

Development Watch Inc

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To: The Chief Executive Officer
Sunshine Coast Regional Council
BY EMAIL

NOTICE OF SUBMISSION

Application No: MCU23/0113
Proposal: De Vere Road, 232 - 284 Godfreys Road, Settlers Park Ocean Drive, 23 Stillwater Drive & 581-593 David Low Way, PACIFIC PARADISE - Preliminary Approval for Material Change of Use of Premises, including a Variation Request to vary the effect of the Sunshine Coast Planning Scheme 2014, for development involving Residential, Business, Community and Sport and Recreation uses - Stockland Developments Pty Ltd

Development Watch Inc. (DW) is a volunteer community group whose primary focus is advocating respect for the Planning Scheme for Coolum and surrounding areas.

Sunshine Coast Council has an Application before it to determine a request by Stockland Developments Pty Ltd (Stockland) for a residential development on flood-prone land at Mudjimba (on a site known as "Twin Waters West" (TWW)). This is the third such Application for this site with two previous Applications being refused by the Planning and Environment Court.

DW has consistently opposed development on the Maroochy River floodplains and this stance was only reinforced by the catastrophic floods experienced in Australia in 2022.

Whilst we realise this land has been rezoned to Emerging Community Zone, legally allowing development on the site, we contend that any development should be the absolute minimum in the way of density and footprint thus ensuring that any future risks to residents either on the site itself or in the surrounding areas, is minimised as much as possible. The information available to us on Climate Change at this time is predictive and is not absolute so there is no certainty as to what the future holds in the way of catastrophic events.

DW objects to this Development Application on the Maroochy River flood plain on numerous grounds.

Need for a Constructed Water Body (CWB)

The proposed development features a large lake, the level of which is intended to be maintained by pumping water from the Twin Waters (TW) canal system. Water will exit the lake and return to the Maroochy River. A lake like this is referenced in legislation as a CWB. State and Local legislation imposes very strict requirements for their approval and construction. Among other requirements, a CWB can only be approved if it satisfies an overriding need in the public interest.¹ Stockland is required to demonstrate an overriding need in the public interest for this CWB.² Council must therefore be satisfied the overriding need in the public interest has been demonstrated.³

Need for the Development

Even though this land is zoned Emerging Community Zone, Council cannot ignore the fact that it sits within the Maroochy River floodplain. Any argument for affordable housing is not relevant to this site as firstly the houses won't be affordable, secondly insurance against flooding won't be affordable and/or may not even be obtainable and thirdly, body corporate fees will not be affordable due to the costs of maintaining a CWB and associated infrastructure. This latter statement regarding the CWB is made based on Council's stance in the previous court case that it does not want to take on the responsibility of maintaining a CWB on this site. DW agrees, and we believe most ratepayers would also agree, with this stance.

Density and Character

Emerging Community Zone code provision c(i) stipulates that "development reflects any specific intent statements and local structure planning elements for the area identified in a local plan code". Notwithstanding the Emerging Community Zone does not set density for the proposed TW development area, the North Shore Local Plan Code states, inter alia, that a development should demonstrate "Nomination of residential densities and locations on the 'Precinct Plan' and 'Development Density Plan' that deliver 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 TW residential community." Whilst we note this development now appears to meet this criteria, the community must be certain that all stages of the development will also meet this criteria. The Master Planning Exercise is only over the first two stages. Any approval should have an ability to absolutely prevent further development with increases in density in the remaining stages.

¹ See, for example, PS2014, Schedule 6.14.9.6, which states:

*(6) A CWB proposal is to address/demonstrate key design considerations, including:
((d) an overriding need in the public interest for the development of each new CWB;*

² PS2014, Schedule 6.14.9.7(1) "*The ONPI for the development of a CWB is to be demonstrated by the proponent and determined by Council.*"

³ PS2014, Schedule 6.14.9.7 states:

(3) Council may determine that an ONPI has been demonstrated when:-

(a) the proposal and associated development is compliant with all other provisions of the planning scheme and the need for the CWB is demonstrated as being of regional State significance; and ...

