

## Explanatory Memorandum

# Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12 – Twin Waters West

March 2018



**1. Short title**

The amendment instrument to which this explanatory memorandum relates is the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12* relating to land at Twin Waters West.

**2. Type of local planning instrument**

The amendment to the *Sunshine Coast Planning 2014* constitutes a 'major amendment' in accordance with Section 2.3A.4 of *Statutory guideline 01/16: Making and amending local planning instruments*.


**3. Entity making the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12**

The entity making the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12* is the Sunshine Coast Regional Council.

**4. Land affected by the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12**

The *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12* affects the land described in **Table 4.1**.

**Table 4.1 Land affected by the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12**

Property Description	Address	Ownership Category	Map of Subject Land
Lot 1 on RP811523, Lot 3 on SP248471, Lot 1 on RP103117, Lot 2 on RP103117, Lot 4 on RP98356, Lot 5 on RP98356, Lot 6 on RP98356, Lot 7 on RP98356, Lot 8 on RP98356, Lot 3 on RP842858, Lot 9 on RP862470, Lot 2 on SP166012, Lot 2 on RP842858, Lot 1 on RP98356, Lot 1 on RP96774, Lot 2 on RP90264, Lot 3 on RP90264, Lot 101 on SP248471 and Lot 8 on RP812125	581-593 David Low Way, 10 & 12 De Vere Road, 284, 282, 274, 266, 258, 252, 232, 238, 230, 228, 226 and 216 Godfreys Road, Pacific Paradise	Private, State and Council	

## 5. Purpose of the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12

The purpose of the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12* is to:

- (a) amend the zoning of land, referred to as Twin Waters West, located at Pacific Paradise, from the Rural zone to the Emerging community zone and include the Twin Waters West land within the Maroochy North Shore local plan area and inside the Urban Growth Management Boundary;
- (b) amend the Maroochy North Shore Local plan code, to include specific provisions to guide future residential development of the Twin Waters West land; and
- (c) undertake all necessary consequential amendments to other parts of the planning scheme for consistency with the above amendments.

## 6. Reasons for the Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12

Council has prepared the *Sunshine Coast Planning Scheme 2014 (Major Amendment)* in order to provide for the conditional development of land at Twin Waters West for residential purposes. Subject to appropriate resolution of flooding and other issues, the subject land is considered to provide an opportunity for infill development in a strategic location within the existing SEQ Regional Plan Urban Footprint and Sunshine Coast Enterprise Corridor, and within close proximity to the Maroochydore Principal Regional Activity Centre (PRAC) and existing infrastructure networks.

The amendment is considered logical and appropriate having regard to the prevailing low density residential land uses that adjoin the subject land to the north and the east. In particular, it represents a logical and orderly expansion of the existing Twin Waters residential community.

The planning scheme amendment provides planning parameters which seek to respond to local community expectations in relation to the character and form of potential future development in this location and provide for a development outcome which is more consistent with community expectations than previous development proposals for the subject land. The amendment also recognises that further community consultation is appropriate through the retention of the requirement for an impact assessable development application for any future urban development over the site.

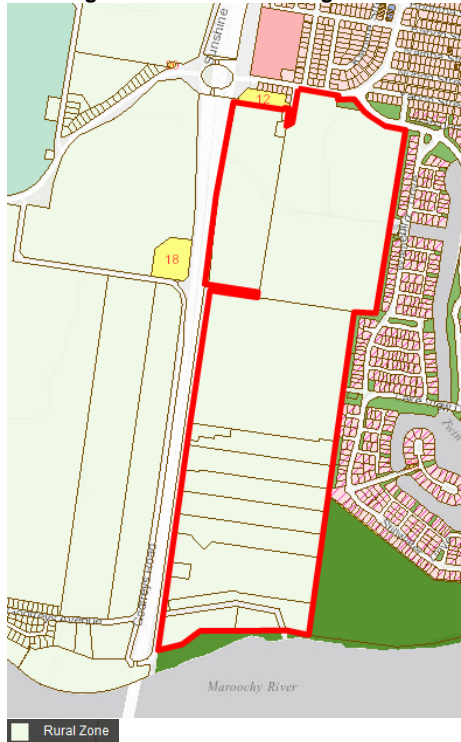
### Background

The Twin Waters West land is currently included predominantly in the Rural zone under the *Sunshine Coast Planning Scheme 2014* and is located outside the urban growth management boundary (refer to **Figure 1**). Along with the established residential areas to the east and north, the subject land is included in the Urban Footprint of the South East Queensland Regional Plan 2009-2031 (refer to **Figure 2**).

