

## Explanatory Memorandum

# Proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted] – Kawana Waters Town Centre

Public Consultation Version

June 2018



## 1. Short title

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

## 2. Type of local planning instrument

The proposed 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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 SPP;
- the amendment reflects the guiding principles of the SPP, does not adversely affect a state interest in the SPP or SEQ Regional Plan, accords with the Act's purpose and is consistent with the regulated requirements under the Act.

## 3. Entity making the proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]

The entity making the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* is the Sunshine Coast Regional Council.

## 4. Land affected by the proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]

The proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]

The purpose of the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]

*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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 proposed Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]**

The proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* 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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]*:

- (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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* has confirmed that the proposed 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 proposed 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>	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.

State Interest	Summary of Compliance
	The proposed planning scheme amendment continues to support the intent of the SEQ Regional Plan 2017. In particular, the proposed planning scheme 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 key State infrastructure in the vicinity of the Hospital, such as the future public transport corridor.
<b>State Planning Policy July 2017 – Planning for liveable communities and housing:</b> <ul style="list-style-type: none"> <li>• Housing supply and diversity</li> <li>• Liveable communities</li> </ul>	<p>The proposed planning scheme 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 proposed planning scheme amendment also increases residential yields within the Kawana Waters Town Centre and incorporates design requirements that support transit orientated development outcomes.</p>
<b>State Planning Policy July 2017 – Planning for economic growth:</b> <ul style="list-style-type: none"> <li>• Development and construction</li> </ul>	The proposed planning scheme 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.
<b>State Planning Policy July 2017 – Planning for Infrastructure:</b> <ul style="list-style-type: none"> <li>• Infrastructure integration</li> <li>• Transport infrastructure</li> </ul>	<p>The proposed planning scheme 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 proposed planning scheme 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 proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]*, 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.

Further, the Planning Minister noted Council's communication strategy for the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* that includes the following:-

- formal public consultation on the proposed amendment for 20 business days;
- consultation with relevant State agencies (refer to **Section 10**);
- a notice in the Sunshine Coast Daily and on Council's website;
- written notice to affected land owners (including adjoining land owners) and key stakeholders, stating the purpose and general effect of the amendment;
- release of an industry newsflash; and
- a copy of the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment) No. [to be inserted]* Amendment Instrument and Explanatory Memorandum to be made available at Council's administration buildings in Nambour, Caloundra and Maroochydore and available for viewing and downloading on Council's website.

The Department of Local Government, Infrastructure and Planning's Communications Engagement Toolkit for Planning has been considered in the preparation of this communications strategy, which has been tailored to suit the likely community and stakeholder interest in this proposed planning scheme amendment.

In accordance with the *Minister's Guidelines and Rules*, the proposed *Development Control Plan 1 Kawana Waters (Qualified State Interest Amendment)* is on public consultation from **4 June 2018** to **6 July 2018** (inclusive).

## 12. Consideration of public submission

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

## 13. Background studies and reports

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