

***Development Agreement, Development Control  
Plan 1 – Kawana Waters and Section 316 (Development control  
plans) of the Planning Act 2016***

**STRUCTURE PLAN  
DEVELOPMENT CRITERIA**

**Approved by Council pursuant to Master Plan Determination No. 1  
(Approval of Structure Plan) 1999 on 16 September 1999; and**

**amended in January 2004 by Master Plan Notice of Determination No.  
53 (Structure Plan Amendments); and**

**amended on 10 June 2004 by Master Plan Determination No. 63  
(Amendment to Structure Plan (DPA 9 – Business Village)); and**

**amended by Master Plan Determination No. 105 (Amendment of  
Structure Plan (HIA)) 2007; and**

**amended by Master Plan Determination No. 125 (Amendment of  
Structure Plan (9<sup>th</sup> Deed)) 2009; and**

**amended on 25 June 2012 by Master Plan Determination No. 148  
(Amendment to Structure Plan (DPA 11, 12 & 13 – 10<sup>th</sup> Deed)); and**

**amended on 3 September 2013 by Master Plan Determination No. 155  
(Amendment to Structure Plan (Transit Precinct, DPA 14 & 15)); and**

**amended on 23 July 2014 by Master Plan Determination No. 170  
(Amendment to Structure Plan (DPA 1 & DPA 11)); and**

**amended on 23 July 2015 by Master Plan Determination No. 183  
(Amendment to Structure Plan (DPA 11)); and**

**amended on 20 October 2017 by Master Plan Determination No. 214  
(Amendment to Structure Plan (11<sup>th</sup> Deed)).**

**amended on 20 August 2020 by Master Plan Determination No. 264  
(Amendment to Structure Plan (Urban Area & DPA 13))**

## STRUCTURE PLAN DEVELOPMENT CRITERIA

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## 1. PRELIMINARY

### 1.1 Citation

This document may be cited as the Structure Plan Development Criteria.

### 1.2 Purpose

The purpose of the Structure Plan Development Criteria is to ensure that all lower order Master Plans and any development provided for in the Master Plans complies with the Development Documents.

### 1.3 Relationship to Structure Plan

The Structure Plan Development Criteria were approved as part of Master Plan Determination No 1 (Approval of Structure Plan) 1999 and form part of the Structure Plan pursuant to the Conditions of Approval.

## 2. INTERPRETATION

### 2.1 Interpretation

In this document:

- (a) terms not otherwise defined in this document have the meaning given in Development Control Plan 1 - Kawana Waters; and
- (b) a reference to a document means a document as amended by the Conditions of Approval.

### 2.2 Definitions

In this document:-

**“call centre”** means premises used or intended to be used for a commercial premises where:

- (a) the gross floor area of the commercial premises is not less than 250m<sup>2</sup>; and
- (b) the commercial premises is limited to the sale of or the provision of information in respect of a product or a service by means of the telephone, a computer or other form of electronic communication; and
- (c) the commercial premises does not involve the carrying out of face to face communications with customers, clients or representatives on the premises in the course of conducting the commercial premises.

**“code assessable development”** means a material change of use for a purpose specified in column 4 of a Table of Development.

**“commercial use”** means the use of premises for:

- (a) any activity specified as a commercial use in the Table of Defined Uses; or
- (b) any activity not specified as a commercial use in the Table of Defined Uses where:
  - (i) the activity is not:
    - (A) separately defined as an industrial use, residential use, rural use or a community use; or

- (B) ancillary to an industrial use, residential use, rural use or a community use; and
- (C) the primary purpose of the activity is the conduct of a business.

**“Community Development Strategy”** has the meaning ascribed to it in the Development Agreement.

**“community facility”** means those uses specified on DCP Map 2 under the heading “Community”.

**“community use”** means the use of premises for any activity specified as a community use in the Table of Defined Uses.

**“gross floor area”** has the meaning given in section 9.1 (Explanatory Definitions) of the Planning Scheme Provisions.

**“health industry”** means a use of premises for health care industry research and development. The term includes the design, manufacture, assembly, testing, maintenance or storage of health care industry products and an associated office. The term does not include a Health Care Premises or Hospital.

**“indoor entertainment (concert hall)”** means the use of premises, primarily during the evening period, for presenting live entertainment or music to the public within an indoor setting and may include the provision of food and liquor for consumption on the premises.

**“industrial use”** means the use of premises for:

- (a) any activity specified as an industrial use in the Table of Defined Uses; or
- (b) any activity not specified as an industrial use in the Table of Defined Uses where:
  - (i) the activity is not:
    - (A) separately defined as a commercial use, residential use, rural use or a community use; or
    - (B) ancillary to a commercial use, residential use, rural use or a community use; and
  - (ii) the primary purpose of the activity is:
    - (A) a manufacturing process whether or not the process results in the production of a finished product; or
    - (B) the breaking up or dismantling of any goods or any articles for trade, sale or gain or ancillary to any business; or
    - (C) the extracting or processing of sand, gravel, soil, rocks, stone or similar substances from land; or
    - (D) repairing, servicing and cleaning of articles including vehicles, machinery, buildings or other structures, but not including on-site work on buildings or other structures; or

(E) any operations connected with the installation of equipment and services or with the extermination of pests, but not including on-site work on buildings or other structures

(F) on land.

**“regional hospital”** means a use of premises for a hospital as defined in the Caloundra Town Planning Scheme and may include the following uses, as defined in the Caloundra Town Planning Scheme, where associated with and ancillary to the hospital:-

- (a) accommodation building;
- (b) child care centres;
- (c) commercial premises;
- (d) educational establishment;
- (e) food outlet;
- (f) health care premises;
- (g) restaurant; and
- (h) shop.

**“residential use”** means the use of premises for:

- (a) any activity specified as a residential use in the Table of Defined Uses; or
- (b) any activity not specified as a residential use in the Table of Defined Uses where:
  - (i) the activity is not:
    - (A) separately defined as a commercial use, industrial use, rural use or a community use; or
    - (B) ancillary to a commercial use, residential use, rural use or a community use; and
  - (ii) the primary purpose of the activity is human habitation.

**“rural use”** means the use of premises for any activity that is specified as a rural use in the Table of Defined Uses.

**“self-assessable development”** means a material change of use for a purpose specified in column 3 of a Table of Development.

**“shopping centre (night market)”** means the use of premises for the sale of goods to the public on a regular basis, where goods are primarily sold during the evening period from temporary or semi-temporary structures located on the same premises as a shopping centre, such as shipping containers. The use may include ancillary free entertainment provided for the enjoyment of customers.

**“Table of Defined Uses”** means the Table of Defined Uses in Schedule 1.

### 3. URBAN DEVELOPMENT CRITERIA

#### 3.1 Application

This section applies to the Urban Area being the land designated as Urban on Structure

Plan Map 1.

### **3.2 Relationship to Planning Scheme**

The Urban Area comprises land:

- (a) designated Urban on DCP Map 1 and included in the Residential A zone; and
- (b) designated DPA 1 on DCP Map 1 (other than the land included within the Community Commercial Recreation Node on Structure Plan Map 1) and included in the Special Development Zone; and
- (c) designated DPA 10 on DCP Map 1 and included in the Residential A Zone.