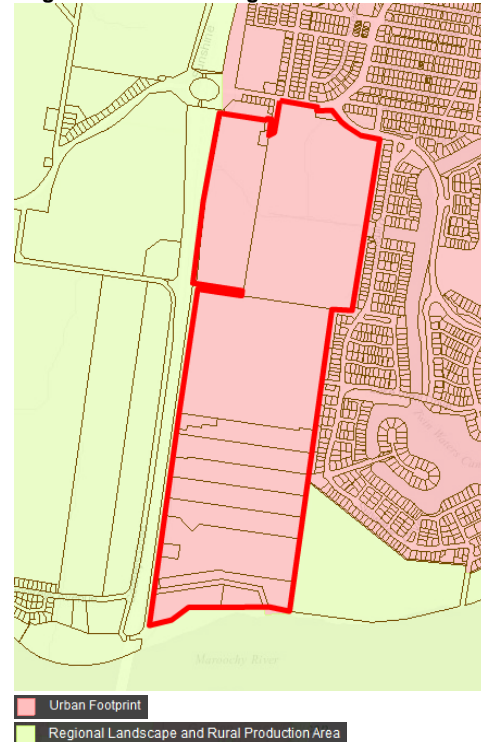
The subject land lies between the established Twin Waters residential community to the east and former canelands to the west. The Sunshine Motorway and the future CAMCOS corridor forms the western boundary. The subject land is generally characterised as low-lying former canelands.

The subject land is in private ownership, with the exception of one Council owned property (Settler's Park). The majority of the land is under single ownership.

**Figure 1: Extract of Sunshine Coast Planning Scheme 2014 – Zoning**



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



### Development application

In 2009, a development application for a Preliminary Approval Overriding the Planning Scheme for a Material Change of Use of Premises (Master Planned Community) (MCU07/0130) involving the majority of the subject land, was refused by Council. The application sought to establish 950 residential lots averaging 450m<sup>2</sup> in area. The application was refused by Council based on the following grounds:

- The proposed development conflicts with the Maroochy Plan;
- The proposed development is for an urban activity located on rural land outside an urban precinct;
- The site is identified as “Good Quality Agricultural Land” (GQAL) and the proposal seeks to convert the land to urban use;
- The proposed development is located on part of the Maroochy River floodplain and has not adequately demonstrated that development of the site would achieve the outcomes of the Maroochy Plan in relation to flooding;
- The proposal is premature and requires out of sequence infrastructure upgrades; and
- Insufficient information has been provided to demonstrate that the proposal complies with the applicable Codes.

There were 888 submissions received objecting to the proposal. Many of the submissions were from adjoining residents concerned about the impact of the development on the existing Twin Waters residential community in terms of traffic, flooding, character and amenity.

### Appeal

The applicant lodged an appeal (2282/09) in relation to Council's decision, but in 2013 the Planning and Environment Court upheld Council's refusal of the application on the grounds that the proposed development:

- conflicts with the planning scheme (*Maroochy Plan 2000* and the draft *Sunshine Coast Planning Scheme*);
- consumes GQAL;
- erodes the open rural landscape character of the area; and
- places a substantial new residential community into a floodplain and risks a substantial number of persons becoming isolated in times of major natural disaster.

It is noted that notwithstanding the Court's findings, the majority of issues raised in the appeal (e.g. issues relating to conflict with the planning scheme and Good Quality Agricultural Land) may be overcome by the inclusion of the subject land in an urban zone in the *Sunshine Coast Planning Scheme 2014* and through a subsequent development application (e.g. issues relating to flooding and visual amenity).

### **Submission to draft planning scheme**

When the draft *Sunshine Coast Planning Scheme* was publicly notified, Council received a submission from the proponent requesting the subject land be included in an urban residential zone. At this time, the appeal over Council's refusal of Development Application MCU07/0130 was still current and no modifications to the draft planning scheme were made.

At the time the draft planning scheme was prepared, a population and employment assessment confirmed that there was sufficient urban zoned land allocated to meet dwelling and population targets of the SEQ Regional Plan.

### **Current circumstances**

Since the Court decision and following commencement of the *Sunshine Coast Planning Scheme 2014*, the proponent prepared a revised conceptual master plan for development of the subject land and has undertaken further community consultation with the local community association and other community stakeholder groups. The revised conceptual master plan incorporates approximately 650-700 residential lots based on a waterway system similar to the existing Twin Waters residential community and is considered to be more consistent with local community expectations compared with the previous development application, particularly in terms of character, density and scale.

