

Explanatory Memorandum

Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17 – Rooftop Uses

December 2018



1. Short title

The amendment instrument to which this explanatory memorandum relates is the amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* relating to rooftop uses.

2. Type of local planning instrument

The amendment to the *Sunshine Coast Planning Scheme 2014* 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* (the Act).

The amendment meets the criteria for being a qualified state interest amendment for the following reasons:

- the amendment is not an administrative or minor amendment;
- the amendment only potentially affects two state interests in the State Planning Policy (SPP);
 1. Planning for economic growth - Tourism; and
 2. Planning for liveable communities and housing – Liveable communities;
- the amendment does not involve the state interest of natural hazard, risk and resilience as set out in the SPP; and
- the amendment reflects the guiding principles of the SPP, does not adversely affect a state interest in the SPP or South East Queensland (SEQ) Regional Plan, accords with the Act's purpose and is consistent with the regulated requirements under the Act.

3. Entity making the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17

The entity making the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* is the Sunshine Coast Regional Council.

4. Land affected by the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17 – Rooftop Uses

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* applies to the land described in **Table 4.1**.

Table 4.1 Land affected by the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17

Local plan area	Affected zones	Ownership Category	Map of Subject Land
Maroochydore/ Kuluin local plan area	Principal centre zone Local centre zone (where adjacent to King Street) Tourist accommodation zone (where adjacent to The Esplanade and Cotton Tree Parade)	Private, State and Local Government	Refer Appendix 1 .
Mooloolaba/Alexandra Headland local plan area	District centre zone Tourism zone Tourist accommodation zone	Private, State and Local Government	Refer Appendix 1 .
Coolool local plan area	District centre zone Tourist accommodation zone	Private and State Government	Refer Appendix 1 .

5. Purpose and reasons for the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17

Council has prepared the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* to encourage the provision of certain publicly accessible rooftop uses in major tourism locations on the Sunshine Coast.

This is achieved through the provision of some additional building height above the maximum height specified on the Height of Buildings and Structures Overlay Map for certain publicly accessible rooftop uses. It has been acknowledged that by providing an absolute building height limit (via the Height of Buildings and Structures overlay), there is less incentive for rooftop use by the market which seeks to maximise yield for residential components. It is important to note that the amendment is not intended to provide for additional residential density, through maintaining the exclusion of these uses above the building height limit (other than ancillary recreation and entertainment components, where publicly accessible).

Rooftop uses (under the additional building height provision) have been limited to tourism focus areas within the local plan areas of Maroochydhore/Kuluin, Mooloolaba/Alexandra Headland and Cooloom.

In arriving at this position, Council has determined the minimum height allowance that is necessary to achieve these types of rooftop uses and facilities. Additionally, the planning scheme provisions have been drafted to minimise the potential adverse impacts of building height associated with rooftop uses.

Furthermore, the amendment will only apply to publicly accessible rooftop uses and ancillary recreation and entertainment facilities to ensure that these uses are accessible to the general public and not retained solely for the exclusive use of building occupants and their guests.

6. Details of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17

The details of the amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* are summarised in **Table 6.1**

Table 6.1 Summary of planning scheme amendment

Planning Scheme Part	Summary of Amendment
Part 5 (Tables of Assessment)	Amend Section 5.10 (Categories of development and categories of assessment - overlays), Table 5.10.1 (Overlays), to provide an additional building height exemption category for the provision of publicly accessible <i>Prescribed rooftop uses</i> in the major tourist localities of Maroochydhore, Mooloolaba/Alexandra Headland and Cooloom.
Schedule 1 (Definitions)	Amend Table SC1.2.1 (Index of administrative definitions) and Table SC1.2.2 (Administrative definitions) to include a new definition for <i>Prescribed rooftop uses</i> .

The amendment will also require consequential amendments in regard to levels of assessment and tables of consistent uses to align the *prescribed rooftop uses* to the applicable zones and local plan areas.

7. Compliance with the Planning Act 2016

The *Sunshine Coast Planning Scheme 2014* complies with Section 16(1) (Contents of local planning instruments) of the *Planning Act 2016*. In particular the *Sunshine Coast Planning Scheme 2014* appropriately reflects the *Planning Act 2016* through the adoption and commencement of the *Sunshine Coast Planning Scheme 2014 (Alignment Amendment) No. 10*. The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* does not materially affect this compliance.

