

TAMBORINE MOUNTAIN PROGRESS ASSOCIATION INC.

“Protecting the quality of living on Tamborine Mountain”

Tamborine Mountain Progress Association Inc.
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TAMBORINE MOUNTAIN PROGRESS ASSOCIATION SUBMISSION TO DRAFT SCENIC RIM PLANNING SCHEME 2017

Tamborine Mountain Progress Association (TMPA) is pleased to have this opportunity to respond to the SRRC Draft Scenic Rim Planning Scheme (“the Scheme”).

We are representative landowners, residents and ratepayers of Tamborine Mountain who previously have been satisfied in general with the way in which the Scenic Rim Regional Council has applied the current *Beaudesert Shire Planning Scheme 2007*, and has otherwise represented the interests of Tamborine Mountain residents.

TMPA acknowledges that not only SRRC but all planning authorities at all government levels around Australia (see *ShapingSEQ 2017*) find themselves between the rock of an ever-increasing population and the hard place of where (and how) best to house that population - sustainably and well.

Changes the Scheme makes inevitably destroy the qualities that make Tamborine Mountain the unique, irreplaceable, nationally valued haven that it is. It is those qualities that annually bring over a million people to Tamborine Mountain, for recreation, refreshment, and respite from the urban commercialised world in which they live.

TMPA submits that the Scheme builds on an inherent structural conflict which makes its application questionable. The conflict is between the “vision”, “values” and “intention” as emphasised in the Strategic Vision (Part 3), and the applied effects of the Tables of Assessment, Zones, Overlays and Development Codes (Parts 5, 6, 8 and 9) specifically, as they affect Tamborine Mountain.

Tamborine Mountain would be changed irreversibly if this Scheme were to be applied in its present form. TMPA submits that Tamborine Mountain *as it is now* should be preserved, except for added environmental and rural open space protections.

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Key aspects of the Scheme in its current form concern us. This submission discusses only the issues relevant to Tamborine Mountain, with particular reference to the application and implications of:

1. Local Plans;
2. Reconfiguring of Lots
3. Dual Occupancy;
4. Rural;
5. Environmental Protection;
6. Social and Economic Wellbeing
7. Other

1. Local Plans

ShapingSEQ 2017 appropriately identifies Tamborine Mountain as a destination. The making of Tamborine Mountain as it is now has a long history; moreover, the deliberate preservation of Tamborine Mountain as a “hinterland village experience” has occurred because of development control planning and informed, thoughtful community participation in the relatively short period of time since 1975 (the Beaudesert Shire’s *Strategic Land Use Planning Policy*). The achievements that have made Tamborine Mountain treasured for what it is can also be undone - in an equally short period of time. Or shorter.

ShapingSEQ2017 further identifies Tamborine Mountain, or at least some parts of it, as having potential to accommodate urban growth. The case for Tamborine Mountain is that any urban growth is simply leveraging on its natural and rural values, including in part tourism and agri-business, rather than on any significant infrastructure. This is clearly illustrated for example, within the Local Government Infrastructure Plan as part of the Scheme, which identifies that trunk infrastructure only relates to active transport, parks and limited specific civic use on Tamborine Mountain.

The Mountain therefore has specifically limited capacity to accommodate safely and satisfactorily any significant levels of urban growth while also maintaining public expectations for land use and development. Any urban growth that Tamborine Mountain can safely and satisfactorily have must be understood through and guided by a planning scheme.

Surprisingly, there are no Local Plans for Tamborine Mountain in the Scheme. This is a deficiency which TMPA submits could be rectified with benefit.

The adjoining Logan City Council, with approximately a quarter of the area of the Scenic Rim Regional Council and in relative terms being less diverse, under its *Logan Planning Scheme 2015* has Local Area Planning that applies separately for precincts

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within Beenleigh, Browns Plains, Jimboomba, Logan Central, Logan Village, Loganholme, Loganlea, Park Ridge, Shailer Park and Springwood. These are all distinct or characteristic locations that vary in form, nature and functional intent. Accordingly, the planning systems in place recognise this appropriately and thus intentionally facilitate and guide development outcomes through Local Plans.