Importantly, given previous reservations from the local community in relation to development of the subject land, Council required demonstration of community consultation and community support for development of the Twin Waters West land, before contemplating a planning scheme amendment process. Following consultation with the proponent, the local community association has subsequently indicated its conditional support for development of the subject land. The planning scheme amendment seeks to ensure any such development is consistent with local community expectations.

In this instance the subject land provides an opportunity for infill development in a strategic location within the existing SEQ Regional Plan Urban Footprint and Sunshine Coast Enterprise Corridor, and within close proximity to the Maroochydore PRAC and existing infrastructure networks.

The proponent has also undertaken further traffic modelling in consultation with council officers and the Department of Transport and Main Roads to identify the preferred primary access point to the Twin Waters West land.

As part of more detailed master planning for the subject land, further investigation will however be required into a range of matters, including mitigation of flood hazard.

## 7. Details of the Sunshine Coast Planning Scheme 2014 (Major amendment) No. 12

The amendment includes the majority of the Twin Waters West land in the Emerging community zone and within the Urban Growth Management Boundary. The amendment also includes the Twin Waters West land in the Maroochy North Shore local plan area and includes specific provisions within the local plan code relating to development within the Emerging community zone.

Lots to the south (being Lot 1 on RP98356, Lot 1 on RP96774, Lot 2 on RP90264 and Lot 3 on RP90264), are also included in the Maroochy North Shore local plan area but are to remain in the Rural zone and outside the Urban Growth Management Boundary in recognition of the biophysical constraints affecting this land (primarily significant wetlands and flooding constraints).

The local heritage boundary relating to Lot 8 on RP812125 (Settlers Park) has also been amended to more appropriately reflect the heritage significant mango trees and provide a greater curtilage around the trees. Lot 8 on RP812125 is retained in the Open space zone.

It is also necessary to make consequential amendments to other parts of the planning scheme to be consistent with the above amendments.

**Table 7.1** provides a summary of the text and mapping amendments to the planning scheme.

**Table 7.1 Summary of planning scheme amendment**

Planning Scheme Part	Summary of Amendment
<p><b>Part 3 (Strategic framework)</b></p>	<ul style="list-style-type: none"> <li>• Amend section 3.10.4.1(b) (Specific outcomes) of section 3.10.4 (Element 3 – Coastal erosion) to require development in the coastal zone to avoid areas subject to coastal erosion (i.e. erosion prone areas).</li> <li>• Amend section 3.10.5.1(b)(iii) (Specific outcomes) of section 3.10.5 (Element 4 - Flooding) to provide an additional exception relating to development of land subject to flooding where such land is specifically identified as being intended for urban development in a local plan.</li> <li>• Amend Strategic Framework Map SFM7 (Natural Resource Elements) to remove the Agricultural Land Classification from land to be included in the Emerging community zone.</li> </ul>
<p><b>Part 7 (Local plans)</b></p>	<ul style="list-style-type: none"> <li>• Amend section 7.2.18.2 Context and Setting, section 7.2.18.3 (Purpose and overall outcomes) and section 7.2.18.4 Assessment criteria (including performance outcomes and acceptable outcomes) of the Maroochy North Shore Local plan code, to include specific provisions to guide future residential development of the Twin Waters West land, relating to the following:-               <ul style="list-style-type: none"> <li>– Requirement for master planning of the site;</li> <li>– Character, including minimum lot size;</li> <li>– Protection of amenity;</li> <li>– Flooding;</li> <li>– Water quality and management of waterways and waterbodies;</li> <li>– Access, connectivity and traffic impacts;</li> <li>– Active transport network and walkable waterfronts;</li> <li>– Protection and enhancement of local heritage places;</li> <li>– Open space network, including protection and buffering of significant environmental areas and riparian areas (including ecologically important areas);</li> <li>– Visual and acoustic screening;</li> </ul> </li> </ul>