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* has been prepared in accordance with:-

- (a) Section 20 (Amending planning schemes under Minister's rules) of the Act; and

(b) the *Minister's Guidelines and Rules*.

8. Compliance with State planning instruments

The amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17* does not adversely affect the planning scheme's compliance with State planning instruments.

In particular, there are limited aspects of the amendment considered to be potentially relevant to State planning instruments, as the amendment relates to building form matters in specific local areas of the Sunshine Coast. Furthermore, the additional building height allowance will not materially impact upon demand on services due to the limitations placed on the location and nature of these rooftop uses and the likely limited take up of these provisions.

9. Consultation with government agencies

During the planning and preparation of the proposed planning scheme amendment, preliminary consultation occurred with the Department of Infrastructure, Local Government and Planning.

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 21 December 2017, 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 2 March 2018, Council received advice from the Planning Minister that it may proceed to public consultation, with no conditions.

10. Public consultation

In accordance with the *Minister's Guidelines and Rules*, Council must undertake 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 2 March 2018.

The proposed planning scheme amendment was placed on public consultation from 26 March to 27 April 2018 (inclusive).

The consultation and communication strategy implemented during the public consultation period involved the following:-

- formal public consultation on the proposed amendment for 20 business days;
- a notice placed in the *Sunshine Coast Daily* on Saturday, 24 March 2018 and on Council's website;
- written notice to affected and adjoining land owners, stating the purpose and general effect of the proposed amendment, including an information sheet about the proposed amendment;
- release of an industry newsflash to all regular planning scheme users and community members that have expressed an interest in receiving information about planning and development matters; and
- a copy of the proposed amendment made available at Council's administration buildings in Nambour, Caloundra and Maroochydore and available for viewing and downloading on Council's website.

DILGP's Communications Engagement Toolkit for Planning was 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.

11. Consideration of public submissions

During the public consultation period, 68 submissions were received by Council. Of which, 12 submissions were in support and 56 submissions objected to the proposed amendment.

In accordance with the *Minister's Guidelines and Rules*, Council must consider every properly made submission about the proposed amendment.

A consultation report has been prepared in accordance with the *Minister's Guidelines and Rules*, which provides a summary of the matters raised in submissions and how these matters have been dealt with. A copy of the consultation report has been provided to each person who made a properly made submission and is also available to view or download on Council's website (refer **Appendix 2 - Consultation Report**).

Following consideration of submissions, Council decided to proceed with the proposed planning scheme amendment, with the following changes:

- amended Prescribed rooftop uses definition to include only the Tourist accommodation zone with a frontage to The Esplanade or Cotton Tree Parade, where in the Maroochydore/Kuluin local plan area;
- amended lift overrun height from 4 metres to 5 metres;
- roof elements excluded from the 2 metre setback requirement;
- lift overruns excluded from the 3 metre setback requirement, where facing another tower on the same site;
- amended transparency requirement to clarify that the requirement is for the amount of material and not how transparent the material is;
- fire egress walls excluded from the transparency requirement; and
- editorial drafting changes to improve the clarity and interpretation of the amendment.

In addition to responding to issues raised in submissions, separate drafting changes were also made to simplify and improve the operational effect of the amendment while still maintaining the purpose and effect of the amendment. Specifically, the criteria for prescribed rooftop uses were removed from Table 5.10.1 (Overlays) of the public consultation version of the amendment and instead, included in the "Prescribed rooftop use" definition in Schedule 1 (Definitions). These changes were not considered to make the amendment significantly different to the public consultation version of the amendment.

12. Notice of compliance and Minister's consideration

In accordance with section 13 of the *Minister's Guidelines and Rules*, Council is required to provide a notice of compliance to the Planning Minister after the completion of public consultation of the proposed amendment.

On 26 September 2018, Council provided a notice of compliance (including a copy of the consultation report) to the Planning Minister. Council also forwarded a copy of the proposed amendment to the Planning Minister for approval for Council to adopt.

On 9 November 2018, Council received advice from the Planning Minister that it may proceed to adopt the proposed amendment, with no conditions.