In comparison, the Scheme does not sufficiently consider local context for Tamborine Mountain. The Scheme inappropriately frames Zoning and Land Use for Tamborine Mountain as if a one size fits all methodology, as applicable throughout the SRRC, is appropriate here. Much of the existing Precinct mapping for Tamborine Mountain could be used for a Tamborine Mountain Local Plan. A Local Plan however should provide a detailed planning intent whereby Local Plan codes prevail over Zone codes.

There is neither holistic nor substantial acknowledgement of Tamborine Mountain's unique identity in the Scheme nor any planning intent reflecting that. Instead the Scheme applies generic labels of intent, terminology and outcomes. This criticism reflects on the blandness and structural shortcomings of the framework required under the *Queensland Planning Provisions*.

Fortunately, there are some tools in place to fix this deficiency, albeit they are not as would be most appropriate for Tamborine Mountain. A Tamborine Mountain Local Plan will provide a locally focused outcome and a realistic level of planning for a location that necessarily requires a considered and thoughtful scheme.

TMPA submits that Council's program for a Tamborine Mountain Local Area Planning process should be expedited and in place well before the Scheme is implemented and the *Beaudesert Shire Planning Scheme 2007* is superceded.

2. Reconfiguring of Lots

In the *Beaudesert Shire Planning Scheme 2007* there is the provision that no further Lots be created in the Residential, Cottage Tourist Facility and Village Residential Zones and that the minimum Lot size for the Park Living Zone is 2ha and the Rural Character Zone is 4ha. In the draft Scheme the Zones have been renamed with different criteria for Reconfiguring a Lot and in some instances allotments have been allocated to a quite different category.

The 'strategic intent' of the Scheme states "*Limited low density residential lots are created on Tamborine Mountain to consolidate the existing rural residential development pattern.*" The "existing rural residential development pattern" is an ambiguous outcome without context for some of the allotments identified for further potential subdivision, and may suggest inconsistent development patterns. It further

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raises a specific issue in the Scheme: that there are no studies to suggest and guide an accepted forecast population for Tamborine Mountain.

According to available census information, Tamborine Mountain has only grown at a rate of approximately 100 persons every year. Even so, the available data does not indicate the proportion of this increasing population that are either permanent or transient residents. The rate of growth for permanent residents is anticipated to be slightly less.

The Scheme represents a high forecast for growth on Tamborine Mountain. Nevertheless for what is allegedly a key population centre, there remains a limited potential for growth on Tamborine Mountain necessary to address the fundamental constraints which are specific to it: the environment, transport, water and infrastructure. In the absence of any materials whatsoever that guide an accepted forecast population for Tamborine Mountain, there should be no wholesale change to the current *Beaudesert Shire Planning Scheme 2007* as it applies.

For example, TMPA observes that the approximately 730 allotments within the Rural Residential Zone, many of which remain vacant, according to Lot provisions are anticipated to achieve in excess of 1,200 allotments. This effectively suggests a forecast twofold population increase within Tamborine Mountain. The rate of growth facilitated under the Scheme is simply untenable if Tamborine Mountain is to remain as asset.

TMPA supports that no additional Lots are created in the Conservation Zone; Low Density Residential Zone - Mountain Residential Precinct, and Minor Tourism Zone.

TMPA submits that there should be no further subdivision in the Rural Residential Zone - where no Precinct applies. Much of this area is currently Village Residential with no subdivision permitted. If subdivision is to be allowed TMPA submits there should be no Rural Residential Zone - where no Precinct applies on Tamborine Mountain. Or alternatively, the minimum Lot size should be 10,000m² (and not 3,000m² as proposed).

The Rural Residential Zone - Rural Residential A Precinct on Tamborine Mountain appears to be made up largely of an amalgamation of the current Rural Character and Park Living Zones. Under the Scheme Accepted Development would allow subdivision to 2ha but, if meeting certain criteria, Lot sizes could be 1ha. TMPA submits that the minimum Lot size in the Rural Residential Zone - Rural Residential A Precinct should not be less than 2ha.

