

# Planning (Caboolture West Interim Structure Plan) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 13

made under the

*Planning Act 2016*

## General Outline

### Short title

*Planning (Caboolture West Interim Structure Plan) Amendment Regulation 2023*

### Authorising law

Sections 43 and 284 of the *Planning Act 2016*

### Policy objectives and the reasons for them

#### *Background*

The State Planning Policy (SPP) represents the state's interests in planning and ensures these are protected and delivered as part of planning processes in Queensland. The SPP includes the state interest of Housing Supply and Diversity, which seeks diverse, accessible, affordable and well-serviced housing, and land for housing to be provided.

The development of Caboolture West, in the Moreton Bay Regional Council (MBRC) local government area, is intended to deliver land supply and accommodate population growth for South East Queensland (SEQ). Caboolture West was identified as a major expansion area in three consecutive statutory SEQ Regional Plans – the SEQ Regional Plan 2005-2026, the SEQ Regional Plan 2009-2031, and the SEQ Regional Plan 2017 (*ShapingSEQ*).

The Caboolture West major expansion area comprises approximately 3,480 hectares. It is one of the largest greenfield growth areas planned for SEQ where approximately 30,000 homes could be built for around 70,000 people over the next 40 years.

MBRC has identified Caboolture West as an area for future residential development and there is high-level planning for the area in the planning scheme but, to date, detailed planning has not been undertaken. In order to manage residential growth and coordinate the delivery of necessary infrastructure for Caboolture West, detailed land use and infrastructure planning (i.e. structure planning) is required. The structure plan approach provides the State with the ability to coordinate and balance its own interests (such as planning for state controlled roads and state schools) without the need for local government to undertake this role. State intervention can

also manage existing and future development applications, ensuring development occurs in an orderly manner and aligned with infrastructure provision.

The Queensland Government has commenced this structure planning approach for Caboolture West to help accelerate the delivery of well-planned and serviced residential land as a pilot Priority Growth Area (PGA) by the Growth Areas Team (GAT). The GAT was formed the Department of State Development, Infrastructure, Local Government and Planning (the department) in early 2021. The Caboolture West PGA covers the same geographic area as the Caboolture West major expansion area in *ShapingSEQ*, minus the area known as Neighbourhood Development Plan 1 (NDP1) which has already been subject to detailed planning process by MBRC and did not require a structure plan approach. The ‘trial’ aspect of the PGA allows GAT to use Caboolture West to test a structure plan approach for how state and local government, utility providers and industry can work together to deliver more housing supply. Learnings from Caboolture West are intended to inform policy development and legislative amendments to facilitate more housing supply in Queensland.

The structure plan process will be implemented in two stages as follows:

1. Caboolture West Interim Structure Plan (CWISP) – the CWISP includes assessment benchmarks and identifies land uses and indicative infrastructure locations to manage existing and new development applications in the short-term, and
2. Caboolture West Final Structure Plan (Final Structure Plan)– proposed to be delivered 18 months after the commencement of the CWISP. The Final Structure Plan will contain detailed land use and infrastructure planning for the Caboolture West area.

The CWISP is the document made by the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure on 22 February 2023 and published on the department’s website.

### *Purpose*

Section 43 of the *Planning Act 2016* (Planning Act) permits a regulation to prescribe development requirements, including identifying the category of development (including prohibited development), the category of assessment for assessable development, and the assessment benchmarks for assessable development.

The purpose of the *Planning (Caboolture West Interim Structure Plan) Amendment Regulation 2023* (Amendment Regulation), together with the CWISP and MBRC planning scheme, is to set the development assessment requirements for the Caboolture West investigation area (investigation area) and the Caboolture West growth area (growth area), shown on the Caboolture West growth area and investigation area map published on the department’s website. The Amendment Regulation and CWISP replace the repealed Temporary Local Planning Instrument (TLPI) No. 2 of 2022 (Caboolture West Emerging Community).

The Amendment Regulation applies different regulatory provisions to the investigation area and the growth area.

### *Caboolture West investigation area*

The Amendment Regulation prohibits most development in the investigation area. The purpose of the prohibition is to prevent inconsistent development before detailed land use and infrastructure planning occurs through the State's preparation of a Final Structure Plan. This will allow for future development in the investigation area to occur in an orderly manner, in accordance with detailed land use and infrastructure planning.

Some types of low intensity development, compatible with the area's semi-rural character are excluded from the prohibition. These types of development are not considered to compromise the long-term land use and infrastructure planning for the investigation area. The development types excluded from the prohibition are:

- accepted development under a categorising instrument (examples of categorising instruments include a local government planning scheme and a regulation)
- development for a material change of use for interim activities in the urban living precinct identified as code assessable in Table 5.9.3.1.1 Caboolture West local plan in the MBRC planning scheme
- reconfiguring a lot to which schedule 12 of the Planning Regulation applies
- reconfiguring a lot to rearrange the boundaries of a lot.

Development is also exempt from the prohibition to the extent it is:

- carried out under a development permit given for a development application properly made before 27 July 2022
- consistent with a development approval in effect for the premises on which the development is carried out and given for an application that was properly made before 27 July 2022.

The date of 27 July 2022 was the commencement date of public consultation on the Amendment Regulation and CWISP.

### *Caboolture West growth area*

The Amendment Regulation prohibits development on state school sites in the growth area, other than development that is for a state school. The intent of the prohibition is to ensure that land is available for the appropriate number of schools in the right locations in Caboolture West.