### **3.3 Intent of Urban Area**

The intent of that part of the Urban Area which is designated:

- (a) Urban on DCP Map 1 is specified in section 3.2.1 (Urban) and section 4.1.1 (Intent of the DCP); and
- (b) DPA 1 on DCP Map 1 is specified in section 4.10.2(b) (Detailed Planning Area 1 (DPA 1)) of the DCP; and
- (c) DPA 10 on DCP Map 1 is specified in section 4.10.2(k) (Detailed Planning Area 10 (DPA 10)) of the DCP.

### **3.4 Structure of Urban Area**

The Urban Area shall be comprised of:

- (a) Neighbourhood Centres that:
  - (i) are located generally in accordance with Structure Plan Map 1; and
  - (ii) comprises:
    - (A) residential uses being limited to accommodation building, caretakers residence, home occupation and multiple dwelling; and
    - (B) commercial uses (other than an adult product shop, automatic mechanical car wash, function room, funeral parlour, hotel, nightclub, outdoor sales premises, produce store, service station, showroom or vehicle hire premises) that for the whole of the Neighbourhood Centre do not have a total gross floor area greater than 600m<sup>2</sup>; and
    - (C) community uses being limited to carpark, child care centre, landing (where situated in Parrearra), park, place of worship and sport and recreation; and
- (b) a Village Centre that:
  - (i) is located generally in accordance with Structure Plan Map 1; and
  - (ii) comprises:



- (A) residential uses being limited to accommodation building, caretakers residence, home occupation and multiple dwelling; and
  - (B) commercial uses (other than an adult product shop, automatic mechanical car wash, funeral parlour, nightclub, outdoor sales premises, produce store, service station, showroom and vehicle hire premises) that for the whole of the Village Centre do not have a total gross floor area greater than 3,000m<sup>2</sup>; and
  - (C) community uses being limited to car park, child care centre, landing, indoor entertainment (gymnasium), park, place of public worship and sport and recreation; and
- (c) residential uses (other than a camping ground, holiday cabin, host farm, motel or relocatable home park), with the exception of that part of the Urban Area included within Detailed Planning Area 1 on DCP Map 1 regarded as Entrance Island (Lot 3 SP182941) which is limited to 17 dwelling houses; and
  - (d) commercial uses being limited to health care premises in that part of the Urban Area included within DPA 1 on DCP Map 1; and
  - (e) community uses being limited to:
    - (i) carpark, educational establishment, landing, park and sport and recreation in that part of the Urban Area included within DPA 1 on DCP Map 1; and
    - (ii) educational establishment, park, place of worship and sport and recreation in that part of the Urban Area included within DPA 10 on DCP Map 1; and
    - (iii) educational establishment, landing, park and place of worship in that part of the Urban Area not included in DPA 1 or DPA 10 on DCP Map 1; and
  - (f) Village, Neighbourhood and Precinct Parks that:
    - (i) are located generally in accordance with Structure Plan Map 2; and
    - (ii) comply with the criteria specified in the DCP.

### **3.5 Development Criteria**

The development provided for in a Master Plan applicable to the Urban Area must:

- (a) be consistent with the intent of the Urban Area as specified in section 3.3 (Intent of Urban Area) of this document; and
- (b) comply with the structure of the Urban Area as specified in section 3.4 (Structure of the Urban Area) of this document; and
- (c) not contain a development (other than a public purpose or public utility) provided for in section 3.4 (Structure of the Urban Area) of this document; and
- (d) comply with section 4.1.2 (Implementation) of the DCP for that part of the Urban Area which is not included within DPA 1 on DCP Map 1); and
- (e) comply with section 4.10.2(k) (Detailed Planning Area 10 (DPA 10)) for that part of

the Urban Area included within DPA 10 on DCP Map 1; and

- (f) comply with section 4.10.2(a) (Implementation) and section 4.10.2(b) (Detailed Planning Area 1 (DPA 1)) of the DCP for that part of the Urban Area included within DPA 1 on DCP Map 1; and
- (g) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (h) Comply with the Community Development Strategy including the recommended community facility requirements.

#### **4. SPECIAL DEVELOPMENT AREA DEVELOPMENT CRITERIA**

##### **4.1 Application**

This section applies to the land designated as Special Development Area on Structure Plan Map 1.

##### **4.2 Relationship to Planning Scheme**

The Special Development Area comprises land designated as DPA 7 on DCP Map 1 and included in the Special Development Zone under the Planning Scheme Provisions.

##### **4.3 Intent of the Special Development Area**

The intent of the Special Development Area is specified in section 4.10.2(h) (Detailed Planning Area 7 (DPA 7)) of the DCP.

##### **4.4 Structure of the Special Development Area**

The Special Development Area shall comprise:

- (a) residential uses (other than a caravan park, holiday cabin accommodation, host farm, motel or relocatable home park) where the Odour Control Works have been constructed in accordance with clause 10 (Sewerage) of the Development Agreement; and
- (b) commercial uses being limited to automatic mechanical car wash, commercial premises, food outlet, local store, nursery, outdoor sales premises, service station, shop, showroom, vehicle hire premises and veterinary surgery; and
- (c) industrial uses being limited to light industry, service industry, transport equipment depot, warehouse and vehicle repair workshop; and

- (d) community uses being limited to carpark, indoor entertainment (excluding cinemas), landing, outdoor entertainment, park, place of worship and sports and recreation.

#### **4.5 Development Criteria**

The development provided for in a Master Plan applicable to the Special Development Area must:

- (a) be consistent with the intent of the Special Development Area as specified in section 4.3 (Intent of the Special Development Area) of this document; and
- (b) comply with the structure of the Special Development Area as specified in section 4.4 (Structure of the Special Development Area) of this document; and
- (c) not contain a development (other than a public purpose or public utility) not provided for in section 4.4 (Structure of the Special Development Area) of this document; and
- (d) comply with section 4.10.2(h) (Detailed Planning Area 7 (DPA7)) and 4.10.2(a) (Implementation) of the DCP; and
- (e) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (f) comply with the Community Development Strategy including the recommended community facility requirements.

### **5. BUSINESS VILLAGE DEVELOPMENT CRITERIA**

#### **5.1 Application**

This section applies to the land designated as Business Village on Structure Plan Map 1.

#### **5.2 Relationship to Planning Scheme**

The Business Village comprises land:

- (a) designated as DPA 9 on DCP Map 1 and included in the Special Development Zone under the Planning Scheme Provisions.

#### **5.3 Intent of the Business Village**

The intent of that part of the Business Village which is designated as:

- (a) DPA 9 on DCP Map 1 is specified in section 4.10.2(j) (Detailed Planning Area 9 (DPA 9)) of the DCP;

#### **5.4 Structure of the Business Village**

The Business Village shall be comprised of:

- (a) DPA 9 that:
  - (i) corresponds to DPA 9 on DCP Map 1; and
  - (ii) comprises precincts structure in accordance with section 4.10.2(j) (Detailed Planning Area 9 (DPA9)) of the DCP; and
  - (iii) comprises land uses in accordance with section 4.10.2(j)(Detailed Planning Area 9(DPA9)) of the DCP.
- (b) provides for a continuous public access promenade in accordance with Structure Plan Map 2 and section 4.2.2(c) (Implementation) of the DCP.

