key locations for fauna crossing and fencing within the Structure Plan maps (OPM P4 Infrastructure Elements; OPM P8 Road Transport Infrastructure Network; OPM P9 Public Transport Infrastructure Network).

Officer Recommendation

No amendment to the proposed planning scheme amendment or planning scheme policy.

Council Direction

Recommendation supported.

3.0 CONCLUSION

Two changes to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* are recommended as a result of submissions:-

- (a) *Provisions to protect the operations of an existing lawful use from being compromised by the encroachment of sensitive land uses.*

The Palmview Structure Plan Code has been amended to include Performance Outcomes in relation to Buffers to Sensitive Land, Incompatible Uses and Infrastructure; Acoustic Amenity and Noise and Avoidance of Contaminated Land.

- (b) *Certainty in relation to access to the Western Service Road.*

The maps in the Palmview Structure Plan have had the text box amended to remove the word "*possible*", so it now reads "*Future access to the Western Service Road (Frizzo Road) is subject to further investigations to be undertaken in relation to the future upgrading of the Bruce Highway (indicative location only).*"

The Council considers that the changes made to the amendment instrument do not lead to the instrument being significantly different from the version which has undertaken public consultation. On this basis, the Council has requested the Minister's approval to adopt the *Sunshine Coast Planning Scheme 2014 (Major Amendment)*.

Appendix 2 - List of Changes from First State Interest Review

Structure Plan Changes requested by Council - 9 December 2014
Removal of reference to Water and Sewerage mapping and code provisions at the request of Unitywater.
Changes to the map number references, the code numbering and footnote numbering throughout the document to reflect the removal of the above.
<p>10.3.31.11 Structure Plan Definition of Terms – Defined flood event – insert the word “interval” so the definition reads:-</p> <p style="padding-left: 40px;">“Defined flood event means the modelled 1:100 year Average Recurrence Interval flood level...”</p>
<p>Amend Table 10.3.4.21 Performance Outcomes and Acceptable Outcomes for the Development of Infrastructure and Services, PO11 to read:-</p> <p style="padding-left: 40px;">“Development is carried out in accordance with:-</p> <p style="padding-left: 80px;">(a) The road transport infrastructure network identified conceptually on Other Plans Map OPM P8 (Palmview Master Planned Area Road Transport Infrastructure Network) and the development and transport infrastructure network sequencing specified on Other Plans Map OPM P7 (Palmview Master Planned Area Development and Transport Infrastructure Network Sequencing) . In working through the Palmview documents we have come across an omission which is critical now that master planning has been removed. The sequencing map was originally only referenced in the Overall Outcomes for the whole of the Master Planned Area and so if the developers lodge code assessable s242 development application (ie. consistent with the Structure Plan), the road sequencing won't be picked up as it is not mentioned in the Code.</p>
Mapping Changes requested by Council 9 December 2014
Removal of maps P11 and P12 (water and sewer networks) and renumbering of the following maps to reflect this change.
Change to title of Distributor Road to District Collector Street in the legend of maps OPM P1, P8, P9, P10, P11, P13 and P14 for consistency with the Transport and Parking Code terminology.
OPM P5 – Inclusion of the Reed/Crosby entitlements for their northern portion which has already been approved. (it is to ensure this development doesn't trigger the infrastructure obligations in the Infrastructure Agreement).
OPM P7 – change to the wording in the table to ensure that if there is a connection to the western service road, the road connection will be appropriate to accommodate the traffic.
OPM P7 – Amend note under the Table on Map OPM P7 to read “ <i>Note: Equivalent Dwelling or ED is the measure of the demand for the number of vehicle trips equivalent to that generated by a Dwelling calculated for the relevant development type worked out by the Council using the demand generation rates, as specified in the Planning Scheme Policy for Palmview Structure Plan.</i> ” in order to reflect discussions with the landowners on the Infrastructure Agreement about triggers for the provision of roads.
OPM P7 – amend the text in the legend so the red box has the words Southern Road Link Upgrade and the orange box has the words Southern Road Link. This is then consistent with which side of the road is constructed first which is indicated in the Planning Scheme Policy.

