



February 22, 2024

The Hon Steven Miles  
Premier of Queensland  
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cc. The Hon Leanne Linard,  
Minister for the Environment, Science and Innovation  
[environment@ministerial.qld.gov.au](mailto:environment@ministerial.qld.gov.au)

cc. The Hon Grace Grace  
Minister for State Development and Infrastructure  
[statedevelopment@ministerial.qld.gov.au](mailto:statedevelopment@ministerial.qld.gov.au)

cc. The Hon Meaghan Scanlon  
Minister for Housing, Local Government, Planning, and Public Works  
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cc. The Hon Bart Mellish  
Minister for Transport and Main Roads  
[transportandmainroads@ministerial.qld.gov.au](mailto:transportandmainroads@ministerial.qld.gov.au)

cc. The Hon Nikki Boyd  
Minister for Fire and Disaster Recovery  
[fdrc@ministerial.qld.gov.au](mailto:fdrc@ministerial.qld.gov.au)

Dear Premier,

**RE: CONCERNS RELATING TO APPROVAL OF DEVELOPMENT ON MAROOCHY  
RIVER FLOODPLAIN OF 'TWIN WATERS WEST', SUNSHINE COAST**

Our respective community groups have resolved to seek advice from you regarding our concerns with a development approval granted by the Sunshine Coast Regional Council (Council) on 14 December 2023 for a residential estate based around a large constructed water body on flood-prone land.

For the purposes of this letter, the following organisations are collectively referred to as "our Community Groups":

- Twin Waters West & Surrounds Inc. – TWWS

- Organisation of Sunshine Coast Association of Residents Inc. – OSCAR
- Development Watch Inc. – DW

## Concerns of our Community Groups

The Council Officers Report (Report) provided the basis on which development application MCU 23/0113 (DA) was approved by Council. We are of the opinion the assessment documented in the Report was flawed meaning Councillors were not sufficiently informed which in turn affected their decision. We submit this arose from;

- Inconsistencies between information presented by the applicant and the Report;
- Diminution of conflicts with provisions of the Sunshine Coast Planning Scheme 2014 (Scheme);
- Conclusions were unsubstantiated by the Report or the application;
- Omission of relevant issues; and
- Issues in the previous application, the subject of the Planning and Environment Court appeal 2460/20 (PAE Court) by the applicant and subsequently dismissed, remain unaddressed in this latest application approved by Council.

This development proposal sought to vary the Sunshine Coast Planning Scheme with alternate development outcomes for the site. We suggest the decision to grant approval with conditions by Council has given rise to inconsistencies with policy and development outcomes articulated in the public expression of development policy, namely the Scheme. The decision also does not reflect ongoing and local community opposition to development of the site as outlined in the history below attached.

As a result, we proffer the approval of the DA has raised conflicts with some policies of the State Planning Policy 2017 (SPP) which requires closer examination.

The development is a significant subdivision on 104ha of undeveloped and constrained land within the regionally significant Maroochy River floodplain. We consider this development could potentially affect economic and environmental state interests of this part of the State and impose unwarranted costs on the community and government owing to the risks involved.

The errors, omissions, and inconsistencies we believe can be demonstrated are not isolated to one issue or state interest. It is our understanding Ministers are responsible for the policies, decisions, and actions of departments and agencies and have ministerial powers to correct such errors brought to their attention.

## Our Request

*Our Community Groups respectfully request a meeting with the relevant Ministers and agency Directors General to discuss the most effective way of addressing the concerns and issues raised in this letter and alternative approaches.*

*We are of the view that this approval has impacted public perception in relation to due and proper process in decision-making by our local government.*

*We want to ensure there is an efficient, effective, transparent and accountable planning and development assessment system as articulated in the State Planning Policy 2017<sup>1</sup> which in itself is also a state interest.*

*We request that the process and statutory obligations regarding this application are appropriately reviewed and remedied where applicable. Specific technical details relating to the conflicts summarised below will be forwarded prior to a meeting.*

*We look forward to your response at your earliest convenience.*

## The Development

### Application (DA)

MCU 23/0113 – Stockland Developments Pty Ltd  
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 Commonly known as Twin Waters West (TWW).

