

## **Explanatory Memorandum**

# **Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16 – Kawana Waters Town Centre**

**October 2018**



## **1. Short title**

The amendment instrument to which this explanatory memorandum relates is the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16*, relating to Kawana Waters Town Centre.

## **2. Type of local planning instrument**

The amendment to *Development Control Plan 1 Kawana Waters* constitutes a 'qualified state interest amendment' in accordance with Schedule 1 of the *Minister's Guidelines and Rules* and Section 20 of the *Planning Act 2016 (Act)*.

In accordance with Schedule 3 (Required material), section 2(b) of the *Minister's Guidelines and Rules*, the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* is consistent with the definition of a 'qualified state interest amendment' for the following reasons:

- the amendment is not a minor amendment or an administrative amendment;
- the amendment does not affect more than three state interests;
- the amendment does not involve the state interest of natural hazard, risk and resilience as set out in the State Planning Policy (SPP);
- the amendment reflects the guiding principles of the SPP, does not adversely affect a state interest in the SPP or South East Queensland (SEQ) Regional Plan, accords with the Act's purpose and is consistent with the regulated requirements under the Act.

## **3. Entity making the Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16**

The entity making the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* is the Sunshine Coast Regional Council.

## **4. Land affected by the Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16**

The *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* applies to that part of the planning scheme area within *Development Control Plan 1 Kawana Waters* which is the subject of the *Kawana Waters Development Agreement*, as shown on Map SCC1 (Local government planning scheme area and context) of the *Sunshine Coast Planning Scheme 2014*.

## **5. Purpose of the Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16**

The purpose of the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* is to make amendments to *Development Control Plan 1 Kawana Waters* (to which section 86(4) (Planning schemes for particular local governments) and section 857 (Development control plans under repealed *Local Government (Planning and Environment) Act 1990*) of the repealed *Sustainable Planning Act 2009* continue to apply under section 316 (Development control plans) of the *Planning Act 2016*), to reflect the provisions of the *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017*.

## **6. Reasons for the Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16**

*Development Control Plan 1 Kawana Waters* is the planning instrument for that part of the Council's local government area the subject of the *Kawana Waters Development Agreement*.

*Development Control Plan 1 Kawana Waters* was gazetted on 13 December 1996 under the repealed *Local Government (Planning and Environment) Act 1990* and was a component of the *Caloundra City Council Planning Scheme 1996*.

*Development Control Plan 1 Kawana Waters* was included in the *Caloundra City Plan 2004* under the repealed *Integrated Planning Act 1997*.

*Development Control Plan 1 Kawana Waters* has been incorporated, applied or adopted into the *Sunshine Coast Planning Scheme 2014* (other than by means of incorporation into the text of the Planning Scheme itself) under section 86 of the repealed *Sustainable Planning Act 2009* which continues to apply under section 316 of the *Planning Act 2016* (refer to Section 1.2 (1) (b) (Planning Scheme Components) of Part 1 (About the Planning Scheme) of the *Sunshine Coast Planning Scheme 2014*).

On 12 October 2017, Council adopted *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* relating to the Kawana Waters Town Centre within *Development Control Plan 1 Kawana Waters*. *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* revises the planning and development framework for the Kawana Waters Town Centre and provides for the following:

- a strong retail facility immediately adjacent to the proposed Multi-Modal Transport Corridor and an Urban Village comprising a mix of commercial, entertainment and residential uses;
- the protection of the future public transport corridor through the Kawana Waters Town Centre which aims to provide for a high quality and efficient public transport network to service the Kawana Waters Town Centre and the Kawana Health Campus;
- additional commercial floor space within the Kawana Waters Town Centre to support the Kawana Health Campus including opportunities for health research and development; and
- increased residential yields to support transit oriented development.

*Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* was gazetted on 20 October 2017 and came into effect on and from 20 October 2017. The *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* suspends and affects the operation of *Development Control Plan 1 Kawana Waters*. The *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* will cease to have effect on 20 October 2018.

Council has prepared the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* to provide for the continued effect of the provisions in the *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017*.