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>- Protection and buffering of the proposed CAMCOS corridor, Sunshine Motorway and other State controlled roads.</li> <li>• Amend Figure 7.2.18A (Maroochy North Shore Local Plan Elements) to identify relevant elements for the Twin Waters West land, including: <ul style="list-style-type: none"> <li>- Indicative access points (road and pedestrian/cycle linkages);</li> <li>- Principal pedestrian/cycle linkage;</li> <li>- Coastal path;</li> <li>- Landscape buffering; and</li> <li>- Conservation and rehabilitation areas.</li> </ul> </li> </ul>
<b>Part 8 (Overlays)</b>	<ul style="list-style-type: none"> <li>• Amend PO2(b)(ii) of Table 8.2.7.3.2 (Criteria for assessable development) of section 8.2.7 (Flood hazard overlay code) to be consistent with the exceptions outlined in section 3.10.5 (Element 4 - Flooding) of the Strategic Framework relating to development on land subject to flooding.</li> </ul>
<b>Schedule 2 (Mapping)</b>	<ul style="list-style-type: none"> <li>• Amend Zone Map ZM21 (Maroochy North Shore Local Plan Area) to include the Twin Waters West land (Lot 1 on RP811523, Lot 3 on SP248471, Lot 2 on RP103117, Lot 1 on RP103117, Lot 8 on RP98356, Lot 7 on RP98356, Lot 6 on RP98356, Lot 5 on RP98356, Lot 4 on RP98356, Lot 3 on RP842858, Lot 9 on RP862470, Lot 2 on SP166012, Lot 2 on RP842858 and Lot 101 on SP248471) in the Emerging community zone and inside the Urban Growth Management Boundary.</li> <li>• Amend Heritage and Character Areas Overlay Map OVM211 (Maroochy North Shore Local Plan Area) to change the local heritage place boundary relating to Settlers Park to appropriately reflect the heritage significant mango trees and provide a greater curtilage around the trees.</li> </ul>

## 8. Compliance with the Sustainable Planning Act 2009

The *Sunshine Coast Planning Scheme 2014* complies with the purpose and Section 88 (Key elements of planning scheme) 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)* does not materially affect this compliance.

The *Sunshine Coast Planning Scheme 2014 (Major Amendment)* 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 01/16: Making and amending local planning instruments.*

## 9. 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 amendment to the *Sunshine Coast Planning Scheme 2014* does not adversely affect the planning scheme's compliance with State planning instruments.

Particular aspects of the amendment that have been identified as potentially relevant to State planning instruments are detailed in **Table 9.1**.

**Table 9.1 Compliance with State planning instruments**

Summary of amendment	State Interest	Summary of Compliance
<p><b>Zoning amendments (Twin Waters West)</b></p> <p>Include Lot 1 on RP811523, Lot 3 on SP248471, Lot 2 on RP103117, Lot 1 on RP103117, Lot 8 on RP98356, Lot 7 on RP98356, Lot 6 on RP98356, Lot 5 on RP98356, Lot 4 on RP98356, Lot 3 on RP842858, Lot 9 on RP862470, Lot 2 on SP166012, Lot 2 on RP842858 and Lot 101 on SP248471 in the Emerging community zone and include relevant provisions in the Maroochy North Shore local plan code. Consequential planning scheme amendments are also required to the Maroochy North Shore local plan area boundary, the Urban Growth Management Boundary and other provisions to align with the zoning change.</p>	<p><b>SEQ Regional Plan 2009 – 2031</b></p> <p>Regional land use categories (Urban footprint)</p>	<p>The subject land is currently included in the Urban Footprint under the SEQ Regional Plan. The amendment is consistent with the intent of the SEQ Regional Plan as it will provide for additional urban residential land supply within the Urban Footprint.</p> <p>The amendment is considered logical and appropriate having regard to the prevailing low density residential land uses that adjoin the subject land to the north and the east. In particular, it represents a logical and orderly expansion of the existing Twin Waters residential community.</p> <p>While other matters of State interest are also relevant to the subject land, such as flood hazard and matters of State environmental significance, these matters have been appropriately reflected either in the existing <i>Sunshine Coast Planning Scheme 2014</i> (e.g. via the strategic framework and overlays) or in the amendment and will be considered in further detail in the assessment process for any forthcoming development application.</p>
	<p><b>State Planning Policy April 2016 – Planning for liveable communities and housing</b></p>	<p>The amendment provides for the logical expansion of an established residential neighbourhood already serviced by necessary infrastructure.</p> <p>Additional housing supply and diversity to meet the needs of the community will be provided as a result of the amendment.</p>
	<p><b>State Planning Policy April 2016 – Planning for economic growth</b></p>	<p>It is noted that the subject land comprises agricultural land classification (ALC) Class A and Class B land. However, it is considered that this land is isolated and fragmented from a broader area of ALC Class A and Class B land on the western side of the Sunshine Motorway. In addition, it is considered that this land is no longer suitable for primary production due to its adjacency to established residential development.</p> <p>It is also noted that the separation area associated with the Maroochy North Bli Bli Key Resource Area 150, located on the western side of the Sunshine Motorway, applies to part of the subject land. The <i>Sunshine Coast Planning Scheme 2014</i> currently includes provisions for development within an extractive resource separation area, which will be</p>