#### **5.5 Development Criteria**

The development provided for in a Master Plan applicable to the Business Village must:

- (a) be consistent with the intent of the Business Village as specified in section 5.3 (Intent of the Business Village) of this document; and
- (b) comply with the structure of the Business Village as specified in section 5.4 (Structure of the Business Village) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 5.4 (Structure of the Business Village) of this document; and
- (d) comply with in the case of DPA 9, section 4.9.2(a) (Implementation) of the DCP; and
- (e) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions
- (f) comply with the Community Development Strategy including the recommended community facility requirements.

## **6. TOWN CENTRE DEVELOPMENT CRITERIA**

### **6.1 Application**

This section applies to the land designated as Town Centre on Structure Plan Map 1.

### **6.2 Relationship to Planning Scheme**

The Town Centre comprises land designated as DPA 13 on DCP Map 1 and DCP Map 6 and included in the Special Development Zone under the Planning Scheme Provisions.

### **6.3 Intent of the Town Centre**

The intent of the Town Centre is specified in section 3.4.1 (Town Centre) and section 4.4.1 (Intent) of the DCP.

### **6.4 Structure of the Town Centre**

The Town Centre shall be comprised of:

- (a) DPA 13 that:
  - (i) corresponds to DPA 13 on DCP Map 1 and DCP Map 6; and
  - (ii) incorporates flexibility in land uses and yields such that development is able to be adapted or redeveloped over time to respond to market conditions. Conversion of land uses and/or yields in accordance with the provisions of this Section 6.4 shall ensure that the intent for the Town Centre as described in section 4.4 (Town Centre) of Development Control Plan 1 is achieved.
  - (iii) comprises precincts structured in accordance with DCP Map 6 and section 4.9.2(n) (Detailed Planning Area 13 (DPA 13)) of the DCP, being:
    - (A) the Town Centre West Precinct, bound by Kawana Way and the Multi Modal Transport Corridor and located north of the Lake Kawana Boulevard extension, which is to comprise the following:-
      - (1) sleeving sites where having frontage to Kawana Way:-
        - (i) commercial and industrial uses being limited to:-
          - (a) food outlet (not including a drive through facility), local store, restaurant and shop having a total gross floor area not greater than 500m<sup>2</sup>; and
          - (b) commercial premises, health industry, service industry and veterinary surgery having a total gross floor area not greater than 11,920m<sup>2</sup>; and
          - (c) health care premises\*; and
        - (ii) community uses being limited to:
          - (a) park, public purpose and public utility (excluding a freestanding telecommunications tower);
          - (b) hospital\*; and

\*The combined total gross floor area for land uses listed in (i)(c) and (ii)(b) is not to be greater than 400m<sup>2</sup>.

- (iii) additional land uses and/or additional yield achieved by conversion of the yields nominated in (i)(b) above, in accordance with the following conversion table and as specified within an approved Detailed Planning Area Plan.

<b>Town Centre West (Sleeving Sites Having Frontage to Kawana Way) Yield Conversion Table</b>			
<b>Land Use</b>		<b>Yield</b>	
<b>From</b>	<b>To</b>	<b>From sq. m</b>	<b>To sq. m</b>
Commercial premises, health industry, service industry or veterinary surgery	Health care premises or hospital	100	30.55
Commercial premises, health industry, service industry or veterinary surgery	Educational establishment	100	105.26

- (2) A retailing core where not having frontage to Kawana Way:-
  - (i) commercial uses being limited to:
    - (a) a shopping centre having a total gross floor area not greater than 20,000m<sup>2</sup>;
    - (b) a shopping centre (night market)\*;
    - (c) a vehicle hire premises having a total gross floor area not greater than 400m<sup>2</sup> and located north of the Transit Loop Road;
  - (ii) community uses being limited to:-
    - (a) indoor entertainment (concert hall)\*, indoor entertainment (gymnasium)\*\*, park, place of worship\*, public purpose and public utility (excluding a freestanding telecommunications tower); and

\* shopping centre (night market), indoor entertainment (concert hall) and place of worship are identified as interim/temporary land uses with a combined capacity for 2,000 persons (including staff) at any one time, until such time as the retailing core is developed for a 20,000m<sup>2</sup> shopping centre

\*\* any indoor entertainment (gymnasium) use is to form part of the 20,000m<sup>2</sup> gross floor area shopping centre

- (B) the Town Centre South Precinct, bound by Kawana Way and the Multi Modal Transport Corridor and located south of the Lake Kawana Boulevard extension, which is to comprise the following:-
- (1) commercial and industrial uses limited to:
    - (a) service station and ancillary automatic mechanical car wash and drive thru food outlet;
    - (b) commercial premises, food outlet (not involving a drive through facility), health industry and service industry having a combined gross floor area not greater than 6,500m<sup>2</sup>;
  - (2) residential uses being limited to:
    - (a) accommodation building, caretaker's residence, display home and motel of not more than 120 dwelling units in total, where dual-key units comprise no more than 20% of the total number of units;
  - (3) community uses being limited to:-
    - (i) Car park, park, public purpose and public utility (excluding a freestanding telecommunications tower); and
  - (4) additional land uses and/or additional yield achieved by conversion of the yields nominated in (1)(b) above, in accordance with the following conversion table and as specified within an approved Detailed Planning Area Plan

<b>Town Centre South Yield Conversion Table</b>			
<b>Land Use</b>		<b>Yield</b>	
<b>From</b>	<b>To</b>	<b>From sq. m</b>	<b>To sq. m</b>
Commercial premises, health industry or service industry	Call centre	100	50
Commercial premises, health industry or service industry	Health care premises or hospital	100	30.55
Commercial premises, health industry or service industry	Educational establishment	100	105.26

- (C) the Town Centre East Precinct, which is bound by Kawana Way, Central Boulevard and Birtinya Canal which is to comprise:-
- (1) commercial and industry uses limited to:
    - (i) food outlet (not including a drive thru facility), local store, restaurant and shop and having a total gross floor area not exceeding 1,000m<sup>2</sup>; and

- (ii) commercial premises, function room, funeral parlour, health industry, nightclub, service industry and veterinary surgery having a total gross floor area not exceeding 40,085m<sup>2</sup>; and
  - (iii) hotel having a total gross floor area not exceeding 300m<sup>2</sup>; and
  - (iv) health care premises\*; and
  - (v) call centre having a total gross floor area not exceeding 2,000m<sup>2</sup>; and
- (2) residential uses limited to accommodation building, aged persons accommodation, caretaker's residence, display home, home occupation, motel, multiple dwelling, retirement community and temporary house and land sales office of not more than 790 dwelling units in total, where dual-key units comprise no more than 20% of the total number of units; and
- (3) community uses limited to:
- (i) Car park, park, public purpose and public utility (excluding freestanding telecommunications towers);
  - (ii) Hospital\*
  - (iii) indoor entertainment (excluding cinema) having a total gross floor area not exceeding 1,000m<sup>2</sup>;
  - (iv) indoor entertainment (cinema) having a total gross floor area not exceeding 2,500m<sup>2</sup>;

\*The combined total gross floor area for land uses listed in (1)(iv) and (3)(ii) is not to be greater than 1,000m<sup>2</sup>.