### The Site

The project site is described<sup>2</sup> as approximately 104.8ha in size and was formerly a cane farm of which approximately 90% has previously been cleared. A key site feature is a 10ha remnant freshwater wetland in the centre of the site. The site is bounded by the Sunshine Motorway to the west and David Low Way to the north. The site is adjacent to the existing Twin Waters residential community to the east and Maroochy River Conservation Park to the

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1 <https://dsdmipprd.blob.core.windows.net/general/spp-july-2017.pdf> page 15

2 Page 5. Covey & Associates (2023). Stormwater Management Plan, Twin Waters West, Pacific Paradise.

south-east. The site is largely zoned Emerging Community under the Sunshine Coast Planning Scheme.

The site, on the Maroochy River floodplain, is mapped within the Flood Hazard category of the Scheme with much of the site also being subject to inundation from storm tides and within an erosion prone area. These lots are included within the State's coastal management district.

The current DA recently approved by Council is the third since 2007 with the two previous DAs refused by Council, appealed by Stockland with the decision upheld in the Planning and Environment Court both times. On 11 May 2023, Stockland lodged another DA with Council. Council approved this development that essentially only widened the buffer to most wetlands in line with outcomes of the Scheme and moved the saline constructed water body further west in one portion.

This DA, however, as shown in the application documents does not address all the key issues raised by Judge Everson in dismissing the appeal in 2022. Most importantly, conflicts with State Interests have been approved leading to precedents for similar developments. In addition, the decision conflicts with community expectations as evidenced by sustained opposition by our Community Groups to further large scale development on the Maroochy River floodplain.

The recent development history of the Twin Waters West (TWW) site can be found in more detail in **Attachment A**.

## **Conflicts with July 2017 State Planning Policy**

The Queensland State Planning Policy (SPP) is put in place to ensure, amongst other matters, developments are efficient, positive, and accountable and should be integrated into Planning Schemes and if not, used to assess aspects of Development Applications. The SPP is also the primary state planning instrument in our planning system. It is noted the purpose of the SPP is to:

- Strengthen our economy
- Promote strong communities
- Protect our environment
- Wisely manage our resources
- Inform and respond to investment in infrastructure.

The approval of this development application (DA) has raised the following conflicts with the SPP, as well as related documents reflecting State government interests including the Scheme.

## Wetlands and Conservation Areas

### State interest – biodiversity

Matters of environmental significance are valued and protected, and the health and resilience of biodiversity is maintained or enhanced to support ecological processes.



### State interest – coastal environment

The coastal environment is protected and enhanced, while supporting opportunities for coastal-dependent development, compatible urban form, and maintaining appropriate public use of and access to, and along, state coastal land.



- The development does not avoid, minimise or offset adverse impacts to areas of national<sup>3</sup>, state<sup>4</sup>, or local<sup>5</sup> environmental significance. The impacts largely relate to large changes to hydrologic regimes and failure to protect the water quality objectives of surface and groundwater. DES made a formal submission to SCC objecting to this element of the application.
- Wetlands within the Coastal Management District are not conserved in their natural state with significant changes to surface hydrology and groundwater quality proposed<sup>6</sup>.
- Wetlands are not adequately buffered in some locations as neither are areas of local significance being native vegetation identified as environmentally relevant areas under the Scheme.
- Development is to occur within a local conservation area required to be protected and buffered under the Scheme.

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3 State interest – biodiversity policy 1

4 State interest – biodiversity policy 2

5 State interest – biodiversity policy 3

6 State interest – coastal environment policy 1(b)

## Development within the Coastal Management District

### State interest – coastal environment

The coastal environment is protected and enhanced, while supporting opportunities for coastal-dependent development, compatible urban form, and maintaining appropriate public use of and access to, and along, state coastal land.



### State interest – natural hazards, risk and resilience

The risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards.



- The southern portion of the development is located within the Coastal Management District (CMD). The development does not conserve the natural state of landforms here while the saline constructed water body has impacts on the adjoining wetlands within the CMD.
- The southern portion of development within the CMD is also mapped as an erosion prone area. The proposed development is neither:
  - Coastal-dependent development;
  - Temporary, readily relocatable or able to be abandoned development;
  - Essential community infrastructure; nor
  - Minor redevelopment of an existing permanent building.