Summary of amendment	State Interest	Summary of Compliance
		<p>considered in further detail in the assessment process for any forthcoming development application.</p>
	<p><b>State Planning Policy April 2016</b> – Planning for the environment and heritage</p>	<p>It is noted that matters of State environmental significance are located within and adjoining the subject land. These matters have been appropriately reflected in the <i>Sunshine Coast Planning Scheme 2014</i> (e.g. via the strategic framework and overlays) and will be considered in further detail in the assessment process for any forthcoming development application. In addition, the amendment includes specific provisions in the Maroochy North Shore Local plan code and elements figure to provide for the protection, rehabilitation and buffering of significant environmental and riparian areas, including ecological important areas and to provide for the protection of coastal processes and coastal resources. The amendment includes specific provisions relating to the establishment and management of waterways, including water quality.</p> <p>It is also noted that the subject land does not include state or national heritage places. However, the subject land does contain two places of local heritage significance. These matters have been appropriately reflected in the <i>Sunshine Coast Planning Scheme 2014</i>. The amendment includes specific provisions in the Maroochy North Shore Local plan code in relation to the protection and enhancement of the local heritage values of Settlers Park.</p>
	<p><b>State Planning Policy April 2016</b> – Planning for safety and resilience to hazards</p>	<p>It is noted that the subject land is located within a flood and coastal hazard area. These matters have been appropriately reflected in the <i>Sunshine Coast Planning Scheme 2014</i>. The amendment includes specific provisions in the Maroochy North Shore Local plan code that requires development to provide for adequate flood immunity (including safe refuge) and emergency access arrangements and avoiding off-site flood impacts. The amendment also includes specific provisions which provide for the protection, rehabilitation and buffering of the land identified as an erosion prone area in the coastal management district.</p>
	<p><b>State Planning Policy April 2016</b> – Planning for infrastructure</p>	<p>It is noted that the subject land is located in the vicinity of State infrastructure, namely the Sunshine Motorway, the future CAMCOS corridor, David Low Way and the Sunshine Coast Airport (which is identified as a Strategic Airport and aviation facility). These matters are appropriately reflected in the <i>Sunshine Coast Planning Scheme 2014</i>. The amendment includes specific provisions in the Maroochy North Shore Local plan code relating to the protection and buffering of the future CAMCOS corridor and for the safe and efficient management and operation of State transport infrastructure and transport networks as well as primary access and circulation</p>

Summary of amendment	State Interest	Summary of Compliance
		arrangements. The amendment also includes specific provisions in the Maroochy North Shore Local plan code relating to development within the Emerging community zone being protected from environmental emissions generated by existing and future state transport operations and infrastructure.

## 10. Consultation with government agencies

During the early stages of preparation of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)*, Council met with representatives from the Department of Infrastructure, Local Government and Planning (DILGP), Regional Services – SEQ (North) on 20 August 2015 to discuss the content of the proposed amendment and likely state interests.

Preliminary discussions with representatives from DILGP, Regional Services office identified that the following agencies may have a specific interest in the proposed planning scheme amendment:-

- Department of Infrastructure, Local Government and Planning;
- Department of Natural Resources and Mines;
- Department of Environment and Heritage Protection;
- Department of Agriculture and Fisheries;
- Department of National Parks, Sport and Racing; and
- Department of Transport and Main Roads.

Specific preliminary consultation has also been undertaken with officers from the Department of Transport and Main Roads (DTMR) in relation to preferred access arrangements for the subject land. In a letter to Council, dated 8 October 2015, DTMR indicated in principle support for primary access to the proposed development via a roundabout configuration at the intersection of David Low Way and Ocean Drive. This access arrangement is reflected in the planning scheme amendment.

In accordance with the *Sustainable Planning Act 2009* and *Statutory guideline 04/14: Making and amending local planning instruments*, Council sent a copy of the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* to the Minister for Infrastructure, Local Government and Planning (the Planning Minister) on 25 October 2015, for formal consideration of State interests and to seek approval for Council to proceed to public consultation.

