

Development Watch Inc

PO Box 1076, Coolum Beach, QLD, 4573



ABN 53 627 632 278

www.developmentwatch.org.au
president@developmentwatch.org.au

7 November 2016

TO: Sunshine Coast Regional Council (Council)
BY EMAIL: planningscheme@sunshinecoast.qld.gov.au

NOTICE OF SUBMISSION PROPOSED AMENDMENTS TO THE SUNSHINE COAST PLANNING SCHEME 2014 SITE SPECIFIC AND TWIN WATERS WEST

Development Watch Inc. (DW) is an incorporated Association whose primary aim is to monitor planning and decision-making processes to ensure that all local planning and relevant State Government laws are properly adhered. Our area of focus is mainly in the Coolum and surrounding areas (ie. Coolum through to the North Shore). We provided extensive input into the Sunshine Coast Planning Scheme 2014. As a result of this input, we passionately defend the Planning Scheme, particularly when the intention appears to be manipulation for the benefit of a developer.

1. COOLUM INDUSTRIAL AREA

We support the proposal to change the zoning of a large part of the Coolum Industrial area from High Impact to Medium Impact.

2. SITE SPECIFIC

Regarding Council's proposal to amend the Planning Scheme in relation to building heights at Section 3.8.3.1(d), we have been advised by Council staff that this has been inserted in order to strengthen compliance by developers with current height limits. On the basis of this advice, we support the amendment.

3. TWIN WATERS WEST

3.1 Community Consultation

The importance of getting planning schemes right cannot be understated. Planning Schemes are a blueprint for later development. Anything that is not recognised and protected in the Planning Scheme is unlikely to be protected by the Local Government or the Planning and Environment Court. It is therefore vital that when a Planning Scheme is being amended, the community be given the opportunity to make submissions and recommendations about areas that should be protected from development.

The Statutory Guideline on Planning Scheme amendments recommends that Council consult with the local community before even considering a major amendment to the Planning Scheme. With respect, DW was a party to the previous Court action in relation to this site. Whilst we were made aware of the amendments at the time of public notification, we were not consulted in any way prior to Council first deciding to proceed with this amendment some twelve months ago.

Furthermore, we believe only a couple of community groups were consulted and these community groups do not by any means represent even half of the residents that will be affected by this proposed amendment.

3.2 Court Judgment

Stockland submitted a Development Application (DA) in 2007 for a residential development on this site. The DA stated that 1.2 million cubic metres of fill would be needed to "flood proof" the dwellings. Council refused this DA in 2009. Stockland appealed Council's decision and the Planning & Environment Court subsequently dismissed that Appeal in 2013. Development Watch supported Council as a co-respondent in the Appeal. The Court Judgment of Rackemann DCJ dated 13 December 2013 states as follows:

98. *"... neither the existing or draft planning schemes support residential development of this site. The Council's position is that, in this case, the risks should be avoided by not permitting the development in the floodplain, rather than mitigated by filling the site and adopting an emergency management plan."*
100. *"The site is subject to flooding in the defined flood event. Given that no other exception is applicable, overriding community need in the public interest should have to be established if urban development of the subject site is to meet that specific intent, even assuming adequate mitigation measures by*

filling and by adoption of an emergency management plan.” ... “That ‘avoid if practicable but mitigate if not’ approach is conservative, but understandable and worthy of some respect.”

192. *“The development would result in the raising of David Low Way and the creation of a flood refuge in an area prone to flooding but, on the other hand, would locate an additional residential population, of approximately 2000 people, into the floodplain, thereby potentially putting more people at risk and potentially adding to the burden on local and state emergency responses in times of disaster.”*

In May 2014, Council adopted a new planning scheme and the Judge's decision was enshrined in it by preventing this site from attracting future residential DAs.

WE OBJECT to the rezoning of this site to allow residential development because it refutes a Court Judgment that has determined such development would place people in harm's way. WE ALSO OBJECT to other amendments that are specifically designed to overcome planning hurdles to approval as identified in the Judgment.

3.3 State Planning Policy (SPP)

This Policy requires this land to be kept development-free as a buffer against future sea level rises and storm tide inundation. The policy states as follows:

“For coastal hazards-erosion prone areas:

- (5) *maintaining erosion prone areas within a coastal management district as development-free buffer zones unless:*
 - (a) *the development cannot be feasibly located elsewhere, and*
 - (b) *it is coastal-dependent development, or is temporary, readily relocatable or able to be abandoned development, and ...”*

3.4 South East Queensland Regional Plan (the SEQRP)

The SPP requirements are reflected in the SEQRP. The SEQRP contains a policy (11.6.1) that states:

“Avoid areas of unacceptable flood risk, including additional risks from climate change, and areas where development may unacceptably increase flood risk elsewhere.”

It further states in a note to the policy:

“Development within watercourses, wetlands, riparian areas and floodplains should be restricted unless there is a demonstrated overriding need in the public interest.”