- (4) additional land uses and/or additional yield achieved by conversion of the yields nominated in (1)(ii) and (3)(iv) above, in accordance with the following conversion table and as specified within an approved Detailed Planning Area Plan

<b>Town Centre East Yield Conversion Table</b>			
<b>Land Use</b>		<b>Yield</b>	
<b>From</b>	<b>To</b>	<b>From sq. m</b>	<b>To sq. m / dwelling units</b>
Commercial premises, function room, funeral parlour, health industry, nightclub, service industry or veterinary surgery	Call Centre	100	50sq. m



Commercial premises, function room, funeral parlour, health industry, nightclub, service industry or veterinary surgery	Health Care Premises <b>OR</b> Hospital	100	30.55sq. m
Commercial premises, function room, funeral parlour, health industry, nightclub, service industry or veterinary surgery	Educational Establishment	100	105.26sq. m
Indoor entertainment (Cinema)*	Accommodation building, aged persons accommodation, multiple dwelling, retirement community	100	2.4 dwelling units
Indoor entertainment (Cinema)*	Food outlet (not including a drive thru facility), local store, restaurant and shop	100	56sq. m

\*Conversion of the indoor entertainment (cinema) use yield is only permitted by way of amendment to the Detailed Planning Area Plan, which cannot occur until 5 years after the establishment of the first non-residential use in the Town Centre East precinct. Any conversion of the indoor entertainment (cinema) use yield must ensure activation of the town square in accordance with the principles outlined in section 4.9.2(n)(vi) of Development Control Plan 1.

- (a) the Town Centre Residential Precinct, located between Central Boulevard and the Lake Kawana which is to comprise:
- (1) residential uses limited to accommodation building, aged persons home, caretakers residence, display home, home occupation, motel, multiple dwelling, retirement community and temporary house & land sales office that have in total for the precinct of not more than 418 dwelling units in total, where dual-key units comprise no more than 20% of the total number of units; and
  - (2) commercial uses being limited to local store, restaurant and shop that have a total gross floor area of not greater than 200m<sup>2</sup>; and
  - (3) community uses limited to park, public purpose and public utility (excluding freestanding telecommunications towers); and
- (b) contains a Neighbourhood Park (Town Square) and Precinct Parks that:
- (i) are located generally in accordance with DCP Map 2; and
  - (ii) comply with the criteria specified in the DCP; and
- (c) provides a continuous public access promenade as shown on Structure Plan Map 2 which is to be located in accordance with section 4.2.2(c) (Implementation) of

the DCP.

## **6.5 Development Criteria**

The development provided for in a Master Plan applicable to the Town Centre must:

- (a) be consistent with the intent of the Town Centre as specified in section 6.3 (Intent of the Town Centre) of this document; and
- (b) comply with the structure of the Town Centre as specified in section 6.4 (Structure of the Town Centre) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 6.4 (Structure of the Town Centre) of this document; and
- (d) comply with section 4.4.2 (Implementation) of the DCP; and
- (e) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (f) comply with the Community Development Strategy including the recommended community facility requirements.

## **7. COMMUNITY COMMERCIAL RECREATION NODE DEVELOPMENT CRITERIA**

### **7.1 Application**

This section applies to the area being land designated as Community Recreation Node on Structure Plan Map 1.

### **7.2 Relationship to Planning Scheme**

The Community Commercial Recreation Node comprises part of the land designated as DPA 1 on DCP Map 1 and is included in the Special Development Zone.

### **7.3 Intent of Community Commercial Recreation Node**

The intent of the Community Commercial Recreation Node, identified as DPA 1 on DCP Map 1 is specified in section 4.10.2(b) (Detailed Planning Area 1 (DPA 1)) of the DCP.

### **7.4 Structure of the Community Commercial Recreation Node**

The Community Commercial Recreation Node shall:-

- (a) correspond to that part of the area designated as DPA 1 on DCP Map 1 nominated

- as the Community Commercial Recreation Node on Structure Plan Map 1; and
- (b) comprise 2 areas being:
    - (i) a commercial area located towards the southern end of the public recreation lake which is to comprise:
      - (A) commercial uses being limited to commercial premises, food outlet, function room, hotel, local store, nightclub, restaurant and shop; and
      - (B) community uses being limited to carpark, indoor entertainment, landing, marina, outdoor entertainment, park, sport and recreation; and
    - (ii) a sport, leisure, recreation and parkland area located over the remainder of the Community Commercial Recreation Node which is to comprise:
      - (A) limited commercial activities including boat hire facilities, kiosks, and other recreational, community activities directly related to sports, leisure and recreational activities; and
      - (B) community uses being limited to carpark, child care centre, landing, outdoor entertainment, park, place of worship and sports and recreation; and
      - (C) the hiring of bikes, windsurfers and other non-powered recreational and sporting equipment; and
  - (c) comply with the criteria outlined in section 4.10.2(b) (Detailed Planning Area 1 (DPA 1)) of the DCP; and
  - (d) provide for a substantially continuous public access promenade as shown on Structure Plan Map 2 to the perimeter of the public recreation lake which is to be located in accordance with section 4.10.2(b)(vi)(A), (B) and (G) and (viii) (Detailed Planning Area 1 (DPA 1)) of the DCP.

## **7.5 Development Criteria**

The development provided for in a Master Plan applicable to the Community Commercial Recreation Node must:

- (a) be consistent with the intent of the Community Commercial Recreation Node as specified in section 7.3 (Intent of the Community Commercial Recreation Node) of this document; and
- (b) comply with the structure of the Community Commercial Recreation Node as specified in section 7.4 (Structure of the Community Commercial Recreation Node) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 7.4 (Structure of the Community Commercial Recreation Node) of this document; and
- (d) comply with section 4.10.2(b) (Detailed Planning Area 1 (DPA 1)) and section 4.10.2(a) (Implementation) of the DCP; and

- (e) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of land) of the Planning Scheme Provisions except to the extent that the provisions
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (f) comply with the Community Development Strategy including the recommended community facility requirements.

## **8. CONSERVATIONAL OPEN SPACE DEVELOPMENT CRITERIA**

### **8.1 Application**

This section applies to the area designated as Conservational Open Space on Structure Plan Map 1.

### **8.2 Relationship to Planning Scheme**

The Conservational Open Space comprises land:

- (a) designated Conservational Open Space on DCP Map 1 and included in the Environment Protection Zone; and
- (b) designated DPA 4 on DCP Map 1 and included in the Open Space Zone.

### **8.3 Intent of the Conservational Open Space Development Criteria**

The intent of Conservational Open Space is specified in section 3.3.2 (Open Space Conservation), section 4.3.1 (Intent) of the DCP and section 2.7(1)(c) (Intent of the Environment Protection Zone) and section 2.7(1)(b) (Intent of the Open Space Zone) of the Planning Scheme Provisions.