The development directly conflicts with the State Interest - coastal environment<sup>7</sup>.

## Water Quality to Environmental Areas

### State interest – water quality

The environmental values and quality of Queensland waters are protected and enhanced.



- The development does not protect or enhance environmental values of the lowland wallum/tannin freshwaters of the Maroochy River (State controlled Basin 141) and

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<sup>7</sup> State interest – natural hazards, risk and resilience policy 8

does not achieve water quality objectives for Queensland waters<sup>8</sup>. Salinity is to increase in groundwater of the central wetlands and Maroochy River Conservation Park (MRCP). Remaining surface and groundwater water quality objectives were not assessed nor was it demonstrated that they could be met. Proposed conditions in fact allow adverse water quality outcomes for the acid wetlands.

- The development significantly disturbs the surface hydrologic regime of the central wetlands (harvesting of surface flows for groundwater injection)<sup>9</sup>.
- The development will not avoid or minimise adverse impacts on environmental values of receiving waters through altered stormwater quality and hydrology largely from the creation of a saline constructed water body<sup>10</sup>.
- Development does not deliver the pre-development peak 1-year ARI event discharge to the central wetlands<sup>11</sup>.

## Flooding Hazard

### State interest – natural hazards, risk and resilience



The risks associated with natural hazards, including the projected impacts of climate change, are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards.

- The development results in a loss of floodplain storage with demonstrated increases in flood characteristics namely flood extent, flood level, and flood velocity off-site<sup>12</sup>.
- The development has not been assessed within the context of recent and proposed development in the floodplain with potential cumulative effects on storing of floodwaters. The Sunshine Coast Airport Priority Development Area (PDA) was declared on 28 July 2023. The associated ILUP states it will protect people, property and environment from adverse impacts of flooding taking into account climate change though it also admits that further consideration of certain state interests are yet to be resolved (such as whole of site flood strategy, impacts on parks and environmentally sensitive areas). Much of the precinct plan available for development

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8 State interest – water quality policy 1

9 State interest – water quality policy 3(a)

10 State interest – water quality policy 3(c)

11 State interest – water quality policy 5(a)

12 State interest – natural hazards, risk and resilience policy 5(b), (d)

is identified as red on the flood overlay. It is not clear how The Plan will address cumulative effects of flooding on existing adjacent development<sup>13</sup>.

- Development is in part within the State defined erosion prone area of the coastal management district<sup>14</sup>.
- The proponent's design proposes building an elevated 'evacuation centre' with a helipad to facilitate residents' personal safety in event of flooding, thus admitting that properties will have a risk of being inundated. The evacuation centre is required as evacuation by road will not be possible under particular flood scenarios. This has potential insurance and compensation implications<sup>15</sup>. It does not meet State interests in achieving an acceptable level of risk for personal safety and property in natural hazard areas<sup>16</sup>.
- The IGEM Review of Flooding 2022<sup>17</sup> found that community members were not aware that their residential or commercial property was in an area at risk of flooding. This finding also arose in the Queensland Floods Commission of Enquiry final (2012) report. The Standard for Disaster Management in Queensland establishes that entities proactively and openly engage with communities (outcome 5) and the shared risk be managed to reduce the impact of disaster on the community (outcome 2). Some of our Community Groups have consistently raised flood risk as such a concern that they have joined as respondents in two P&E Court appeals. However, unless otherwise advised, it is expected that purchasers of property in this estate development would therefore believe that such a new development approved by Council with a Planning Scheme amendment approved by Queensland government, would be risk-free.
- The 2012 Flood Commission of Inquiry recommended that a recent flood study should be available for floodplain management for every urban area in Queensland (2.4) and that Queensland Government and councils together should ensure flood studies will be done (2.6)<sup>18</sup>. No overall and independent flood model has been built of the Maroochy River in spite of Council continuing to propose and approve development in the Maroochy floodplain. Without such a flood study it will not be possible to determine if 'development directly, indirectly or cumulatively avoids an

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13 State interest – natural hazards, risk and resilience policy 5(b)

14 State interest – natural hazards, risk and resilience policy 8

15 Since 2011, Queensland has experienced more than 97 significant natural disasters. This has resulted in Commonwealth and State recovery and reconstruction efforts exceeding \$20 billion (Queensland Reconstruction Authority, 2022).