Concerns with Flood/Flood Evacuation

Emerging Community Zone code provision c(iii) stipulates that “*development is designed and sited to sensitively respond to the physical characteristics and constraints of land, including flooding, steep land, landslide hazard and bushfire hazard, where applicable*”; and c(vii) “*a high level of residential amenity, personal health and safety, and protection for property is provided.*”

The proposed development does not “sensitively respond to the physical characteristics and constraints of the subject site”. Excavation of a deep lake (CWB) as well as artificial waterways through known ASS areas and spreading ASS fill across the site, is not “sensitive development”.

Performance outcome PO9 requires that development does not directly, indirectly or cumulatively alter the flooding characteristics external to the development site for all flood events. Areas external to the site will have increased flood heights, namely Maroochy River Conservation Park adjacent to the site, Bradman Avenue (aka Picnic Point), sections of the Sunshine Coast Motorway and parts of Pacific Paradise.

Furthermore, in relation to the ‘flood refuge’ what is the plan when there is insufficient warning or will for residents to evacuate? Given that TWW is to be filled to a higher level than the neighbouring TW or Pacific Paradise, where do these people go?

DW recommends that Council considers obtaining personal guarantees from Stockland’s engineer as well as the Directors of Stockland to ensure that if things go pear-shaped in the future with flooding to either TW or TWW, they are responsible, not Council and ultimately the ratepayers.

Conservation Park/Wetlands Protection

It was recognised in the recent Court Hearing that protection of the central wetland is crucial. Application documents show *again* that the wetland is to be starved of surface waters, that is, it will more than likely become a “dry” wetland. The groundwater curtain proposed for the site is complicated and requires high maintenance. Stockland’s modelling shows this system does not achieve protection of the wetland within 10 years with continuing salt leakage to the wetland after this time at most locations modelled. The Application has concentrated on water quality to the wetland meeting urban runoff criteria and not the surface and groundwater qualities necessary to support the wetland.

Stockland have failed to provide any buffer to native vegetation and wetlands bordering the north-east of the project site. Fill, possibly including treated acid sulphate soils is to be placed immediately up against these environmentally important areas.

The planning scheme requires development not to directly or indirectly impact on native vegetation identified within the planning scheme. The acceptable outcomes require a buffer the width of the treefall zone and that property and people are protected while not requiring removal of trees within the protected zone. Stockland proposes not only not to provide a buffer but to place fill in some places over tree root zones of the protected vegetation.

Acid Sulphate Soils

The Acid sulphate soils (ASS) report confirms that this material present is on-site in significant quantities and will be treated in accordance with State guidelines as required. This treatment will result in material of alkaline pH that is to release an alkaline seepage when draining. These guidelines also warn that such treated materials NOT be placed in the vicinity of wetlands with no alkaline seepage permitted to enter the wetland.

Settlers Park

We note Stockland has proposed to increase the size of Settlers Park. To ensure its protection into the future, the ownership of any additional land for this park must be vested in Council.

Extraction of Water from the TW Canal

There are serious concerns about the routine planned extraction of large volumes of water from the existing TW canal to maintain a safe water quality of the CWB. Just as DW raises serious issues with flooding which is a primary concern given the site sits within the Maroochy River floodplain, there are also issues associated with prolonged drought. Whilst these developments are designed to capture flood waters, there will no doubt be times of drought (El Nino) and there may not be sufficient water to be taken from the TW canals during times of drought until the next La Nina arrives.

Buffer to the Motorway

The buffer allocated between the site and the proposed Camcos corridor appears to be deficient. There is no justification for this deficiency and Stockland should be required to provide the allocated buffer so that when the time comes to locate the heavy rail line along this route it can proceed without impediment. Early investigations suggest a serious misalignment here of the rail reserve and the current motorway. If correct, the proposed buffer and possible location of the CWB may restrict construction of the future rail link.

In Closing

DW (and Council) have now been involved in two very lengthy, expensive and time consuming court cases associated with this land, both of which found in favour of Council and the community. Stockland had ample opportunity after the conclusion of the last court case, to meet with and discuss any proposed new Development Application and any issues associated therewith, with the Community Groups involved in the previous court cases. It not only failed to do so, it has failed to address some of the issues raised by the Court in its Judgment.

Further, given the constraints of the site, all stages of the development should be constructed on large sites, with big buffers and have due recognition of evacuation routes and refuges for both TWW and the existing TW residents.

For all the reasons above, DW respectfully asks that Council refuse this Development Application.

Yours sincerely,

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

Lynette Saxton
President, Development Watch Inc.