### **8.4 Structure of the Conservational Open Space**

The Conservational Open Space Area shall:

- (a) correspond with the areas designated as Conservational Open Space on Structure Plan Map 1; and
- (b) comprise 20 ha of land in freehold title within DPA 4 in accordance with section 13A.11 (Open Space) of the Development Agreement; and
- (c) contain an esplanade with a minimum width of 30 metres along the frontage of the Mooloolah River within DPA 4 in accordance with section 13A.10 (Open Space) of

the Development Agreement; and

- (d) provide for uses and functions within DPA 4 as outlined in section 4.9.2(e) (Detailed Planning Area 4 (DPA 4)) of the DCP and section 13A.11 (Open Space) of the Development Agreement.

## **8.5 Development Criteria**

The development provided for in a Master Plan applicable to the Conservational Open Space must:

- (a) be consistent with the intent of the Conservational Open Space as specified in section 8.3 (Intent of the Conservational Open Space) of this document; and
- (b) comply with the structure of the Conservational Open Space area as specified in section 8.4 (Structure of the Conservational Open Space) of this document; and
- (c) comply with section 4.3.2 (Implementation) of the DCP; and
- (d) in the case of DPA 4, comply with section 4.10.2(e) (Detailed Planning Area 4 (DPA 4)) of the DCP; and
- (e) be self assessable development in the Environmental Protection Zone or development which is in accordance with an approved Site Development Plan pursuant to the DCP in the Open Space Zone; and
- (f) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (g) comply with the Community Development Strategy including the recommended community facility requirements.

## **9. RECREATIONAL OPEN SPACE DEVELOPMENT CRITERIA**

### **9.1 Application**

This section applies to the land designated as Recreational Open Space on Structure Plan Map 1 and the network of open space and recreational areas on Structure Plan Map 2.

### **9.2 Relationship to Planning Scheme**

The Recreational Open Space area comprises land:

- (a) designated Recreational Open Space on DCP Map 1 and included in the Sport and Recreation Zone; and

- (b) designated as parks on DCP Map 2 and included in the Residential A Zone and the Special Development Zone.

### **9.3 Intent of the Recreational Open Space**

The intent of Recreational Open Space is specified in section 3.3.1 (Open Space - Recreation) of the DCP, section 4.2.1 (Intent) of the DCP and section 2.7(1)(d) (Intent of Zones - Sport and Recreation) of the Planning Scheme Provisions.

### **9.4 Structure of the Recreational Open Space**

The Recreational Open Space area shall comprise District, Village, Neighbourhood and Precinct Parks that:

- (a) are located generally in accordance with DCP Map 2; and
- (b) comply with the criteria specified in the DCP.

### **9.5 Development Criteria**

The Development provided for in a Master Plan applicable to Recreational Open Space must:

- (a) be consistent with the intent of the Recreational Open Space as specified in section 9.3 (Intent of the Recreational Open Space) of this document; and
- (b) comply with the structure of the Recreational Open Space as specified in section 9.4 (Structure of the Recreational Open Space) of this document; and
- (c) comply with section 4.2.2 (Implementation) and Appendix 1 (Community Recreation and Open Spaces Model) of the DCP; and
- (d) comply with the Community Development Strategy including the recommended community facility requirements.

## **10. FOCAL TOURIST NODE DEVELOPMENT CRITERIA**

### **10.1 Application**

This section applies to the area being land designated as the Focal Tourist Node on Structure Plan Map 1.

### **10.2 Relationship to Planning Scheme**

The Focal Tourist Node comprise land designated as DPA 2 on DCP Map 1 and included in the Special Development Zone.

### **10.3 Intent of the Focal Tourist Node**

The intent of the Focal Tourist Node is specified in section 4.9.1 (Intent) and section 4.10.2(c) (Detailed Planning Area 2 (DPA 2)) of the DCP.

### **10.4 Structure of the Focal Tourist Node**

The Focal Tourist Node shall comprise:

- (a) residential uses (other than a caravan park, holiday cabin accommodation, host

- farm and relocatable home park); and
- (b) commercial uses being limited to:
    - (i) food outlet, function room, hotel, nightclub and restaurant that have in total for the whole of the Focal Tourist Node a total gross floor area of not greater than 3,500m<sup>2</sup>; and
    - (ii) commercial premises, health care premises, laundry and shop that have in total for the whole of the Focal Tourist Node a total gross floor area of not greater than 4,000m<sup>2</sup>; and
  - (c) community uses being limited to:
    - (i) child care centre; and
    - (ii) indoor entertainment (that has in total for the whole of the Focal Tourist Node a total gross floor area of not greater than 7,000 m<sup>2</sup>); and
    - (iii) park; and
    - (iv) sports and recreation; and
  - (d) a Village Park and a Linear Park System that comply with the criteria specified in the DCP.

## 10.5 Development Criteria

The development provided for in a Master Plan applicable to the Focal Tourist Node must:

- (a) be consistent with the intent of the Focal Tourist Node as specified in section 10.3 (Intent of the Focal Tourist Node) of this document; and
- (b) comply with the structure of the Focal Tourist Node as specified in section 10.4 (Structure of the Focal Tourist Node) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 10.4 (Structure of the Focal Tourist Node) of this document; and
- (d) comply with section 4.9.2 (Implementation), section 4.10.2 (Implementation) and section 4.10.2(c) (Detailed Planning Area 2 (DPA 2) of the DCP; and
- (e) comply with the provisions of Part 3 (General Requirements) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or

- (B) an approval of a Master Plan; or
- (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (f) comply with the Community Development Strategy including the recommended community facility requirements.

## **11. MOVEMENT NETWORK DEVELOPMENT CRITERIA**

### **11.1 Application**

This section applies to:

- (a) the road network, commuter cycle links, pedestrian/cycle links and public transport corridors as identified on Structure Plan Map 2; and
- (b) the public transport corridor stations as identified on Structure Plan Map 1; and
- (c) the public access promenade as specified on Structure Plan Map 2.

### **11.2 Intent of the Movement Network**

The intent of that part of the movement network which is designated in the DCP as:

- (a) state-controlled road, is specified in section 5.1.1 (Intent) of the DCP; and
- (b) sub-arterial road, is specified in section 5.2.1 (Intent) of the DCP; and
- (c) trunk collector street, is specified in section 5.3.1 (Intent) of the DCP; and
- (d) collector street, is specified in section 5.4.1 (Intent) of the DCP; and
- (e) town centre main streets, is specified in section 5.5.1 (Intent) of the DCP; and
- (f) pedestrian/cycle link, is specified in section 5.6.1 (Intent) of the DCP; and
- (g) public access promenade, is specified, in the case of:
  - (i) the eastern edge of the public recreation lake as shown on Structure Plan Map 2 north of Lake Kawana Boulevard, in section 4.10.2(b)(vi) (Implementation) and section 4.10.2(b)(vi)(A), (B) and (G) and (viii) (Detailed Planning Area 1 (DPA 1)) of the DCP; and
  - (ii) the western edge of the public recreation lake as shown on Structure Plan Map 2 north of the Lake Kawana Boulevard, in section 4.2.2(c) (Implementation) of the DCP; and
- (h) public transport route, is specified in section 5.7.1 (Intent) of the DCP.