16 State interest – natural hazards, risk and resilience policy 2

17 IGEM, 2023, South East Queensland Rainfall and Flooding February to March 2022 Review Report 1. P13

18 Qld Floods Commission of Inquiry Final Report, March 2012



increase in the severity of the natural hazard and potential for damage on the site and to other properties<sup>19</sup>.

## State Proposed Rail Link to the Airport

### State interest – transport infrastructure

The safe and efficient movement of people and goods is enabled, and land use patterns that encourage sustainable transport are supported.



### State interest – infrastructure integration

The benefits of past and ongoing investment in infrastructure and facilities are maximised through integrated land use planning.



### State interest – strategic airports and aviation facilities

The operation of strategic airports and aviation facilities is protected, and the growth and development of Queensland's aviation industry is supported.



- Arguments within the Report by Council are unconvincing that the future CAMCOS rail corridor to the strategic Sunshine Coast airport will not be adversely affected by this green-field development. The recommended conditions conflict with information presented in the Report where uncertainty in the required corridor width of up to 40 m in places has not been provided for. The corridor is not adequately protected by this approval<sup>20</sup>.
- This relevance of the corridor was downplayed in the Report as a key transport passenger corridor linking the strategic Sunshine Coast airport. The Report states there is little interest in the corridor which conflicts with the *Southern Sunshine Coast Public Transport Strategy* of March 2023 seemingly justifying not taking a precautionary attitude to the corridor<sup>21</sup>.

19 State assessment benchmark natural hazards 5

20 State interest – infrastructure integration policy 4

21 State interest – strategic airports and aviation facilities policy 5

- The CAMCOS corridor as proposed by the applicant and Council does not support the current active transport infrastructure as the proposed rail route removes the principal cycle connector of North Shore<sup>22</sup>.
- Proposed future alternatives to negate acknowledged risks to the State Interest benchmarks either conflict with the provision of an efficient transport link, or, conflict with performance outcomes of the Maroochy North Shore local plan code and Scenic and Heritage overlays<sup>23</sup>.
- No assessment has been done of potential impacts including associated costs of transport of the large amounts of fill required on traffic movement and road condition, either locally or on the Sunshine Coast Motorway<sup>24</sup>.

## Cultural Heritage



- Matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage exist on the site being:
  - The Aboriginal Historical Place located at Settlers Park (60% loss of area)
  - Two Aboriginal Intangible Places being the Maroochy River Conservation Park and the central wetland (significant impact to hydrologic regimes), and
  - An artefact sites to the south of the development (located at the site of the marine water body to be constructed).

All sites are to be directly or indirectly impacted by development, yet this issue was not addressed by the applicant or the Council<sup>25</sup>.

- A local heritage place constrains the CAMCOS corridor but this pinch-point was not reported or assessed in the Report<sup>26</sup>.

22 State interest – transport infrastructure policy 3

23 State interest – infrastructure integration policy 2(a)

24 State interest – transport infrastructure policy 7

25 State interest – cultural heritage policy 1

26 State interest – cultural heritage policy 4

- The loss of 60% of Settlers Park to the main entrance to the development is not considered an acceptable adaptive reuse of an area of local heritage<sup>27</sup>.

## Housing

### State interest – housing supply and diversity

**Diverse, accessible and well-serviced housing, and land for housing, is provided and supports affordable housing outcomes.**



### State interest – liveable communities

**Liveable, well-designed and serviced communities are delivered to support wellbeing and enhance quality of life.**



- A lack of housing diversity is critical on the Sunshine Coast, with a gap in smaller sized, medium density, and affordable housing. Given the amount of fill, engineering, and maintenance required, the proposed development is unlikely to provide the affordable housing or affordable rental properties required.
- There has been no guarantee that residents will be able to get house insurance, let alone afford the expected high cost. The insurance industry already applies climate change risk assessments in their current analyses.
- As such, it does not meet State interest – housing supply and diversity<sup>28</sup> nor State interest – liveable communities<sup>29</sup> in terms of diversity, affordability, accessibility, safety, and community identity.

