

**Submission No. 124**  
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Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane Qld 4000  
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Dear Greg,

**Planning Bill 2015 - Development Control Plan Number 1 Kawana Waters**

Stockland is developing the Kawana Oceanside, which is subject to Development Control Plan Number 1 Kawana Waters (DCP 1).

We have considered the Planning Bill 2015 (Bill) which was tabled in Parliament on 12 November 2015 and its effect in relation to preserving DCP1 and the associated infrastructure agreement. We would like to raise some key issues which we have identified in relation to the Bill.

**Ministerial powers**

Section 313(4) of the Bill incorrectly refers to the Ministerial powers set out in Chapter 3, Part 7, where those powers are set out in Chapter 3, Part 6 of the Bill.

The current drafting of section 313(4) does not effectively apply the Ministerial powers set out in Chapter 3, Part 6 of the Bill to the plan making applications processes under a transitioned development control plan (DCP) as these are not development applications for the purposes of the Bill. Amendments to the current drafting are required to allow the Minister to give directions and otherwise deal with applications under a DCP to provide consistency in oversight with the standard development application process.

**Call in notices**

Section 101(3) of the Bill, which provides for when a call in notice can be issued, assumes (other than for a cancellation application) that the decision can be appealed. This may not necessarily be the case for a decision under a DCP.

**Infrastructure agreement**

The Bill does not contain specific provisions to preserve section 855 of Sustainable Planning Act 2009 (SPA) to continue the effect of an infrastructure agreement made under the repealed Local Government (Planning and Environment) Act 1992.

We have set out our suggested amendments and rationale in Attachment A to address each of the points we have raised above.

If you require any further information please contact [insert] who will be pleased to assist.

Yours sincerely



Mark McMahon on behalf of  
Ben Simpson  
Regional Manager – Sunshine Coast