## **7. Details of the Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16**

The *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* makes the following amendments to *Development Control Plan 1 Kawana Waters*:

- (a) amends minor typographical and grammatical errors throughout the Development Control Plan;
- (b) defines new terminology to reflect the proposed development;
- (c) removes all references to the Transit Precinct;
- (d) renumbers sections of the Development Control Plan;
- (e) amends the Open Space (Recreation) Summary requirements for the Detailed Planning Area 13 (DPA 13) – Town Centre;
- (f) clarifies that the Community facility adjacent to the Regional Hospital may be developed for a Community Purpose;
- (g) reflects revised land uses for Precinct 6 of Detailed Planning Area 9 (DPA 9);
- (h) clarifies the intent for street activation of development sites with frontage to the Central Spine – Birtinya Island and situated across from the Village Park in Detailed Planning Area 11 (DPA 11) – Birtinya Island;
- (i) clarifies the intent of the Town Centre in the Detailed Planning Area 13 (DPA 13) – Town Centre;
- (j) reflects revised land use locations, densities, road layouts and future public transport corridors in the Detailed Planning Area 13 (DPA 13) – Town Centre;
- (k) amends the main street network throughout the Town Centre East Precinct and the Town Centre West Precinct in accordance with the traffic modelling undertaken for these precincts;
- (l) identifies and protects the bikeways and pedestrian paths for each of the Detailed Planning Areas;
- (m) identifies and protects the Public Transport Corridor along Kawana Way; and

- (n) implements mapping amendments to reflect the above changes.

## 8. Compliance with the Planning Act 2016

The *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* has been prepared in accordance with:-

- (a) Section 20 (Amending planning schemes under Minister's rules) of the *Planning Act 2016*; and
- (b) the *Minister's Guidelines and Rules (July 2017)* made under the *Planning Act 2016*.

In accordance with Schedule 3 (Required material), section 2(c) (ii) and (iii) of the *Minister's Guidelines and Rules*, the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16*:

- (a) accords with the Act's purpose in that it seeks to facilitate the achievement of ecological sustainability balancing ecological processes and natural systems, economic development outcomes, and the maintenance and enhancement of cultural, economic, physical and social wellbeing of people and communities in a localised context;
- (b) is not required to be consistent with the regulated requirements for the following reasons:
  - a. the *Local Government (Planning and Environment) Act 1990* (LGP&E Act) and the *Caloundra City Planning Scheme 1996* continue to apply to the Kawana Waters DCP under Clause 2.2(b) of the DCP, section 316(2)(b) (Development Control Plans) of the *Planning Act 2016* and section 857(2) (Development Control Plans under repealed LGP&E Act) of the repealed *Sustainable Planning Act 2009* (SPA); and
  - b. the terms throughout the Kawana Waters DCP are defined terms under the LGP&E Act and have not incorporated terms from the SPA.

## 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.

A new State Planning Policy (SPP) commenced on 3 July 2017 and a new Regional Plan – *ShapingSEQ South East Queensland Regional Plan 2017* – was released on 11 August 2017. Council is currently undertaking a review of the *Sunshine Coast Planning Scheme 2014* with a view to commencing an amendment process to align the planning scheme with the new SPP and Regional Plan.

A review of the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16* has confirmed that the amendment does not adversely affect a state interest in the State planning instruments. In accordance with Schedule 3 (Required Material) of the *Minister's Guidelines and Rules*, particular aspects of the amendment that have been identified as potentially relevant to State planning instruments are detailed in **Table 9.1** below.

**Table 9.1 Compliance with State planning instruments**

State Interest	Summary of Compliance
<b>ShapingSEQ – South East Queensland Regional Plan 2017</b>	<p>The SEQ Regional Plan 2017 identifies Kawana as a Regional Economic Cluster that supports priority sectors of health and professional services. The core precinct of the Kawana activity centre is intended to provide a range of higher order consumer functions, such as retail and commercial services. The SEQ Regional Plan 2017 also outlines that delivering the passenger transport corridor and Kawana town centre will accelerate economic activity in this cluster.</p> <p>The amendment continues to support the intent of the SEQ Regional Plan 2017. In particular, the amendment facilitates uses within the Kawana Waters Town Centre with a commercial and allied medical services focus, to support and complement the Hospital and also facilitates the provision of</p>