<sup>27</sup> State interest – cultural heritage policies 5, 6

<sup>28</sup> State interest – Housing supply and diversity policies 1,2,3,5

<sup>29</sup> State interest – Liveable Communities policies 1, 2,3,4

## Development

### State interest – development and construction



**Employment needs, economic growth, and a strong development and construction sector are supported by facilitating a range of residential, commercial, retail, industrial and mixed use development opportunities.**

- The purpose of this state interest is to provide a sufficient supply of suitable land for residential and other land to meet demand, physical constraints of the land and surrounding land uses<sup>30</sup>. It aims to deliver housing choice and diversity, among other things. It states that a planning scheme needs to address community's expectations by providing for development in appropriate places and in suitable form<sup>31</sup>. The proposed development does not meet community expectations; it is not needed to meet housing demand (according to Sunshine Coast Council); does not meet the types of housing needed; and does not adequately take account of physical constraints of the land.

### Judgement of Judge Everson dated 15 September 2022

The recent judgement against the Stockland appeal to the PAE Court concluded that:



**QUEENSLAND  
COURTS**

- Ecological sustainability is defined as a balance that integrates, amongst other things, the protection of ecological processes. The site is very constrained, particularly from an ecological perspective. The central wetland is of high ecological significance and unsurprisingly mapped as such pursuant to the planning scheme. The planning scheme contains a theme which requires the protection and enhancement of such areas.
- The appellant has not discharged the onus of demonstrating that the proposed development will protect and enhance the health of the central wetland. Indeed, on the evidence before me, there is a real prospect of detriment or destruction of this wetland should the appeal be allowed.

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30 State interest – development and construction policy 1

31 State interest – development and construction p31

- Moreover, it has not been demonstrated by the appellant that the variations sought in the Twin Waters West Plan of Development will be consistent with the established low density residential character of the adjoining Twin Waters residential community.
- The appeal was therefore dismissed.

The current application amongst other minor changes removes the variations at this time, and, increased their proposed severely constrained buffer to the central wetlands to that consistent with the acceptable outcomes of the Scheme.

The current application does not however:

- Amend the diversion of almost all surface flows from the central wetlands to service the “groundwater curtain” required to prevent salinity of the constructed water body from leakage into groundwater of the central wetland;
- Significantly amend the groundwater curtain; in fact salt leakage to the wetland increases under the current proposal as opposed to that submitted to the PAE Court.

**The critical reasons for the adverse finding have in fact not changed.**

## Conclusion

Our Community Groups respectfully request a meeting with the State Government to discuss the most effective way of addressing the concerns and issues raised in this letter namely:

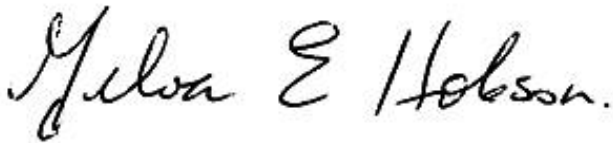
- Conflicts with State Interests have been approved leading potentially to precedents for similar developments;
- The key issue raised by Judge Everson when dismissing the last PAE court appeal has not been addressed together with other issues brought forward during the hearing;
- In addition, the approval conflicts with community expectations as evidenced by sustained opposition by our Community Groups to further large scale development on the Maroochy River floodplain.

We look forward to your response at your earliest convenience.


Yours sincerely,



.....  
Kathryn Hyman, President, Twin Waters West & Surrounds Inc.



.....  
Melva Hobson, PSM, President, Organisation of Sunshine Coast Association of Residents Inc.



.....  
Lynette Saxton, President, Development Watch Inc.

## Attachment A - History

The land on which Twin Waters now sits and of which TWW forms part is reclaimed swamp/floodplain.

In 1988 Lendlease commenced construction of a Resort and a residential canal estate on the Maroochy River floodplain. The development was known as Twin Waters. For reasons unknown to us, but presumably to protect Twin Waters from flooding, part of the land was left undeveloped and remained zoned Rural. This local residual floodplain is now known as TWW.