Following consideration of State interests, on 19 July 2016, Council received advice from the Planning Minister that it may proceed to public consultation, with no conditions. The proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* was placed on public consultation from **26 September 2016 to 7 November 2016**.

In December 2016, further consultation was undertaken with officers from the Department of Transport and Main Roads and Department of Environment and Heritage Protection in relation to the proposed amendment for Twin Waters West, particularly in terms of the proposed buffers to the Sunshine Motorway, the proposed Dedicated CAMCOS Corridor and to the Maroochy River.

Table 9.1 of section 9 above provides a summary of how the amendment addresses state interests.

## 11. Public consultation

Preliminary consultation has occurred with representatives from the local community association during the early stages of the proposed planning scheme amendment process.

In accordance with *Statutory Guideline 01/16: Making and amending local planning instruments*, Council must undertake formal public consultation during Stage 3 of the process for making a planning scheme 'major' amendment.

On 19 July 2016, Council received advice from the Planning Minister that it may proceed to public consultation, with no conditions. The proposed Sunshine Coast Planning Scheme 2014 (Major Amendment) was on public consultation from **26 September 2016 to 7 November 2016**. The consultation and communication strategy implemented during the public notification period involved the following:

- Notice placed in the Sunshine Coast Daily on Saturday, 24 September 2016;
- Notice published on Council's website and a copy placed at Council offices prior to the consultation period commencing;
- Copy of the proposed amendments (including a summary information sheet on the Twin Waters West amendment) published on Council's website and made available for viewing at Council's offices during the consultation period;
- Letters sent to land owners and adjoining land owners advising of the proposed amendment, including a summary information sheet about the proposed amendment and public consultation period;
- Emails sent to the Twin Waters Residents' Association, Pacific Paradise Progress Association, North Shore Traders, Marcoola Community Group and Mudjimba Residents Association prior to the commencement of the public consultation period, advising of the proposed amendment and inviting representatives to contact Council for a briefing. A further email was sent at the commencement of the public consultation period providing a copy of the Public Notice and summary information sheet. This initial contact was followed up with individual phone calls once the public consultation period commenced;
- Newsflash issued to all regular planning scheme users and community members that have previously expressed an interest in receiving information about planning and development matters;
- Briefings/meetings with community associations and land owners;
- Various phone, email and counter enquiries; and
- Media statement issued prior to the commencement of the public consultation period, advising of the proposed amendments and public consultation period.

## 12. Consideration of public submission

A total of 629 properly made submissions were received in relation to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)*. Of these, 127 submissions were in support of the proposed amendment and 502 submissions opposed the proposed amendment. Three of the submissions opposing the proposed amendment included petitions comprising a total of 614 signatories.

In accordance with *Statutory Guideline 01/16: Making and amending local planning instruments*, following public consultation, Council must consider every properly made submission about the proposed amendment. Individual responses are intended to be provided to each submission although the majority of responses will refer directly to Key Issues Papers.

Of the 127 submissions in support of the proposed amendment, 80 (63%) were pro-forma submissions, which also outlined support for the Twin Waters Residents' Association (TWRA) submission and advised that the TWRA has kept them well informed over an extended period.

Some individual submissions outlined that development of the Twin Waters West land would provide economic benefits to the area and additional housing opportunities for the North Shore locality. A small number of individual submissions in support, also raised some concern about traffic, access and flooding.

Of the 502 submissions opposed to the proposed amendment, 443 (88%) were pro-forma submissions.

The pro-forma submissions primarily raised objections to:

- the change in zone from Rural to Emerging community, on the basis of visual and environmental impacts;
- filling in the Maroochy floodplain, on the basis that it would worsen the effects of flooding elsewhere;
- Council favouring an influential developer, particularly when the Sunshine Coast has adequate greenfield and infill sites to support future population growth;
- the assumption that the local community endorses the expansion of residential over the Twin Waters West land, in particular the assumption that the Twin Waters Residents Association represents the local community view; and
- Council's disregard for the State's requirement that the Twin Waters West land be kept as a development-free buffer against future coastal inundation and erosion.

In addition to the above objections raised in the pro-forma submissions, the following additional key concerns were raised:

- contradicts Council's refusal of a previous development application and Court appeal;
- inconsistent with State planning requirements;
- concern about:
  - development/filling in the floodplain and worsening of flooding impacts;
  - impacts on coastal processes and coastal resources;
  - loss of green space and visual amenity;
  - loss of habitat and impacts on wildlife;
  - an increase in traffic/congestion and impact on existing infrastructure;
  - impacts on Indigenous cultural heritage; and
- inadequate community consultation.