TMPA considers that, in keeping with 3.3 Strategic Vision that Tamborine Mountain “(2) is characterised by a mix of rural production, tourism and rural enterprise opportunities...”, larger lots which are currently being used for rural production purposes or have the potential to be used for farming purposes should not be fragmented by subdivision. Of particular concern in this regard are Lot 1 SP240782; Lot 2 SP243136; Lot 6 SP137576; Lot 4 SP145316; Lot 16 RP32167; Lot 1 RP45268; Lot 1 RP131340 and Lot 2 RP131340, as well as the numerous lots making up a rural land holding comprising established vineyard and winery along Beacon Road.

If these Lots or the parts designated Rural Residential Zone (subdivision to 3,000m² subject to criteria) in the Scheme were to be zoned Rural Zone - Tamborine Mountain Rural Precinct (no subdivision less than 100ha) their existing use and potential use would be retained. Areas such as these will only become scarcer in time. It is critical that their values are recognised and maintained into the future. Once lost to a rural residential subdivision, those continuing opportunities for rural production, tourism and rural enterprise cannot be reclaimed which is completely detrimental to the stated Strategic Vision and much more.

Amongst other values, these lots promote the rural production character and enhance the landscape and environmental values by:

- providing opportunities for contributing to local food self-sufficiency,
- providing a sense of open space,
- providing vegetated corridors and buffer areas for native flora and fauna, and
- absorbing rainfall into the aquifers.

3. Dual Occupancy

Predominantly, Tamborine Mountain is made up of a Community Facilities Zone, Conservation Zone, District Centre Zone, Low Density Residential Zone - Mountain Residential Precinct, Minor Tourism Zone, Mixed Use Zone, Recreation and Open Space Zone, Rural Residential Zone and Rural Residential Zone - Rural Residential A Precinct, Rural Zone - Rural Escarpment Precinct and Rural Zone - Tamborine Mountain Rural Precinct, and Special Purpose Zone.

The Dual Occupancy Code allows for two dwellings on one Lot subject to certain criteria. In the 2007 Scheme (current) a Dual Occupancy is Accepted Development in certain precincts where on a Lot of at least 2,000m² and having a gross floor area of less than 100m². Under the Scheme in the Low Density Residential Zone - Mountain Residential Precinct, and in the Rural Residential Zone (where no precinct applies), a Dual Occupancy is Accepted Development if the proposal meets the Performance Outcomes and is on a lot of at least 6,000m², or Code Assessable development if the

proposal meets the Performance Outcomes and is on a lot of at least 3,000m². Additionally in the Rural Residential Zone - Rural Residential A Precinct a Dual Occupancy is Accepted Development if the proposal meets the Performance Outcomes and is on a lot of at least 2ha.

There is therefore a notable incentive for Dual Occupancy development where it is predominantly identified as an Accepted Development subject to requirements. For Tamborine Mountain this occurs primarily in the Low Density Residential Zone - Mountain Residential Precinct, the Rural Residential Zone - Rural Residential A Precinct, and Rural Zone, both the Escarpment Precinct and the Tamborine Mountain Rural Precinct.

The Scheme depicts that new Lots are generally Assessable Development with some requirements, whereas a Dual Occupancy is Accepted with fewer requirements. For example, in the Low Density Residential Zone - Mountain Residential Precinct a Dual Occupancy is accepted development on a lot 3,000m² or greater, but in the same zone for new Lots the Scheme states "*Land contained in the Low Density Residential Zone does not provide for the creation of any additional lots due to the unavailability of a reticulated water supply and sewerage infrastructure and to maintain the unique village character and development pattern of these areas.*" There is an issue in the Scheme as drafted whereby there is application of different sets of principles for similar situations which conveys a mixed message.