OPM P10 – inclusion of a recreation trail connection to the existing trails in the Bellflower site in accordance with an Infrastructure obligation Investa is to provide as part of a previous approval.

OPM P11 – change to number of local recreation parks in Landowner B area to two in accordance with provision rates and removal of the last column of triggers which will now go into the IA at the landowners request.

OPM P12 – Amend the table on Map OPM P12 titled “Land requirements for ecological landscape and protection and rehabilitation to include the following:-

1. “(ha)” in the heading of columns 3,4 and 5 to reflect the unit of measurement for the column data;
2. changes to the heading of column 3 to read”, “Land provision based on land suitable for urban development (ha)”, in order to better reflect what the column is quantifying.

State Interest Review Conditions – Palmview Structure Plan and Map amendments

Amend section 10.3.4.21 Performance Outcomes and Acceptable Outcomes for the development of infrastructure and services (PO and AO numbers to be determined by Council)

Water Supply Infrastructure network	
<i>PO# Development is located, designed and constructed to protect the integrity of the Seqwater bulk water supply pipeline identified on Other Plans Map OPM P4 (Palmview Master Planned Area Infrastructure Elements)</i>	<i>AO# Buildings and structures are setback a minimum of 20 metres from a water supply pipeline as identified on Other Plans Map OPM P4 (Palmview Master Planned Area Infrastructure Elements).</i> <i>Editor’s note—should a lesser setback distance be proposed, it is recommended that an applicant consult with the relevant water entity, to determine how compliance with the performance outcome can be achieved.</i>
<i>PO# Development ensures that adequate access is maintained to the SEQ bulk water supply pipeline to allow for maintenance or future upgrade works</i>	<i>AO# No permanent barrier is to be constructed that limits access to a SEQ bulk water infrastructure pipeline and any proposed development maintains legal access from a public place for the purpose of maintenance.</i>

State Interest Review Conditions – Palmview Structure Plan – Mapping Amendments

- Amend Other Plans Map OPM P4 to include the SEQ bulk water supply pipeline and a total buffer of 20 metres.
- Change the reference to the southern road link upgrade within the table on ‘Other Plans Map OPM P7 Palmview Master Planned Area Development and Transport Infrastructure Network Sequencing ‘ from:

Southern Road Link Upgrade

to

Southern Road Link Upgrade or alternative road transport infrastructure

- Change the note on Other Plans Map OPM P7 Palmview Master Planned Area Development and Transport Infrastructure Network Sequencing from:

Note: Equivalent Dwelling Unit or EDU is the measure of the number of trips equivalent to that generated by a detached dwelling as specified in the Palmview Structure Plan Planning Scheme Policy.

to

Note: Equivalent Dwelling Unit or EDU is the measure of the demand for the number of vehicle trips equivalent to that generated by a detached dwelling calculated for the relevant development type worked out by Council using the demand generation rates, as specified in the Palmview Structure Plan Planning Scheme Policy.

In an email to DILGP on 4 September 2014 it was advised that Clause 1.4 in the Minister's letter and item 4.2 in the State Interest Review table had the wording "Equivalent Dwelling Unit". The word "Unit" was not in Council's email of the 9 December 2014, so given the Minister also refers to this email, Council will amend as per our wording of 9 Dec email.

- Change the text box on the Palmview Structure Plan mapping from:

Future access the Western Service Road (Frizzo Road) is subject to further investigations to be undertaken in relation to the future upgrading of the Bruce Highway (indicative location only).

to

Possible future access the Western Service Road (Frizzo Road) is subject to further investigations to be undertaken in relation to the future upgrading of the Bruce Highway (indicative location only).

In an email to DILGP on 4 September 2014 it was advised that Item 4.3 in the State Interest Review table – the planning scheme references should also include P8, P6 and P3 which also have the same text box to be amended for consistency.

Amend the existing planning scheme schedule 2 overlay mapping - regional infrastructure overlay and proposed other plans maps 4 & 11 to include the Seqwater bulk water supply pipeline that traverses the Palmview Master Planned Area. Include a 20 metre water supply pipeline buffer along this pipeline. GIS files have been provided to assist Council.