### **11.3 Structure of the Movement Network**

The movement network shall comprise:

- (a) a road network consistent with that identified on Structure Plan Map 2; and
- (b) a pedestrian/cycle network consistent with that indicated on Structure Plan Map 2; and



- (c) a public access promenade consistent with that indicated on Structure Plan Map 2; and
- (d) public transport corridor stations consistent with that indicated on Structure Plan Map 1.

#### **11.4 Development Criteria**

The movement network provided for in a Master Plan must:

- (a) be consistent with the intent of the movement network as specified in section 11.2 (Intent of the Movement Network) of this document; and
- (b) comply with the structure of the movement network as specified in section 11.3 (Structure of the Movement Network) of this document; and
- (c) in the case of:
  - (i) a state-controlled road comply with section 5.1.2 (Implementation) of the DCP; and
  - (ii) a sub-arterial road, comply with section 5.2.2 (Implementation) of the DCP; and
  - (iii) a trunk collector road, comply with section 5.3.2 (Implementation) of the DCP; and
  - (iv) a collector, comply with section 5.4.2 (Implementation) of the DCP; and
  - (v) town centre main streets, comply with section 5.5.2 (Implementation) of the DCP; and
  - (vi) a pedestrian/cycle link.
    - (A) comply with section 5.6.2 (Implementation) of the DCP; and
    - (B) be designed in the case of that part of the public recreation lake located south of Lake Kawana Boulevard so that continuous pedestrian and cycle access is provided along:
      - (1) the foreshore of the eastern edge of the public recreation lake; and
      - (2) 50% of the foreshore of the western edge of the public recreation lake; and
  - (vii) the public access promenade situated on:
    - (A) the eastern edge of the public recreation lake north of Lake Kawana Boulevard as shown on Structure Plan Map 2, comply with section 4.10.2(b)(vi)(A), (B) and (G) and (viii) (Detailed Planning Area 1 (DPA 1)) of the DCP; and
    - (B) the western edge of the public recreation lake north of Lake Kawana Boulevard as shown on Structure Plan Map 2, comply with section

4.2.2(c) (Implementation) of the DCP; and

- (viii) public transport routes, comply with section 5.7.2 (Implementation) of the DCP; and
- (ix) public transport corridor stations, be limited to passenger transport terminal and carpark.

## **12. COMMUNITY FACILITIES DEVELOPMENT CRITERIA**

### **12.1 Application**

This section applies to the Community Facilities as identified on Structure Plan Map 2.

### **12.2 Relationship to Planning Scheme**

The preferred location of the Community Facilities comprises land:

- (a) included in the Residential A Zone; and identified in:
  - Parrearra (Kawana Island); and
  - Kawana Forest adjacent the Neighbourhood Centre; and
  - Creekside.
- (b) included in the Special Development Zone and identified in:
  - the Focal Tourist Node; and
  - Community Commercial Recreation Node (DPA1); and
  - Business Village (DPA 9); and
  - adjacent to the Regional Hospital in Birtinya Health Hub (DPA 12); and
  - within the Town Centre (DPA 13) or Northern Birtinya (DPA 11).

### **12.3 Intent of the Community Facilities**

The intent of the Community Facilities which is identified in:

- (a) Parrearra (Kawana Island), in Kawana Forest adjacent the Neighbourhood Centre, and in Creekside specified in section 3.5 (Community Facility Elements) of the DCP, section 4.7.1 (Intent) of the DCP and section 2.4(1)(a) (Intent of the Residential A Zone) of the Planning Scheme Provisions; and
- (b) the Focal Tourist Node (DPA 2), Community Commercial Recreation Node (DPA 1), Business Village (DPA 9), Health Hub (DPA 12) and within the Town Centre (DPA 13) or Northern Birtinya (DPA 11) specified in section 3.5 (Community Facility Elements) and section 4.7.1 (Intent) of the DCP and section 2.7.1(g) (Intent of the Special Development Zone) of the Planning Scheme Provisions.

### **12.4 Structure of the Community Facilities**

The Community Facilities shall, subject to Master Plan Determination No 1 (Approval of Structure Plan) 1999, be:

- (a) located generally in accordance with Structure Plan Map 2; and
- (b) comply with the locational criteria outlined in the DCP; and
- (c) comply with the Community Development Strategy including the recommended community facility requirements.

## **12.5 Development Criteria**

The Community Facilities provided for in a Master Plan must:

- (a) be consistent with the intent of Community Facilities as specified in section 12.3 (Intent of the Community Facilities) of this document; and
- (b) comply with the structure of Community Facilities as specified in section 12.4 (Structure of the Community Facilities) of this document; and
- (c) comply with section 4.7.2 (Implementation) of the DCP; and
- (d) comply with the Community Development Strategy including the recommended community facility requirements; and
- (e) be code assessable development in the Residential A Zone or be development which is in accordance with an approved Site Development Plan pursuant to the DCP.

## **13. REGIONAL HOSPITAL DEVELOPMENT CRITERIA**

### **13.1 Application**

This section applies to the land designated as Regional Hospital on Structure Plan Map 1.

### **13.2 Relationship to Planning Scheme**

The Regional Hospital comprises land designated as Regional Hospital on DCP Map 1.

### **13.3 Intent of the Regional Hospital**

The intent of the Regional Hospital is specified in section 4.8.1 (Regional Hospital) of the DCP.

### **13.4 Structure of the Regional Hospital**

The Regional Hospital may be comprised of a combination of all or some of the following uses:

- (a) residential uses being limited to accommodation for patients and staff; and
- (b) commercial uses being limited to a pharmacy (shop), health and staff care premises, food outlet, restaurant; and
- (c) community uses being limited to car park, childcare centre, educational establishment and hospital (including Public and Private acute care, ambulatory care and medi-hotel).and public purpose (limited to emergency services related activities).

### **13.5 Development Criteria**

The development provided for in a Master Plan applicable to the Regional Hospital must:

- (a) be consistent with the intent of the Regional Hospital as specified in section 13.3 (Intent of the Regional Hospital) of this document; and
- (b) comply with the Structure of the Regional Hospital as specified in section 13.4 (Structure of the Regional Hospital) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided in section 13.4 (Structure of the Regional Hospital) of this document; and
- (d) comply with section 4.8.2 (Implementation) of the DCP; and
- (e) be development which is in accordance with an approved Precinct/Estate Plan or Site Development Plan pursuant to the DCP.

## **14. HEALTH HUB DEVELOPMENT CRITERIA**

### **14.1 Application**

This section applies to the land designated as Health Hub on Structure Plan Map 1 and DPA 12 on Structure Plan Map 3.

### **14.2 Relationship to Planning Scheme**

The Health Hub comprises land designated as DPA 12 on DCP Map 1 and DCP Map 6 and included in the Special Development Zone under the Planning Scheme Provisions.

### **14.3 Intent of the Health Hub**

The intent of the Health Hub is specified in section 4.10.2(m) (Detailed Planning Area 12 (DPA 12)) of the DCP.