The state school sites are each located on a larger lot, so the boundary for the school site is identified by coordinates in Schedule 1 of the CWISP. To enable development to occur on the lot before the school site is needed, some types of operational work on a state school site are made assessable development (and not prohibited). Reconfiguring a lot (RAL) for rearranging the boundaries of a lot or amalgamating 2 or more lots is exempt from the prohibition as these types of RAL do not affect the boundaries of the state school sites stated in Schedule 1. An assessment manager for these development applications will need to assess the development against the CWISP section 2.2 which includes that development must not compromise existing or proposed infrastructure, and is to facilitate the delivery of future infrastructure, including the school sites.

For development in the growth area that is assessable development under a local categorising instrument, the Amendment Regulation also:

- prescribes the category of assessment for the development, and
- sets the CWISP as an assessment benchmark.

The Amendment Regulation provides that a local categorising instrument may not be inconsistent with the assessment benchmarks in the CWISP, to the extent the local categorising instrument applies to the growth area.

## **Achievement of policy objectives**

### *Caboolture West investigation area*

Amendments to Schedule 10 in the Amendment Regulation achieve the policy objective of managing development in the investigation area whilst detailed land use and infrastructure planning occurs, by prohibiting all development except in limited circumstances.

### *Caboolture West growth area*

Amendments to Schedule 10 in the Amendment Regulation achieve the policy objectives of a well-planned, liveable and serviced community for the growth area by prescribing the category of development and the category of assessment for certain development and prescribing the CWISP as an assessment benchmark for specified development.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation prohibition will protect land identified for state schools from inconsistent development and will ensure that over time the required number of state schools are delivered on well located sites that can be readily accessed by the future community. By prescribing the CWISP as an assessment benchmark in the Amendment Regulation, orderly development in the growth area is intended to be achieved by providing standards which a development should be consistent with.

Through these provisions, the Amendment Regulation is consistent with the purpose of the Planning Act to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability.

The Amendment Regulation is also consistent with the purpose of the Planning Act that states a planning regulation may be a categorising instrument.

The Amendment Regulation:

- gives statutory effect to the CWISP
- delivers on the intent of *ShapingSEQ* to provide a well-planned and serviced community in Caboolture West, and
- protects and gives effect to the State interests of Housing supply and diversity in the SPP, as well as
  - Liveable communities, which supports well designed and serviced communities

- Development and Construction, which supports a strong development and construction sector
- Infrastructure Integration, which supports investment in infrastructure and integrated land use planning, and
- Transport Infrastructure, which supports land use patterns that encourage sustainable transport.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There is no alternative way to achieve the policy objectives, other than the Amendment Regulation. The Planning Act permits a regulation to set the category of assessment, to categorise development (including as prohibited development) and prescribe assessment benchmarks.

## **Benefits and costs of implementation**

### **Benefits**

The Amendment Regulation provides the following benefits:

- protecting land for essential community infrastructure through prohibiting development (apart from development for state schools) on state school sites in the growth area, and
- protecting areas from inconsistent development which may, for example, compromise the locations of future infrastructure whilst detailed planning is occurring in the investigation area.

Together these amendments will support the ongoing land use and infrastructure planning for Caboolture West as part of the Final Structure Plan. Without state intervention and the implementation of the Amendment Regulation, there is a risk that Caboolture West will not be developed in a way that delivers a well-planned, serviceable and liveable community in line with desired outcomes.

### **Costs**

Where MBRC is the assessment manager for assessable development, MBRC will assess development applications in the growth area using the CWISP and any relevant assessment benchmarks from the planning scheme (where these are not inconsistent with the CWISP). The assessment of a development application against the CWISP is comparable to the assessment MBRC would have undertaken where an NDP had been in effect. MBRC also provided a number of the assessment benchmarks in the CWISP. The Amendment Regulation does not change the State's role in assessing development applications affecting state interests.

## Consistency with fundamental legislative principles

The amendments contained in the Amendment Regulation are consistent with fundamental legislative principles.

## Consultation

The Amendment Regulation was exempted from the preparation of a Regulatory Impact Statement. Regardless, the department made a consultation draft of the Amendment Regulation (along with the CWISP) available during public consultation from 27 July 2022 to 26 August 2022.

Consultation on the CWISP and Amendment Regulation has been undertaken with key state agencies. Preparation of the CWISP and Amendment Regulation has included consultation with MBRC and the local water and wastewater utility provider, Unitywater. All state agencies consulted, as well as MBRC and Unitywater, support the proposed Amendment Regulation and CWISP, noting GAT and MBRC's continued work on policy to support the state interest of Housing Supply and Diversity and GAT's work with DCHDE to identify ways to facilitate social housing development in Caboolture West

During public consultation of the draft CWISP and Amendment Regulation, the department's 'Have Your Say' webpage provided the public with an online survey and poll, as well as the opportunity to submit a free-form submission. A total of 41 survey responses, 96 poll responses and 32 online submissions were received. In addition, three online information sessions (26 attendees), three in-person information sessions (18 attendees) and three 'meet the planner' sessions (10 attendees) were held. A newspaper notice, and local radio and social media advertisements also occurred during the public consultation period.

Of the 32 online submissions that were received, 15 submissions included content about the Amendment Regulation. The department considered the submissions received and resolved the submissions that requested changes to the Amendment Regulation to align with the existing provisions in the Caboolture West local plan in the MBRC planning scheme, and those that requested certain types of development to occur on school sites and the surrounding lot before the school site is needed.