State Interest	Summary of Compliance
	key State infrastructure in the vicinity of the Hospital, such as the future public transport corridor.
<p><b>State Planning Policy July 2017 – Planning for liveable communities and housing:</b></p> <ul style="list-style-type: none"> <li>• Housing supply and diversity</li> <li>• Liveable communities</li> </ul>	<p>The amendment provides for a range of land uses (including commercial, entertainment and residential uses) with improved access and connectivity to services, employment and infrastructure, such as the existing Hospital site and future Transit Station.</p> <p>The amendment also increases residential yields within the Kawana Waters Town Centre and incorporates design requirements that support transit orientated development outcomes.</p>
<p><b>State Planning Policy July 2017 – Planning for economic growth:</b></p> <ul style="list-style-type: none"> <li>• Development and construction</li> </ul>	<p>The amendment revises the planning and development framework for the Kawana Waters Town Centre to support employment and economic growth, including increased construction activity in the area.</p>
<p><b>State Planning Policy July 2017 – Planning for Infrastructure:</b></p> <ul style="list-style-type: none"> <li>• Infrastructure integration</li> <li>• Transport infrastructure</li> </ul>	<p>The amendment provides for the protection of the future public transport corridor through the Kawana Waters Town Centre, which aims to provide for a high quality and efficient public transport network to service the Kawana Waters Town Centre and the Hospital.</p> <p>The amendment also provides a high level of integration of a range of land uses within the Kawana Waters Town Centre with the future Transit Station.</p>

## 10. Consultation with government agencies

During the preparation of the Temporary Local Planning Instrument for the Kawana Waters Town Centre, consultation was carried out with the Department of Infrastructure, Local Government and Planning, Department of Natural Resources and Mines and Department of Transport and Main Roads.

In particular, Council officers consulted with and actively engaged the Department of Transport and Main Roads (being party to the Kawana Transport Infrastructure Agreement) in preparation and evaluation of the land use and infrastructure outcomes and traffic modelling scenarios for the Kawana Waters Town Centre. Council officers also consulted with the Department of Natural Resources and Mines (as party to the Development Agreement and the Lessor of the Development Lease No. 2) in relation to the Council's proposal to effect the operation of the Development Control Plan 1 Kawana Waters through the proposed Temporary Local Planning Instrument. The outcomes of the consultation with State agencies, informed the preparation of the Temporary Local Planning Instrument. This included additional provisions added into the Development Control Plan 1 Kawana Waters, in response to feedback received from the Department of Transport and Main Roads relating to the requirement for strong pedestrian and cycle connections between the Transit Station and major land uses, and the achievement of overlooking of the Transit station, bus set-down and lay-by areas through the siting of active uses and public thoroughfare spaces.

In relation to the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16*, Council officers met with representatives from the Department of Infrastructure, Local Government and Planning (DILGP), Regional and Spatial Planning and Regional Services – SEQ (North) on 23 November 2017 to discuss the proposed planning scheme amendment. It was identified at this meeting that the above mentioned State agency participants involved in the preparation of *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017*, may also have a specific interest in the proposed planning scheme amendment.

In accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules (July 2017)*, Council sent a copy of the proposed amendment to the Planning Minister on 2 January 2018, advising of Council's decision to make the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment)* and to seek approval to proceed to public consultation.

On 4 May 2018, Council received advice from the Planning Minister that it may proceed to public consultation, with no conditions.

## 11. Public consultation

In accordance with the *Minister's Guidelines and Rules*, Council must undertake formal public consultation when making a 'qualified state interest amendment', once the planning and preparation step is complete. In this regard, Council received approval to commence public consultation from the Planning Minister, by letter dated 4 May 2018.

The proposed planning scheme amendment was placed on public consultation from 4 June to 6 July 2018.

The consultation and communication strategy implemented during the public consultation period involved the following:-

- formal public consultation on the proposed amendment for a period of 24 business days;
- a notice placed in the Sunshine Coast Daily on Saturday, 2 June 2018;
- a notice placed on Council's website and a copy placed at Council offices prior to the consultation period commencing;
- written notice to affected land owners;
- release of an industry newsflash to all regular planning scheme users and community members that have expressed an interest in receiving information about planning and development matters;
- briefings to community associations; and
- a copy of the proposed amendment made available at Council offices and available for viewing and downloading on Council's website.

## 12. Consideration of public submission

In accordance with the *Minister's Guidelines and Rules*, following public consultation, Council must consider every properly made submission about the proposed amendment and may consider other submissions.

During the public consultation period, two (2) properly made submissions were received by Council objecting to the proposed amendment.

A consultation report has been prepared in accordance with the *Minister's Guidelines and Rules*, which provides a summary of the matters raised in submissions and how these matters have been dealt with. A copy of the consultation report has been provided to each person who made a properly made submission and is also available to view or download on Council's website. Refer to **Appendix 1**.

Following the consideration of submissions, Council decided to proceed with the proposed amendment, with no changes.

## 13. Notice of compliance and Minister's consideration

In accordance with section 13 of the *Minister's Guidelines and Rules (July 2017)*, Council is required to provide a notice of compliance to the Planning Minister after the completion of public consultation of the proposed amendment.