WE OBJECT to the rezoning of this site to allow residential development because it conflicts with the flood and inundation requirements of the SEQRP.

3.5 Coastal Management Plan

The mapping in the Queensland Coastal Management Plan shows this site as

"subject to erosion and permanent tidal inundation due to sea level rise."

We note this site is designated light blue on the mapping which indicates this land is not to be developed.

A lot of the Maroochy River floodplain has been filled already. The incremental filling of this floodplain has required very large quantities of fill all the way from the North Shore through to Yaroomba. The real issue is the cumulative proportion of land that has been lost to flood storage over the years. There has already been enough displacement to cause a noticeable negative impact on existing floodplain properties eg. those along Bradman Drive. The 2% (50-year) flood will at some stage have the same effects as the larger 1% flood, and the 1% flood will in due course become more consequential than has been modelled to date.

WE OBJECT to the rezoning of this site to allow residential development because it conflicts with the SPP’s requirement that residential development must not occur in areas identified in the Coastal Management Plan as being subject to erosion and permanent tidal inundation.

3.6 Sunshine Coast Planning Scheme 2014 (the SCPS)

The SCPS mapping places this site outside the Urban Growth Management Boundary.

The SCPS Strategic Framework, identifies as one of its key concepts:

“Reshaping the pattern of settlement to avoid development in areas subject to the critical natural hazards of bushfire, coastal erosion, flooding and landslide.”

The proposed amendment addresses natural hazards and we draw attention to Section 3.10.5 (b) (iii) of the proposed amendment, which states:

“(iii) the development is on land specifically identified in a structure plan or a local plan as an area intended for urban development”

The underlined words are proposed to be added to the text of the present Strategic Framework. Council also proposes to move the Urban Growth Management Boundary (shown on the Maroochy North Shore Local Plan Map) to encompass this site. The site is also intended to be identified as an area for urban development (Emerging Community Zone).

The amendments appear to us to circumvent the SPP requirements related to inundation hazards.

We object to Council introducing an exception to the SCPS requirement that residential development not occur on this land as we believe there is no legal basis for the exception.

3.7 Scenic Amenity

One of the great views for tourists and residents heading north from Maroochydoore is the magnificent view from the summit of the Maroochy River Bridge. The expanse of rural land, with Mount Coolum in the background, gives the impression that one has finally left the city behind. Equally the view of green leading up to the river when heading south from the airport also provides tourists with the impression of having left the city.

WE OBJECT to the rezoning of this site to allow residential development because it will seriously detract from the scenic amenity of residents and visitors to the Maroochy North Shore area.

3.8 Council’s booklet “Coastal Management Overview” states:

On page 4 –

“Our coast - valued, healthy and enjoyed”...

...“The challenges we face as a council and a community are to:

- avoid interference with natural coastal processes where possible*
- minimise interference with natural coastal processes where interference is unavoidable ...*

- *implement shoreline erosion management measures as required*
- *be responsive to new information on coastal hazards and modify coastal management measures as required ...*
- *engage with the community on coastal management activities ...”*

and page 8 –

“Planning for Coastal Hazards

Coastal hazards and climate change are important considerations when planning for the future of our coastal communities, beaches and environment.

These hazards include erosion and inundation (storm tide and sea level rise) and present both current and medium to long term management challenges for Council...

Over time, the frequency of extreme weather events is likely to increase as a result of climate change and other processes. This results in an unexpected increase in the severity of coastal erosion and storm surge hazards and therefore risks to coastal assets and communities

The SCPS requires that coastal development considers long term erosion and inundation hazards...”

This booklet explains in layman’s terms the State’s legislative requirements for avoiding development on flood plains and areas subject to inundation and erosion due to climate change. To allow development on this flood plain would be contrary to the statements made in Council’s own Coastal Management Plan contained in this booklet.

WE OBJECT to the rezoning of this site to allow residential development because it undermines the perception by the public that Council avoids placing people in harm’s way.

3.9 Conclusion

The chain of legislation reinforces (and requires) the SCPS’s present position that the land cannot be developed for residential purposes.

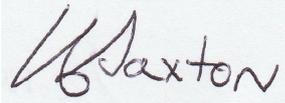
The proposed amendment is a blatant attempt to facilitate a development application by Stockland. It proposes removing perfectly reasonable impediments to residential development on the site.

Council’s argument in its explanatory memorandum, that a successful amendment does not mean approval of a DA is, we believe, spurious. The *Sustainable Planning*

Act, at Section 242, contains a perfectly reasonable process for a DA that will override the planning scheme to be submitted and determined. Paving the way by first amending the planning scheme seems to us to be a most unsatisfactory way for the public and in fact Council, to properly assess the impacts of a development proposal.

We therefore recommend that Council not proceed with this amendment to the SCPS in relation to the Twin Waters West site.

Yours faithfully

A handwritten signature in black ink, appearing to read "Lynette Saxton", is placed over a light blue rectangular background.

Lynette Saxton
President, Development Watch Inc.