Consideration of the key concerns raised in submissions are summarised as follows:

- The proposed planning scheme amendment has been prepared, having regard to the issues raised in the Court Appeal. It is considered that the majority of these issues may be overcome by the inclusion of the Twin Waters West land in an urban residential zone and through the assessment process for any subsequent development application.
- The proposed planning scheme amendment has also been prepared in accordance with State planning requirements (e.g. *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy*). It is also considered that the relevant matters of state interest (as set out in the *State Planning Policy*) are appropriately reflected either in the existing planning scheme provisions or in the proposed planning scheme amendment and would be considered in further detail in the assessment process of any forthcoming development application. The proposed planning scheme amendment has also undergone a formal state interest review, whereby the Planning Minister advised Council in July 2016 that the state interests were appropriately reflected in the proposed planning scheme amendment.
- The concerns raised by submitters, particularly in relation to flooding, coastal processes, visual amenity, habitat values and traffic, are acknowledged. However, it is considered that these concerns are appropriately addressed either by existing planning scheme provisions (i.e. via the strategic framework and overlays) or by the content of the proposed planning scheme amendment (e.g. specific provisions relating to character and amenity; flooding; management of channels and

waterbodies; protection, rehabilitation and buffering of ecologically important areas; traffic and access; visual and acoustic screening). It is also acknowledged that a number of site development issues (e.g. filling, flooding, traffic and environmental values) will require more detailed assessment and the proposed planning scheme amendment provides that this work be undertaken as part of a future development application that would be subject to impact assessment (including a statutory public notification process).

- Preliminary flood investigations undertaken as part of the preparation of the proposed planning scheme amendment, provides a high degree of confidence that the Twin Waters West land has development potential with appropriate application of the Flood hazard overlay code and a suitable development concept. This conclusion was also shared by the experts who provided evidence to the Planning and Environment Court as part of the previous appeal process.
- From a strategic planning perspective, the proposed planning scheme amendment is considered to be in the public interest when that interest is considered as a whole and appropriate weight is given to balancing the various relevant considerations.

It is recommended that no changes are made to the proposed planning scheme amendment in response to the consideration of the above key concerns.

Some submissions in support of the proposed planning scheme amendment also requested changes to certain provisions within the proposed planning scheme amendment, particularly in relation to:

- development density, in terms of minimum and average lot size;
- open space calculation;
- buffers to the Maroochy River, Sunshine Motorway and the proposed Dedicated CAMCOS corridor;
- flood refuge requirement;
- building heights for multi-unit residential uses; and
- inclusion of additional land in the Emerging community zone.

Following the consideration of submissions received during the public consultation period, Council at a Special Meeting held on 13 April 2017 (Council resolution SM17/16), resolved to proceed with the proposed planning scheme amendment, with changes.

The following is a summary of the changes that were recommended to the proposed *Sunshine Coast Planning Scheme 2014 (Major Amendment)* – Twin Waters West, in response to the requests relating to development density, open space, buffers and building height and concerns relating to transport infrastructure:

- change proposed Acceptable Outcome (AO22) to:
  - reduce the minimum lot size from 500m<sup>2</sup> to 400m<sup>2</sup> (reflective of the smallest lot of 403m<sup>2</sup> in the existing Twin Waters community);
  - limit the proportion of lots less than 500m<sup>2</sup> to 12% of the total number of low density residential lots (reflective of the proportion of lots less than 500m<sup>2</sup> in the existing Twin Waters community);
  - include a maximum density of 12 lots per hectare (generally consistent with the density of low density residential uses in the existing Twin Waters community); and
  - include a maximum density of 40 dwellings per hectare for multi-unit residential uses and comprising a maximum of 15% of the total developable area (consistent with the density range prescribed in the Multi-unit residential uses code of the planning scheme and generally consistent with the

proportion of multi-unit residential uses in the existing Twin Waters community).