### **14.4 Structure of the Health Hub**

The Health Hub shall be comprised of:

- (a) DPA 12 that:
  - (i) corresponds to DPA 12 on DCP Map 1 and DCP Map 6; and
  - (ii) comprises:
    - (A) residential uses being limited to:-
      - (i) for the area north of the southern boundary of the regional hospital land accommodation building, aged persons home, caretakers residence, display home (where in a multiple dwelling), home occupation, motel, multiple dwelling, retirement community and temporary house and land sales office
      - (ii) for the remaining area of the Health Hub accommodation building, aged persons accommodation, bed & breakfast – homestay, caretakers residence, display home, duplex dwelling, dwelling house, home occupation, motel, multiple dwelling, retirement community, temporary house and land sales office and terrace housing

and that have in total for the whole of DPA 12 not more than 833 dwelling units;

(B) commercial uses being limited to:-

- (i) shop and local store having a total floor gross floor area not greater than 2,000m<sup>2</sup>; and
- (ii) commercial premises (having a nexus to health care), food outlet (not involving a drive through facility), function room, funeral parlour, hotel, nightclub, restaurant; and \*\*
- (iii) health care premises; and \*

(C) industrial uses limited to health industry and service industry (having a nexus to health care); and \*\*

(D) community uses being limited to:-

- (i) indoor entertainment (excluding cinemas) and having a total gross floor area not greater than 500m<sup>2</sup>; and
- (ii) hospital; and \*
- (iii) car park, child care centre, park, public purpose, public utility (excluding telecommunications facilities); and
- (iv) public purpose (Community Facilities) having a total gross floor area not exceeding 1,000m<sup>2</sup>.

**\*The combined total gross floor area for land uses listed in (B)(iii) and (D)(ii) is not to be greater than 16,700m<sup>2</sup>.**

**\*\*The combined total gross floor area for land uses listed in (B)(ii) and (C) is not to be greater than 14,080m<sup>2</sup>.**

(E) additional land uses and/or additional yield achieved by conversion of the yields nominated in (B) & (C) above, in accordance with the following conversion table and as specified within an approved Detailed Planning Area Plan. A maximum of 4,000m<sup>2</sup> of commercial premises or health industry may be converted provided the Detailed Planning Area Plan satisfactorily demonstrates that the built form outcomes sought by DCP1 for the Detailed Planning Area can still be achieved.

Land Use		Yield	
From	To	From sq. m	To sq. m
Commercial premises and health industry	Health care premises or hospital	100	30.55

(b) a Village and Precinct Park that:

- (i) are located generally in accordance with Structure Plan Map 2; and

- (ii) comply with the criteria specified in the DCP.

## **14.5 Development Criteria**

The development provided for in a Master Plan applicable to the Health Hub must:

- (a) be consistent with the intent of the Health Hub as specified in section 14.3 (Intent of the Health Hub) of this document; and
- (b) comply with the Structure of the Health Hub as specified in section 14.4 (Structure of the Health Hub) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided in section 14.4 (Structure of the Health Hub) of this document; and
- (d) comply with section 4.10.2 (Implementation) of the DCP; and
- (e) be development which is in accordance with an approved Detailed Planning Area Plan or Site Development Plan pursuant to the DCP; and
- (f) comply with the provisions of Part 3 (General Requirements) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (g) comply with the Community Development Strategy including the recommended community facility requirements.

## **15. BIRTINYA ISLAND DEVELOPMENT CRITERIA**

### **15.1 Application**

This section applies to the land designated as Birtinya Island on Structure Plan Map 1 and DPA 11 on Structure Plan Map 3.

### **15.2 Relationship to Planning Scheme**

Birtinya Island comprises land designated as DPA 11 on DCP Map 1 and DCP Map 6 and included in the Special Development Zone under the Planning Scheme Provisions.

### **15.3 Intent of Birtinya Island**

The intent of Birtinya Island is specified in section 4.10.2(l) (Detailed Planning Area 11 (DPA 11)) of the DCP.

### **15.4 Structure of Birtinya Island**

Birtinya Island shall be comprised of:

- (a) DPA 11 that:
  - (i) corresponds to DPA 11 on DCP Map 1 and DCP Map 6; and
  - (ii) comprises precincts structured in accordance with DCP Map 6 and section 4.10.2(l) (Detailed Planning Area 11 (DPA 11)) of the DCP, being:
    - (A) the North Birtinya Precinct to the north of Lake Kawana Boulevard, which is to comprise:
      - (1) residential uses being limited to accommodation building, aged persons accommodation, caretakers residence, display home, duplex dwelling, home occupation, motel, multiple dwelling, terrace housing, temporary house and land sales office and retirement community that have in total for the North Birtinya Precinct not less than 432 dwelling units and not more than 536 dwelling units, where dual-key units comprise no more than 20% of the total number of units; and
      - (2) commercial uses being limited to:-
        - (iii) shop and local store having a total gross floor area not exceeding 600m<sup>2</sup>; and
        - (iv) commercial premises, cottage crafts & sales, food outlet (not involving a drive through facility), function room, hotel, nightclub, restaurant, and veterinary surgery; having a total gross floor area not exceeding 13,800m<sup>2</sup> and
        - (v) health care premises having a total gross floor area not exceeding 200m<sup>2</sup>; and
      - (3) community uses being limited to:-
        - (i) car park, child care centre, park, public purpose, public utility (excluding telecommunications facilities); and
        - (ii) indoor entertainment (excluding cinemas) and having a total gross floor area not exceeding 200m<sup>2</sup>; and

- (iii) Public purpose (Community Facilities and ancillary uses) having a total gross floor area not exceeding 3,500m<sup>2</sup>.
- (4) Additional residential and community yield may be achieved by conversion of the yields nominated in (A)(2)(iv) above, in accordance with the following conversion table and as specified within an approved Detailed Planning Area Plan:

<b>North Birtinya Yield Conversion Table</b>			
Land Use		Yield	
From	To	From	To
Commercial premises	Accommodation building, aged persons accommodation, caretakers residence, display home, duplex dwelling, home occupation, motel, multiple dwelling and retirement community	100 sq. m	1.2 dwelling units
Commercial premises	Community Purpose	100 sq. m	52.5 sq. m

(B) the area south of Lake Kawana Boulevard, which is to comprise:

- (1) residential uses being limited to accommodation building, aged persons accommodation, caretakers residence, display home (where located in a multiple dwelling), home occupation, motel, multiple dwelling, retirement community that have in total for the area not less than 343 dwelling units and not more than 426 dwelling units, ensuring a minimum of 100 dwelling units is provided within the area regarded as Paramics Zone 58; and
  - (2) residential uses limited to bed & breakfast – homestay, caretakers residence, cluster development, display home, duplex dwelling, dwelling house, home occupation, temporary house and land sales office and terrace housing that have in total for the area south of Lake Kawana Boulevard not more than 325 dwelling units; and
  - (3) community uses being limited to car park, child care centre, park, public purpose, public utility (excluding telecommunications facilities).
- (b) Village, Neighbourhood and Precinct Parks that:
- (i) are located generally in accordance with Structure Plan Map 2; and
  - (ii) comply with the criteria specified in the DCP.