The Dual Occupancy Code requires, as an Acceptable Outcome, waste water to be disposed of on-site greater than 3,000m². However, when 3,000m² Lots are included the number of Lots potentially available for a Dual Occupancy development is substantially increased. Relatively speaking, in terms of infrastructure and servicing requirements, and broader impacts of development such as maintaining local character, there is little to no difference between a new Lot and a new dwelling as part of a Dual Occupancy. Tamborine Mountain under the Scheme is at risk of exponential diminishing protections of scale and intensity of Dual Occupancy developments when also subject to the creation of new lots in which those Dual Occupancy are being encouraged by the Scheme.

Re: 9.3.4 Dual Occupancy Code

Because Dual Occupancy on a Lot sized between 3,000m² and 6,000m² is Consistent Development, provided that the capacity to dispose of all waste water on site can be proven, the opportunities for Dual Occupancy (more housing) are substantially increased beyond the limiting factor of Acceptable Development being on a site of 6,000m². Therefore, to protect the rural residential character of Tamborine Mountain, TMPA submits that the minimum lot size for a Dual Occupancy that is consistent development should be no less than 6,000m².

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The Dual Occupancy Code requires, as an Acceptable Outcome that “*The window of at least one habitable room of each dwelling of the Dual occupancy overlooks the street or adjoining public spaces.*” When Dual Occupancy development is increased and requires essential overlooking of road frontages there is significant potential for conflict of values held for a rural residential setting.

Re: Table 9.3.4.3.1, Performance Outcome 5

The implementation of crime prevention through environmental design is understood. TMPA submits that only one dwelling of a Dual Occupancy should necessarily provide casual surveillance for an adjoining street and/or other public space. Proliferation of Dual Occupancy developments visible from the street frontage is a counterproductive design outcome and which is not appropriate for Tamborine Mountain.

TMPA would rather not see Dual Occupancies constructed along road frontages simply to achieve a compliance as would happen to ensure consistency and be Accepted Development rather than needing development application.

In the Dual Occupancy Code it is stated (AO7) “*Where located outside of a drinking water connection area, the Dual occupancy is connected to an on-site water supply with a storage capacity of at least 45000L.*”

Re: Table 9.3.4.3.1, Performance Outcome 7

The Dual Occupancy Code AO7 the on-site water supply should have a storage capacity of at least 45,000L for each dwelling. AO7 is ambiguous as to whether the SITE storage capacity is 45,000L or each dwelling is to have a storage capacity of at least 45,000L.

As 45,000L is the capacity required for one dwelling TMPA submits that AO7 should be clear that each dwelling is to have a storage capacity of 45,000L.

4. Rural

Aquaculture

TMPA considers that commercial Aquaculture is unacceptable on Tamborine Mountain because of the risks of contaminated water being released accidentally or otherwise into the many headwaters on the Mountain of the catchments of the Albert, Logan, Nerang and Coomera rivers. If permitted at all this Use should be Impact Assessable.

Extractive Industry Code

TMPA supports no further development of commercial extraction of groundwater for uses off the Mountain. Nevertheless, the need for Tamborine Mountain residents and businesses to be able to “top up” or refill water storage tanks on occasions needs to be recognised.

Therefore, TMPA proposes that there be a Code that allows extraction of groundwater for extraction and sale for use on Tamborine Mountain only. This would also allow for the establishment of new supply sites if current supply sites were to become inadequate to meet demands.

TMPA notes that groundwater extraction is defined (per Schedule 1 Definitions) as both a Utility Installation (but not a minor utility installation), and separately also falls under definition as an Extractive Industry. TMPA suggests clarity of definitions for groundwater extraction should be made as this will determine whether State interests are applicable.

Permanent Plantation Use

TMPA submits that a permanent plantation for growing, but not harvesting plants, for carbon sequestration, biodiversity, natural resource management or another similar purpose must not supplant existing native vegetation.