13. Background studies and reports

No background studies or reports have been prepared to inform the preparation of the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 17*.

Appendix 1: Mapping of affected land (for illustration purposes only / does not form part of amendment)

Proposed Round 5B - Rooftop Uses Amendment - Maroochydore/Kuluin Local Plan Area



Legend

Land proposed to be subject to the proposed Rooftop Uses Amendment

Property Boundary

Zones

Residential Zones Category

- Low Density Residential Zone
- Medium Density Residential Zone
- High Density Residential Zone
- Tourist Accommodation Zone

Centre Zones Category

- Principal Centre Zone
- Local Centre Zone

Recreation Zones Category

- Sport and Recreation Zone
- Open Space Zone

Environmental Zones Category

- Environmental Management and Conservation Zone

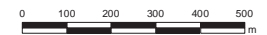
Industry Zones Category

- Low Impact Industry Zone

Other Zones Category

- Community Facilities Zone
- Emerging Community Zone
- Limited Development (Landscape Residential) Zone
- Specialised Centre Zone

- Community Facilities Zone Annotations**
1. Air services
 2. Cemetery
 3. Child care centre
 4. Community use
 5. Cronatorium
 6. Educational establishment
 7. Emergency services
 8. Extractive industry
 9. Hospital
 10. Multiple dwelling
 11. Outdoor sport and recreation
 12. Place of worship
 13. Relocatable home park
 14. Renewable energy facility
 15. Residential care facility/Retirement facility
 16. Rooming accommodation
 17. Short-term accommodation
 18. Substation
 19. Tourist park
 20. Utility installation (Local utility)
 21. Utility installation (Major utility - refuse)
 22. Utility installation (Major utility - sewerage treatment)
 23. Utility installation (Major utility - water supply)



Scale: 1:12,000

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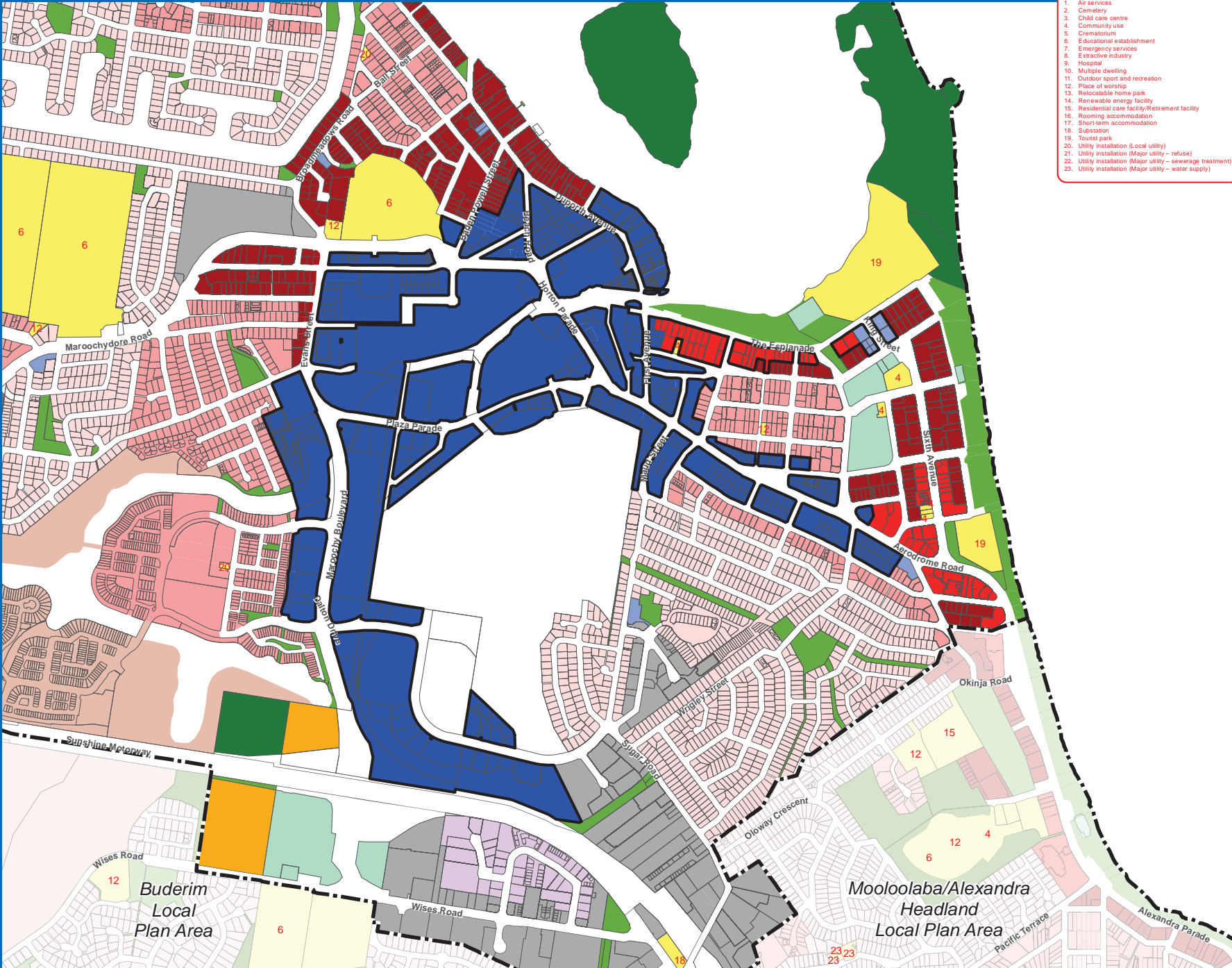
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Proposed Rooftop Uses Amendment - Mooloolaba/Alexandra Headland Local Plan Area