On 9 August 2018, Council provided a notice of compliance (including a copy of the consultation report) to the Planning Minister. Council also forwarded a copy of the proposed amendment to the Planning Minister for approval for Council to adopt.

On 5 September 2018, Council received advice from the Planning Minister that it may adopt the proposed amendment, with no conditions.

## 14. Background studies and reports

No additional background studies or reports have been prepared to inform the preparation of the *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. 16*.



**Proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) – Kawana Waters Town Centre**

**Consultation Report**

**No. of submissions: 2**

**Key issues raised in submissions:**

- **Object to the proposed changes on the grounds that the draft proposal:**
  - has not been subject to public review; and
  - is not included in the recent infrastructure plan.
- **Concerned about the reduction in car parking for local residents and people visiting the hospital.**

*Environment) Act 1990 and was a component of the Caloundra City Council Planning Scheme 1996. In 2004, the Kawana Waters DCP was included in the Caloundra City Plan 2004 under the repealed Integrated Planning Act 1997. In 2014, the Kawana Waters DCP was applied or adopted into the Sunshine Coast Planning Scheme 2014 under the repealed Sustainable Planning Act 2009.*

The Sunshine Coast Planning Scheme 2014 identifies the area of land within Kawana that is located within the Kawana Waters DCP and is the subject of the Development Agreement (refer Figure 1).

**INTRODUCTION**

The proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) – Kawana Waters Town Centre* (the proposed amendment) was subject to formal public consultation from 4 June to 6 July 2018.

During the public consultation period, 2 submissions were received by Council objecting to the proposed amendment.

This consultation report provides a summary of the proposed amendment, considers the key issues raised in submissions and outlines Council’s intentions in relation to the proposed amendment following consideration of submissions.

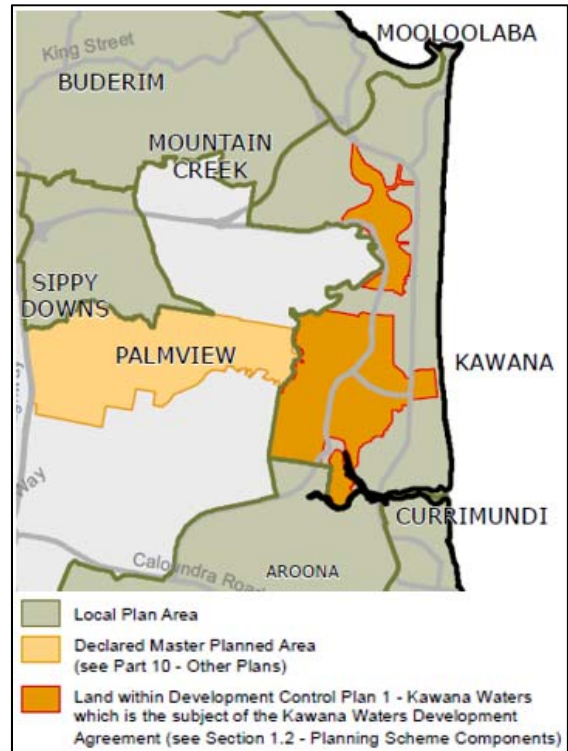
**SUMMARY OF PROPOSED PLANNING SCHEME AMENDMENT**

**Background**

The development of Kawana Waters is the subject of a planning and development framework implemented in the *Kawana Waters Development Agreement* (Development Agreement) and the *Development Control Plan 1 – Kawana Waters* (Kawana Waters DCP).

The Development Agreement was executed in September 1996. The Kawana Waters DCP was gazetted in December 1996 under the repealed *Local Government (Planning and*

**Figure 1: Land located within Development Control Plan 1 – Kawana Waters**



All development within the Kawana Waters DCP area must comply with the Kawana Waters DCP and associated Structure Plan, Master Plans and Infrastructure Agreements, which are available on Council’s website:



<https://www.sunshinecoast.qld.gov.au/Council/Planning-and-Projects/Major-Regional-Projects/Kawana-Master-Plans>.

In October 2016, Council resolved to prepare a Temporary Local Planning Instrument (TLPI), relating to the Kawana Waters Town Centre. The purpose and general effect of TLPI No. 3 was to revise the planning and development framework for the Kawana Waters Town Centre.