In order for the Twin Waters Resort and residential canal estate to be developed a substantial parcel of Crown land had to be and was sacrificed. As a result of the community backlash against the giving over of Crown land, the Maroochy River Conservation Park (MRCP) was established in 1992. This park immediately adjoins part of TWW.

After Twin Waters was developed, Lendlease on-sold the remaining land (TWW) to Stockland. At the time the land was still zoned Rural. It had been cultivated as caneland until 2004, part was within the East Maroochy Cane Lands precinct and part within Maroochy river plains planning area.

In 2007 Stockland lodged a DA to develop 950 lots on the land. This DA was refused by Council. Stockland appealed the decision to the PAE Court. Some of our Community Groups and State government departments supported Council as co-respondents. The Court, in QPEC13-79, upheld Council's decision in 2013.

Reasons given were that:

- though it was in the Regional Plan as urban footprint, it was not planned for urban expansion and was zoned Rural in Council's Planning Scheme;
- it was mapped as flood prone, with 'a reasonable probability of inundation during 100 year ARI flood event', including affecting David Low Way and the Sunshine Motorway given climate change (QPEC13-79). and an inadequate evacuation plan;
- good quality agricultural land; and
- planning, community need and benefit was not established.

To become flood immune would require substantial fill and it was agreed by flooding experts that site access could be cut by floodwaters in extreme events. Thus 'overriding community need in the public interest would 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' (QPEC13-79:100). A 'shelter in place' strategy was considered inadequate.

Further, a housing needs assessment found a mismatch of housing needs and current housing stock, with a need for reduction in detached houses and increase in affordable housing. The Judge assessed that there was not a strong planning need, nor an overriding need, required by the Planning Scheme (QPEC 13-79: 188).

We have highlighted details of QPEC 13-79 to demonstrate the Court's acknowledgement of substantial concerns with the proposed development of TWW, and sustained community concern with proposals for TWW development from 2007 to the present.

With minimal public consultation in late 2016, and despite a high level of community opposition, Council put forward and approved a Planning Scheme (PS) amendment rezoning the land from Rural to Emerging Community Zone. This amendment was adopted on 19 March 2018. There had been flawed public consultation: Council refused to hold a public meeting with the community during the consultation period; there was no inclusion of Council's flood hazard overlay; and no evidence provided that TWW area will not exacerbate future flooding in the publicly available amendment documents. SPP2016 required Planning Schemes to be accompanied by a 'fit for purpose' natural hazard study'. No studies had considered increased risk associated with the proposed new intensive urban development. This was in spite of the Queensland Floods Commission of Inquiry (2012) recommending that works in a floodplain should not reduce on-site flood storage capacity. Planning Schemes are the appropriate place to address cumulative impacts on floodplains.

This amendment amongst other changes:

- removed the heritage status of the area known as Settlers Park but added a performance outcome that the park was to be protected;
- removed two scenic amenity overlays;
- allowed development to be isolated during flood events with a flood refuge in place contrary to outcomes elsewhere in the Scheme; and
- created a Conservation and Rehabilitation Area (C&RA) to be protected and buffered from future development.

On 19 December 2018 Stockland lodged a further DA with Council proposing 584 lots of low and medium density housing. Council again refused the DA. Stockland again appealed Council's decision to the PAE Court. Again, some of our Community Groups supported Council as co-respondents. Again, the PAE Court upheld Council's decision. This Judgment was delivered on 15 September 2022, as QPEC 22-30.

Issues in dispute were ecology, water quality, flood emergency management, residential character, Settlers' Park, flood modelling and community expectations. In addition, no estimation was made of the amount of fill needed, the source, and impacts on the local transport network, nor was this requested by any parties.



On 11 May 2023, Stockland lodged another DA with Council. Council approved this development that essentially only widened the buffer to most wetlands in line with outcomes of the Scheme and moved the saline constructed water body further west in one portion.

**This DA, however, as shown in the application documents does not address all the key issue raised by Judge Everson when dismissing the last mentioned PAE court appeal. Most importantly, conflicts with State Interests have been approved leading to precedents for similar developments.** In addition, it conflicts with community expectations as evidenced by sustained opposition by our Community Groups to further large scale development on the Maroochy River floodplain.