### 15.5 Development Criteria

The development provided for in a Master Plan applicable to Birtinya Island must:

- (a) be consistent with the intent of Birtinya Island as specified in section 15.3 (Intent of Birtinya Island) of this document; and



- (b) comply with the Structure of Birtinya Island as specified in section 15.4 (Structure of Birtinya Island) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided in section 15.4 (Structure of Birtinya Island) of this document; and
- (d) comply with section 4.10.2 (Implementation) of the DCP; and
- (e) be development which is in accordance with an approved Detailed Planning Area Plan or Site Development Plan pursuant to the DCP; and
- (f) comply with the provisions of Part 3 (General Requirements) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:

are inconsistent with the DCP; or

have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:

- (A) a development approval; or
  - (B) an approval of a Master Plan; or
  - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (g) comply with the Community Development Strategy including the recommended community facility requirements.

## **16. BIRTINYA PENINSULA DEVELOPMENT CRITERIA**

### **16.1 Application**

This section applies to the land designated as Birtinya Peninsula on Structure Plan Map 1 and DPA 14 on Structure Plan Map 3.

### **16.2 Relationship to Planning Scheme**

Birtinya Peninsula comprises land designated as DPA 14 on DCP Map 1 and DCP Map 6 and included in the Special Development Zone under the Planning Scheme Provisions.

### **16.3 Intent of Birtinya Peninsula**

The intent of Birtinya Peninsula is specified in section 4.10.2(o) (Detailed Planning Area 14 (DPA 14)) of the DCP.

### **16.4 Structure of Birtinya Peninsula**

Birtinya Peninsula shall be comprised of:

- (a) DPA 14 that:
  - (i) corresponds to DPA 14 on DCP Map 1 and DCP Map 6; and
  - (ii) comprises:
    - (A) residential uses being limited to bed & breakfast – homestay, caretakers residence, display home, duplex dwelling, dwelling house, home occupation, temporary house and land sales office and terrace housing that have in total for DPA 14 not more than 278 dwelling units; and
    - (B) community uses being limited to car park, park, public purpose, public utility (excluding telecommunications facilities).
- (b) a Neighbourhood Park that:
  - (i) is located generally in accordance with Structure Plan Map 2; and
  - (ii) complies with the criteria specified in the DCP.

## **16.5 Development Criteria**

The development provided for in a Master Plan applicable to the Birtinya Peninsula must:

- (a) be consistent with the intent of Birtinya Peninsula as specified in section 17.3 (Intent of Birtinya Peninsula) of this document; and
- (b) comply with the Structure of Birtinya Peninsula as specified in section 17.4 (Structure of Birtinya Peninsula) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 17.4 (Structure of Birtinya Peninsula) of this document; and
- (d) comply with section 4.10.2(o) (Implementation) of the DCP; and
- (e) be development which is in accordance with an approved Detailed Planning Area Plan or Site Development Plan pursuant to the DCP; and
- (f) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and
- (g) comply with the Community Development Strategy including the recommended community facility requirements.

## **17. BIRTINYA ISLAND EAST**

### **17.1 Application**

This section applies to the land designated as Birtinya Island East on Structure Plan Map 1 and DPA 15 on Structure Plan Map 3.

### **17.2 Relationship to Planning Scheme**

Birtinya Island East comprises land designated as DPA 15 on DCP Map 1 and DCP Map 6 and included in the Special Development Zone under the Planning Scheme Provisions.

### **17.3 Intent of Birtinya Island East**

The intent of Birtinya Island East is specified in section 4.10.2(p) (Detailed Planning Area 15 (DPA 15)) of the DCP.

## 17.4 Structure of Birtinya Island East

Birtinya Island East shall be comprised of:

- (a) DPA 15 that:
  - (i) corresponds to DPA 15 on DCP Map 1 and DCP Map 6; and
  - (ii) comprises:
    - (A) residential uses limited to bed & breakfast – homestay, caretakers residence, display home, duplex dwelling, dwelling house, home occupation, temporary house and land sales office and terrace housing that have in total for the whole of DPA 15 not more than 55 dwelling units; and
    - (B) community uses being limited to car park, park, public purpose, public utility (excluding telecommunications facilities).

## 17.5 Development Criteria

The development provided for in a Master Plan applicable to Birtinya Island East must:

- (a) be consistent with the intent of Birtinya Island East as specified in section 18.3 (Intent of Birtinya Island East) of this document; and
- (b) comply with the structure of Birtinya Island East as specified in section 18.4 (Structure of Birtinya Island East) of this document; and
- (c) not contain any development (other than a public purpose or public utility) not provided for in section 18.4 (Structure of Birtinya Island East) of this document; and
- (d) comply with section 4.10.2(p) (Implementation) of the DCP; and
- (e) comply with the provisions of Part 3 (General Requirements of Development) to Part 6 (Subdivision of Land) of the Planning Scheme Provisions except to the extent that the provisions:
  - (i) are inconsistent with the DCP; or
  - (ii) have in accordance with the provisions of the Planning Scheme Provisions, been expressly relaxed in writing by the Council pursuant to:
    - (A) a development approval; or
    - (B) an approval of a Master Plan; or
    - (C) an approval of an application to relax the relevant Planning Scheme Provisions; and

- (f) comply with the Community Development Strategy including the recommended community facility requirements.

**SCHEDULE 1**

**TABLE OF DEFINED USES**

<b>Commercial Use</b>	<b>Industrial Use</b>	<b>Residential Use</b>	<b>Community Use</b>	<b>Rural Use</b>
adult product shop	extractive industry	accommodation building	carpark	agriculture
automatic mechanical car wash	general industry	aged persons accommodation	cemetery	animal husbandry – general
commercial premises	hazardous industry	bed & breakfast – homestay	child care centre	animal husbandry – intensive
cottage crafts & sales	industrial retail premises	camping ground	crematorium	aquaculture
food outlet	health industry	caravan park	educational establishment	cattery
function room	intensive industry	caretakers residence	hospital	emus – ostrich hatching & breeding facility
funeral parlour	junk yard	cluster development	indoor entertainment	forestry
health care premises	light industry	display home	indoor entertainment (concert hall)	goat farm
hotel	liquid fuel depot	duplex dwelling	landing	keeping of horses
laundry	noxious offensive or hazardous industry	dwelling house	marina	kennel
local store	portable timbermill	holiday cabin accommodation	outdoor entertainment	lot feeding of stock
nightclub	service industry	home occupation	park	piggery
nursery	transport and equipment depot	host farm	Passenger terminal	poultry farm
	vehicle repair station	motel	place of worship	roadside stall
outdoor sales premises	warehouse	multiple dwelling	public purpose	stable building
produce store		relocatable home park	public utility	
restaurant		retirement community	sport and recreation	

<b>Commercial Use</b>	<b>Industrial Use</b>	<b>Residential Use</b>	<b>Community Use</b>	<b>Rural Use</b>
service station		temporary house and land sales		
shop		terrace house		
shopping centre				
shopping centre (night market)				
showroom				
trade storage				
vehicle hire premises				
veterinary surgery				

The uses defined in the Table of Defined Uses have the meanings given in the Planning Scheme