5. Environmental Protection

Land in Tamborine Mountain, including relatively larger parcels of land such as Lot 1 RP45268, Lot 16 RP32167, Lot 4 SP145316 and Lot 6 SP137576, are being proposed for a facilitated development under the Scheme. These allotments fall entirely within groundwater dependent ecosystems and are in proximity of, if not abutting, National Park. TMPA submits this is an ecologically damaging step.

TMPA notes that all those stated allotments in fact feature watercourses. Irrespective of these open watercourses, the location typically receives more than 1,550mm of rain each year, feeding subsurface streams and basins that provide immeasurable support for the varying regional ecosystems as well as life on the Mountain.

The protections proposed in the Scheme offer no merit nor consideration for the significant groundwater dependency on Tamborine Mountain. TMPA opposes support for development on Tamborine Mountain that may compromise a shared resource significantly.

Consonant with this position, TMPA submits that along with significant landscape and environmental values, there must be no compromise to environmental protections. In this regard, the 'strategic vision' for the Scheme states that Tamborine Mountain:

- (3) has facilitated limited additional low-density acreage lots through the consolidation of the existing rural residential development pattern whilst conserving the landscape and natural values of the area;
- (4) has conserved and enhanced ecological and landscape values, which form an integral part of the development pattern; and
- (5) has retained and enhanced the landscape and environmental values and vegetated corridors that traverse the plateau connecting to the escarpment areas

The 'strategic intent' then goes on to state:

Limited low density residential lots are created on Tamborine Mountain to consolidate the existing rural residential development pattern. Additional lots are supported in the rural residential zoned areas only where:

- shown on the Minimum Lot Size Overlay Map OM-13; and
- consistent with the minimum lot sizes and dimensions prescribed in the zone; and
- any identified landscape and natural values are conserved or enhanced].

TMPA considers the outcomes of the 'Strategic Intent' do not achieve the desired greater 'strategic vision' for Tamborine Mountain, that is to conserve and enhance ecological, landscape and environmental values. Those values are upheld by Mountain residents in ensuring that environmental values are not further compromised, such as occurs with the creation of new lots.

Any relevance of the Environmental Significance Overlay Code appears to relate and apply predominantly where the development footprint is within a Environmental Significance Overlay. It does not ordinarily alter the level of assessment.

Tamborine Mountain is therefore dependent upon whether the Environmental Significance Overlays are applicable, as well as accurate. However, there is limited increased level of assessment to ensure that all of the Scheme applies for development of land containing matters of environmental significance. For example, there is no increased level of assessment for clearing of native vegetation to gauge public perception of the extent being proposed.

Insofar as to conserve and enhance ecological and landscape values, the only apparent effort for protections are in the State and Local environmental significance and biodiversity mapping. However, ecological and landscape values extend well beyond limits and locations of what is a defined State and Local environmental interest. Additionally, the broad-brush mapping for all intents and purposes is best available data, but remains to be broad-brush mapping only. Should the Scheme be applied, with the cumulative impact of reduced levels of protection and reduced level

of assessment, there is a grave and significant risk of compromise to ecological and landscape values and vegetated corridors of Tamborine Mountain.

TMPA submits the lack of any meaningful protection for native flora and fauna and overall biodiversity of Tamborine Mountain must be addressed before the Scheme is finalised.

There appears to be a nexus lacking between the overall 'strategic vision' and the actual performance outcomes of zone codes intended to achieve this. For example, the purpose statement of the 'Rural Residential Zone - where no precinct applies' makes no reference whatsoever to ecological and landscape values. Although, the purpose statement of 'Rural Residential Zone - Rural Residential Precinct A' differentiates in stating:

Character:

- (i) involves low density residential living on large acreage lots, in a semi-rural or natural landscape setting, where natural landscape features and environmental values such as ridgelines, waterways, vegetation, ecological corridors and open space prevail over the built form;

Much of Tamborine Mountain is within the latter 'Rural Residential Zone - Rural Residential Precinct A'. Although, some allotments are not within the precinct they contain obvious significant natural features. These lots excluded from the precinct are offered a compromised level of protection through land development. This is a clear issue. There should be no Rural Residential zoned lots in Tamborine Mountain that are not within a precinct that appropriately deals with natural landscape features and environmental values.