Legend

- Land proposed to be subject to the proposed Rooftop Uses Amendment
 - Property Boundary
- Zones**
- Residential Zones Category**
- Low Density Residential Zone
 - Medium Density Residential Zone
 - High Density Residential Zone
 - Tourist Accommodation
- Centre Zones Category**
- Principal Centre Zone
 - District Centre Zone
 - Local Centre Zone
- Recreation Zones Category**
- Sport and Recreation Zone
 - Open Space Zone
- Environmental Zones Category**
- Environmental Management and Conservation Zone
- Industry Zones Category**
- Low Impact Industry Zone
 - Waterfront and Marine Industry Zone
- Other Zones Category**
- Community Facilities Zone
 - Limited Development (Landscape Residential) Zone
 - Specialised Centre Zone
 - Tourism Zone



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- Community Facilities Zone Annotations**
1. Air services
 2. Cemetery
 3. Child care centre
 4. Community use
 5. Crematorium
 6. Educational establishment
 7. Emergency services
 8. Extractive industry
 9. Hospital
 10. Multiple dwelling
 11. Outdoor sport and recreation
 12. Place of worship
 13. Relocatable home park
 14. Renewable energy facility
 15. Residential care facility/Retirement facility
 16. Rooming accommodation
 17. Short-term accommodation
 18. Substation
 19. Tourist park
 20. Utility installation (Local utility)
 21. Utility installation (Major utility - refuse)
 22. Utility installation (Major utility - sewerage treatment)
 23. Utility installation (Major utility - water supply)

Proposed Rooftop Uses Amendment - Coolum Local Plan Area



Legend

Land proposed to be subject to the proposed Rooftop Uses Amendment

Property Boundary

Zones

Residential Zones Category

- Low Density Residential Zone
- Medium Density Residential Zone
- Tourist Accommodation Zone