Amend the proposed section 10.4.4.21 to include performance outcomes that development within a water supply pipeline and buffer area identified on a Regional Infrastructure Overlay Map:-

(a) is located, designed and constructed to protect the integrity of the water supply pipeline; and

(b) maintains adequate access for any required maintenance or upgrading work to the water supply pipeline.

In an email to DILGP on 4 September 2014 it was advised that Item 3.1 of the State Interest Review Table that council considered the reference to Map OPM P11 to be an error. The original OPM P11 was the Water Supply network, but this Map was deleted at the request of Unitywater. As a result the new OPM P11 is the Urban Open Space Infrastructure Map. It was advised that Council would amend OPM P4 only.

All of these changes were reflected in the **public notification version of the Palmview Structure Plan**

Changes Arising from Submissions – Palmview Structure Plan

The Palmview Structure Plan Code has been amended to include Performance Outcomes in relation to Buffers to Sensitive Land, Incompatible Uses and Infrastructure, Acoustic Amenity and Noise and Avoidance of Contaminated Land.

Buffers to Sensitive Land, Incompatible Uses and Infrastructure

PO39 Development provides for lots to be created in locations that:-
 (a) are adequately buffered to prevent potential adverse impacts on future users of the lots and the adjacent lots;
 (b) separate the lots from incompatible uses and *infrastructure*; and
 (c) do not create 'reverse amenity' situations where the continued operation of existing uses is compromised by the proposed development.

AO39 No acceptable outcome provided.

Acoustic Amenity and Noise¹²

PO40 Development that is a *sensitive land use* is located, designed, constructed and operated to achieve a satisfactory level of acoustic amenity where there is potential for noise emissions generated from surrounding development to adversely affect the *sensitive land use*.

Note:-

This performance outcome relates to a 'reverse amenity' situation where a proposed *sensitive land use* may be adversely impacted by noise emissions from surrounding development. In such cases, it is contingent upon the proposed *sensitive land use* to implement measures to ensure a satisfactory level of acoustic amenity is provided to prospective occupants and users of the development.

AO40 The *sensitive land use* is not established in an area that will be adversely impacted by noise generated by existing land uses, activities and possible future development in the area.

OR

Where located in an area where adverse noise impacts are likely, the *sensitive land use* mitigates all potential impacts through site layout, design, construction, and operation.

PO41 Development that is a *sensitive land use* is located, designed, constructed and operated to ensure that the proposed use is not subject to odour, dust or particulate emissions from surrounding development that would cause environmental nuisance.

AO41 No acceptable outcome provided.

Avoidance of Contaminated Land

PO42 Development ensures that lots are not created on contaminated land, unless the land is first remediated and declared to be fit for the intended purpose.

AO42 No acceptable outcome provided.

¹ Editor's note-the **Planning scheme policy** for nuisance code provides guidance for achieving outcomes of this code, including the preparation of a noise impact assessment report, odour impact assessment report and lighting impact assessment report.

¹ Note-Council will take the order of occupancy of new and existing noise sources into consideration in implementing Performance Outcome PO39 of this code. The intent of this performance outcome is not to require existing lawful uses to control noise emissions in response to encroachment by new noise sensitive development.

Changes Arising from Submissions – Palmview Structure Plan Maps

The maps in the Palmview Structure Plan have had the text box amended to remove the word “possible”, so it now reads “Future access to the Western Service Road (Frizzo Road) is subject to further investigations to be undertaken in relation to the future upgrading of the Bruce Highway (indicative location only).

A drafting amendment is also proposed to ensure the wording on the Palmview Structure Plan maps is consistent with the drawings on the Palmview Structure Plan maps. Specifically it is proposed to change the road connection indicated on the map below (and all other structure plan maps showing this connection), so that it reflects the wording in the Table of Map OPM P7 which states that “the local road network in Area A is to be planned to accommodate a future district collector street to the Western Service Road.” It is currently mapped as a neighbourhood collector street.