The Performance Outcomes for the Rural Residential Precinct A Zone code then make no reference whatsoever to ecological and landscape values, other than that "*Development maintains and protects important views to significant landscape features, including ridgelines.*" The Acceptable Outcome to achieve this Performance Outcome then does not allude to any significant values other than broad reference to "*significant landscape features*" and "*a ridgeline*", which are abstract terms and easily misrepresented.

No single purpose stated in the Zone codes adequately makes reference to maintaining environmentally significant areas. The Rural Residential Zone Code - Rural Residential A Precinct, as discussed before, makes minimal reference. All Performance Outcomes of zones make no reference to achieving, maintaining or reactivating environmental corridors. The essential levels of adequate protection for Tamborine Mountain lacking.

TMPA submits that the Scheme provides a diminishing protection for conservation of landscape and natural values. It additionally diminishes protection for the values of Tamborine Mountain that have made it a renowned destination. Whereas under the *Beaudesert Shire Planning Scheme 2007* existing values such as the natural and living environment and the much sought-after interaction between people and those natural values are demonstrated in land use codes and are not only determined on the basis of overlays.

6. Social and Economic Wellbeing

The proposal for new lots on Tamborine Mountain in the Scheme appears oblivious to prior recognition and understanding that the locality was vulnerable to the loss of value through further developments as occurred in the 1970s and 1980s. At that time the Beaudesert Shire Council initiated the Development Control Plan of 1983. Thirty five years later, Tamborine Mountain has continued to grow and be appreciated for what it is.

TMPA notes that not only did previous planning instruments *control* planning, they *facilitated* growth, and direction for appropriate development of the Tamborine Mountain's natural attractions, village environment, tourism and agri-business sectors. The impressive diversity and attractions offered by Tamborine Mountain are a demonstration that there is no need for further creation of additional lots to create successful planning outcomes and a thriving social, natural and economic environment.

The Draft Scenic Rim Planning Scheme represents for Tamborine Mountain an unprecedented quantum of infill development suggesting that there is a need. However, no need has been satisfactorily discussed in the Scheme, nor elsewhere. There is no rationale for wholesale infill development. Any argument that may be offered has not been put forward to the public for a comprehensive and robust discussion prior to the release of the Scenic Rim Planning Scheme.

7. Other

Dwelling House Code

The Dwelling House Code allows for the inclusion of a secondary dwelling, subordinate to the primary dwelling house. The Scheme limits the gross floor area (gfa) of this permanent accommodation to 60m² whilst the temporary accommodation of a Tourist Cabin (no laundry permitted) can have a maximum gfa of 100m². The permitted size of a secondary dwelling should be sufficient to allow for a second bedroom, e.g. for a sleep over carer, and for a bathroom and hallways etc. large enough to allow it to be used by a person with a significant physical disability.

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Re: 9.3.5 Dwelling House Code: Additional requirements for a secondary dwelling: PO4, AO4 (1) has a gfa not exceeding 60m². TMPA considers that is too limiting and submits that 80m², if not 100m², would be more reasonable given that temporary tourist cabin accommodation may have a maximum gfa of 100m², particularly if the secondary dwelling is intended for a relative with a physical disability.

Carwash

Car wash as a temporary activity 1 day per week is not opposed but TMPA submits that the use of premises for the commercial cleaning of motor vehicles should be excluded in the District Centre Zone (North Tamborine) and the Neighbourhood Centre Zone (Eagle Heights) because of issues around water usage and disposal.

Summary

TMPA submits that the Scheme builds on an inherent structural conflict which makes its application questionable.

The conflict is between the “vision”, “values” and “intention” as emphasised in the Strategic Vision (Part 3), and the applied effects of the Tables of Assessment, Zones, Overlays and Development Codes (Parts 5, 6, 8 and 9) specifically, as they affect Tamborine Mountain.



Jennifer Peat
Honorary Secretary.