

10 February 2025

OSCAR Inc.  
Melva Hobson PSM  
PO Box 105  
Coolum Beach QLD 4573

Sent via Email: [mail@oscar.org.au](mailto:mail@oscar.org.au)

Dear Melva,

**Re: Birtinya Town Centre TLPI**

Thank you for your letter on behalf of the Organisation of Sunshine Coast Association of Residents (OSCAR) dated 28 January 2025 regarding the Birtinya Town Centre TLPI.

As you would be aware Council considered the Birtinya Town Centre Temporary Local Planning Instrument (TLPI) at the [Ordinary Meeting held on 30 January 2025](#) and subsequently resolved to make the proposed TLPI and undertake all necessary statutory processes to adopt the proposed TLPI. The following provides responses to the key matters raised in your letter dated 28 January 2025.

**Amendment to include additional land use intent of "Motel"**

In relation to the proposed amendment that sought to provide the opportunity for a motel to be considered on Council owned land located on Eastbank, Sportsmans Parade, it is important to note that this was a specific negotiated outcome sought by the Council negotiating team to increase the range of permitted land use rights on the subject land while also addressing the documented critical shortfall of circa 2,500 hotel rooms across the Sunshine Coast.

The request to remove all references to a motel (hotel) from the Birtinya TLPI proposal and require any future development application for a Motel be assessed as an Impact Assessable Material Change of Use application under the Planning Scheme, is unable to be accommodated for the following reasons:

- (a) The Sunshine Coast Planning Scheme 2014 (as well as the new Sunshine Coast Planning Scheme) does not apply to the site in question. Any impact assessable MCU application would be assessed against the Kawana Waters Development Documents. The Development Documents comprise the Development Lease, Development Control Plan No. 1 (DCP1) and 1996 Caloundra Planning Scheme, the Transport Infrastructure

Agreement, the Kawana Waters Development Agreement and the approved Master Plans, including conditions of approval, development criteria, urban design performance criteria and site development plan design parameters. None of the Development Documents offer any support for a motel proposal on the site in their current form. Therefore, an assessment against these benchmarks would likely lead to the application being refused. Even if 'other relevant matters' such as an overriding need in the public interest for motel development was used to justify the conflict with the assessment benchmarks, an application would be difficult to support and open to challenge as part of a third-party appeal.

- (b) If Council did approve an impact assessable MCU application for a motel on the site, under the current documents, it would be in breach of its contractual obligations under the Kawana Waters Development Agreement. Under the terms of the Kawana Waters Development Agreement, which the State Government, Council and Stockland are signatories to, the parties are contractually obliged to ensure development in the DCP1 area complies with the Development Documents. The Kawana Waters Development Agreement and Kawana Waters DCP1 prevent the Council and State Government from approving any development proposals that are contrary to the Development Documents.

Accordingly, the only avenue to facilitate a motel proposal on the site whilst maintaining the integrity of the master planning system, is to amend the Development Documents to support the proposal. The development intent for Eastbank (Detailed Planning Area 1 - DPA1) seeks to provide nodal areas for sports, leisure, recreation and community activities along Sportsmans Parade. This intent extended to the development of the current master plan applying to the subject site which identifies as a permitted use for the site:

*"Sport and Recreation (including associated short term accommodation being dormitory style accommodation, Restaurant, Food Outlet (not including drive through facility) and Function Room)."*

It is considered the subject site is ideally located to take advantage of the benefits of being co-located with the Sunshine Coast Stadium, potential new indoor stadium, amenity values offered by Lake Kawana and proximity to Birtinya Town Centre and Bokarina Beach. The proposed amendment to include the option for a motel is a contemporary response to the former short term dormitory style accommodation and is considered to be an appropriate use at the subject location.

If the TLPI is progressed, and a specific motel proposal materialises, there would be subsequent master plan amendments required. The applications for these master plan amendments would be available on [development.i](#) and the public would be welcome to submit their comments at that time. The application assessment team would consider any feedback submitted in relation to the application as part of their assessment, however there would be no third-party appeal rights.

### **Amendment to require provision of Affordable Housing**

Currently there is no obligation in the DCP or Kawana Waters Development Agreement that requires the provision of affordable housing to be provided within the Town Centre precinct. The TLPI proposes to introduce a new specific clause (refer section 4.10.2 (n)(i-i) of the tracked changed DCP) to require the “provision for residential forms of Development which contribute to the supply of housing diversity and affordability”. This amendment provides the necessary basis to require subsequent master plans to detail how compliance with the DCP will be achieved.

The Kawana Waters Development Agreement is also proposed to include a new detailed clause that sets down the detailed obligations of the Developer with respect to the provision of housing diversity and affordability. This new clause introduces 2 requirements to manage this:

- firstly, 20% of the dwellings in excess of the 1,333<sup>rd</sup> dwelling is to be provided as affordable housing, and
- secondly, the preparation of an Affordable Housing Implementation Strategy detailing how affordable housing is to be delivered in conjunction with ongoing annual reporting and auditing.

There are two pathways proposed for meeting the affordable target. One is to provide affordable housing based in general terms on section 43C of the *Planning Regulation 2017*, which typically would be in the form of social or public housing. The other is via “diversity through design”, meaning developments would need to provide a mix of 1, 2 and 3-bedroom units, and have a certain proportion of units below a specified size to ensure a proportion of the dwellings are more affordable.

As this Development Agreement is yet to be executed by all parties, the full details of the document are confidential. Once the Development Agreement is finalised and executed by all parties, the Development Agreement will be made publicly accessible.

### **Sunshine Coast Public Transport Project (SCPT)**

The planning for Birtinya Town Centre has always been predicated on the delivery of a new rail line and train station located along Station Street, Birtinya and more recently a more localised public transport system to complement the heavy rail, being SCPT.

Council will continue to advocate for improved public transport for the Sunshine Coast and considers SCPT as a critical project to effect real mode change, particularly in our centres. As the local entity responsible for planning, it is incumbent on Council to ensure planning does not prejudice strategic public transport projects but rather supports these projects through appropriate land use and infrastructure planning which assists with business case development and considerations.

Thank you for your on-going advocacy in relation to planning and development proposals located across the Sunshine Coast, I hope the above information provides additional clarity on Council’s decision making and planning for this space. I look forward to continuing the

meeting arrangements with the OSCAR executive and will propose some meeting dates for 2025 in the near future.

Yours sincerely,



John Baker

**CHIEF EXECUTIVE OFFICER**

cc. Mayor Rosanna Natoli, Sunshine Coast Council  
Councillor Burns, Sunshine Coast Council  
Councillor Dickson, Sunshine Coast Council  
Leah Bancroft, Acting Program Director Urban Growth, Sunshine Coast Council