TLPI No. 3 provides for a strong retail facility in an Urban Village together with a mix of commercial, entertainment and residential uses. In particular, the commercial floor space within the Town Centre supports the Kawana Health Campus and the Sunshine Coast University Hospital. TLPI No. 3 also provides for increased residential yields to support transit oriented development along with the protection of the future public transport corridor through the Town Centre.

The need to undertake the TLPI process was also necessitated by the withdrawal of Government funding for a proposed TAFE and Queensland Ambulance Station in the Town Centre West Precinct which meant that the current planning and development framework contained within the Kawana Waters DCP was no longer appropriate for the Town Centre.

On 12 October 2017, Council adopted *Temporary Local Planning Instrument (Kawana Waters Town Centre) No. 3 2017* (TLPI No. 3), which suspends and affects the operation of the Kawana Waters DCP. TLPI No. 3 was gazetted and came into effect on 20 October 2017. TLPI No. 3 will cease to have effect on 20 October 2018.

To enable the provisions in TLPI No. 3 to have continued effect beyond 20 October 2018, Council is required to formally amend the Kawana Waters DCP, which is being undertaken through the preparation of the proposed amendment.

## **CONSIDERATION OF KEY ISSUES RAISED IN SUBMISSIONS**

### ***The draft proposal has not been subject to public review***

The Kawana Waters DCP has included plans for the Kawana Waters Town Centre since its inception in 1996. The Kawana Waters Town Centre is an integral part of the broader

Kawana Waters Master Planned development area.

The Kawana Waters DCP was initially placed on public consultation, prior to its gazettal in 1996. Various amendments have been made to the Kawana Waters DCP since that time, which have all been subject to public consultation.

The most recent proposal to amend the Kawana Waters DCP was placed on public consultation from 4 June to 6 July 2018. It is acknowledged that these proposed changes have already been enacted by way of TLPI No. 3, which was approved by the Planning Minister on 4 September 2017 and adopted by Council on 12 October 2017.

Following the adoption of TLPI No. 3, the Master Plan for the Kawana Waters Town Centre was approved by the Department for Natural Resources Mines and Energy (DNRME) in accordance with TLPI No. 3.

In accordance with the *Planning Act 2016*, public consultation is not required to be undertaken for a TLPI or Master Plan.

It should be noted that the proposed amendment does not alter the strategic intent for the Kawana Waters Town Centre – it only relates to the layout and location of some of the future uses.

### ***The draft proposal is not included in the recent infrastructure plan***

The area of land within Kawana that is located within the Kawana Waters DCP is not included in Council's infrastructure plan, as it is subject to the Kawana Waters Development Agreement, which is available on Council's website.

As part of the Kawana Waters Development Agreement, the master developer is obligated to provide all trunk and non-trunk infrastructure required to service the planned development yield for the area. Additionally, the State is required to provide some key arterial road upgrades.

### ***Reduction in car parking for local residents and people visiting the hospital***

There are no changes to car parking requirements as part of the proposed amendment to the Kawana Waters DCP. Further, the proposed amendment does not



relate to car parking in the Health Hub (Hospital Precinct) or surrounding residential areas.

One of the key development criteria for the Kawana Waters Town Centre specified in the Kawana Waters DCP is that development is to comply with Transit Oriented Development Principles by specifying the following:

- minimum and maximum development densities; and
- maximum on and off site car parking rates in accordance with an approved Car Parking Management Plan.

This requirement to manage car parking and to promote higher density development in close proximity to proposed transport nodes is also consistent with the directions as outlined in the *South East Queensland Regional Plan 2017 (ShapingSEQ)*. In this regard, the Kawana Waters Town Centre is located adjacent to a future Transit Station (CAMCOS) and is also bisected by the proposed light rail corridor.

It is not only a development requirement to regulate parking and densities in the Kawana Waters Town Centre, but is also in the long term interests of the community, to ensure the future success and take up of public transport.

It is acknowledged that until high quality public transport is established in the Kawana Waters Town Centre, interim arrangements are required (for non-residential development) to cater for a higher rate of car parking in the meantime via a consolidated shared facility. It is considered that this approach has a number of advantages including:

- more flexibility in future years to respond to potentially lower rates of private vehicle use as improved public transport eventuates; and
- enhanced urban design outcomes for development of individual sites, as a result of the lesser quantum of parking to be provided on site.

## **SUMMARY**

Whilst the submissions raise some concerns in relation to the proposed amendment, it is considered that the responses provided in this consultation report adequately address these concerns.

## **COUNCIL DECISION**

**That Council proceed with the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) – Kawana Waters Town Centre* and that no changes are made to the proposed amendment to address issues raised in submissions.**