- change proposed Acceptable Outcome (AO34) to clarify that the quantum of open space includes all walkable waterfront areas, linear parks, conservation areas and buffers;
- change proposed Performance Outcome (PO31) to include the requirement for transport infrastructure to be designed to reflect the amenity and character of the existing Twin Waters community (including, but not limited to, the provision of generous verge widths);
- change proposed Performance Outcome (PO35) to include reference to the management of coastal hazards and coastal processes to protect land vulnerable to coastal erosion and tidal inundation;
- change proposed Acceptable Outcome (AO35) to clarify that the minimum 150 metre buffer to the Maroochy River is to be measured from the Highest Astronomical Tide and include a 'Note' that specifies that some buffer areas may accommodate linear open space where it can be demonstrated that it will not compromise the protection of retained vegetation or the management of coastal hazards and coastal processes;
- change proposed Performance Outcome (PO36) to include a 'Note' relating to the buffer and separation area to the Sunshine Motorway and the proposed Dedicated CAMCOS corridor to be designed in a manner which does not compromise flood solutions for the Twin Waters West land;
- change proposed Acceptable Outcome (AO36) to require a consistent minimum buffer width of 40 metres along the full western frontage of the Twin Waters West land; and
- change the Height of buildings and structure overlay map OVM21H to include a Site Specific Note relating to the Twin Waters West land, which provides for a maximum height of 12 metres to be allowable in certain parts of the Emerging community zone (Twin Waters West), to accommodate multi-unit residential uses, where nominated on an approved plan of development.

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

No changes were recommended to the proposed planning scheme amendment in response to the requests relating to the safe refuge requirement and the Baptist Church site.

The changes to the proposed planning scheme amendment were not considered to be significantly different to the version that was placed on public consultation and therefore did not require re-notification. The proposed planning scheme amendment, with changes, was also considered to remain in compliance with the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy*.

### **13. Final State Review**

In accordance with Council's resolution (SM17/16), the proposed planning scheme amendment, with changes, was forwarded to the Planning Minister on 28 April 2017, for approval for Council to adopt.

During the final state interest review process, the Department of Infrastructure, Local Government and Planning (the Department) commissioned an independent review of the flood modelling used by Council to inform the proposed amendment. The review found that the flood model and flood impact assessment used by Council was suitable for the purpose of informing the planning scheme amendment and recommended a number of improvements be made to the model to assist with the assessment of future development applications.

Based on the findings of the review, the Department was satisfied that the Twin Waters West land is suitable to be zoned for urban purposes and that the proposed amendment satisfies the requirements of the State Planning Policy relating to natural hazards, which includes flooding.

On 1 March 2018, Council received advice from the Planning Minister that Council may proceed to adopt the proposed planning scheme amendment, subject to the following conditions:

1. Amend the provisions within the Maroochy North Shore Local Plan Code as follows:

<p><b>PO22</b></p>	<p><i>Development in the Emerging community zone provides for residential uses at a scale and intensity, and in a configuration that is consistent with and sympathetic to the established low density residential character of the adjoining Twin Waters residential community.</i></p>	<p><b>AO22</b></p>	<p><i>In partial fulfilment of Performance Outcome PO22:-</i></p> <p><i>Development provides for:-</i></p> <p><i>(a) low density residential uses within the development to achieve:-</i></p> <p><i>(i) a minimum lot size of 500 400-m<sup>2</sup>; and</i></p> <p><i>(ii) <del>lots less than 500m<sup>2</sup> not exceeding 12% of the total number of lots; and</del></i></p> <p><i>(iii) <del>a maximum density of 12 lots per hectare of the net developable area; and</del></i></p> <p><i>(iv) an average lot size of at least 700 m<sup>2</sup>; and</i></p> <p><i>(b) limited Multi-unit residential uses which are:-</i></p> <p><i>(i) focused in discreet nodes high amenity locations with convenient access to public transport and active transport routes;</i></p> <p><i>(ii) <del>have a maximum residential density of 40 equivalent dwellings per hectare; and</del></i></p> <p><i>(iii) <del>comprise a maximum of 15% of the net developable area.</del></i></p>
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2. Amend the Height of Buildings and Structures Overlay Map OVM21H (Maroochy North Shore Local Plan Area) as follows:

- Remove the Specific Site Note 1:

~~**Specific Site Note 1**—A maximum height of 12 metres is allowable in certain parts of the Emerging community zone (Twin Waters West), to accommodate multi-unit residential uses, where nominated on an approved plan of development.~~

## 14. Compliance with State imposed conditions

The Council has complied with the above Ministerial conditions, by amending the provisions within the Maroochy North Shore Local plan code (AO22) and the Height of Buildings and Structures Overlay Map OVM21H (Maroochy North Shore Local Plan Area).

The planning scheme amendment has also been aligned with the *Planning Act 2016*.

## **15. Background studies and reports**

No background studies or reports have been prepared to inform the preparation of the *Sunshine Coast Planning Scheme 2014 (Major Amendment) No. 12*.