Centre Zones Category

- District Centre Zone

Recreation Zones Category

- Sport and Recreation Zone
- Open Space Zone

Environmental Zones Category

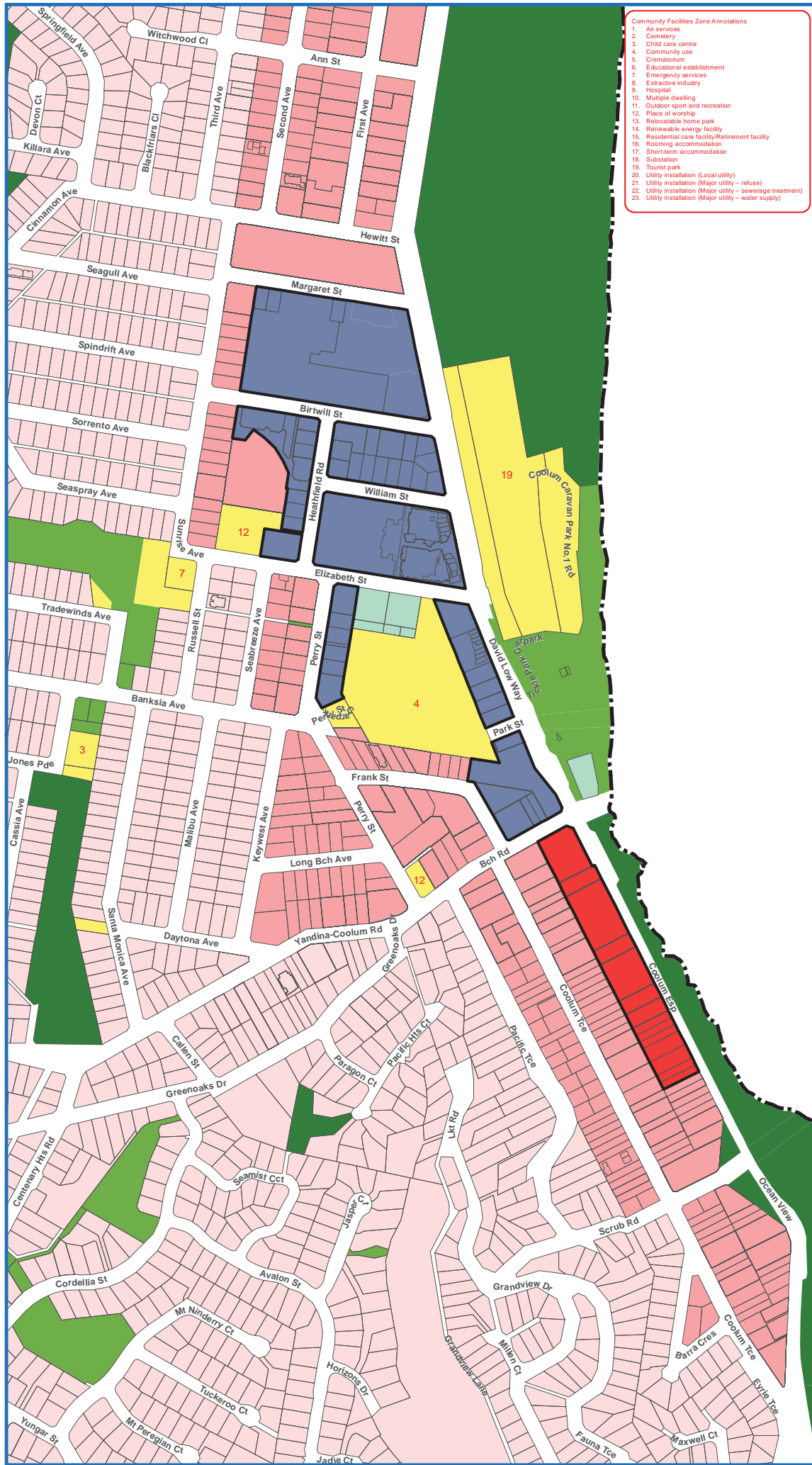
- Environmental Management and Conservation Zone

Other Zones Category

- Community Facilities Zone

Community Facilities Zone Annotations

1. Air services
2. Cemetery
3. Child care centre
4. Community use
5. Crematorium
6. Educational establishment
7. Emergency services
8. Extractive industry
9. Hospital
10. Multiple dwelling
11. Outdoor sport and recreation
12. Place of worship
13. Relocatable home park
14. Renewable energy facility
15. Residential care facility/Retirement facility
16. Rooming accommodation
17. Short-term accommodation
18. Substation
19. Tourist park
20. Utility installation (Local utility)
21. Utility installation (Major utility – refuse)
22. Utility installation (Major utility – sewerage treatment)
23. Utility installation (Major utility – water supply)



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Appendix 2: Consultation Report



Proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment)

Consultation Report: Rooftop Uses

No. of submissions: 68

Key issues raised in submissions supporting the proposed amendment (subject to changes):

- The amendment should apply to all land along the coast
- The amendment should allow for increased residential development
- The amendment should apply to Caloundra
- The amendment should apply to the High density residential zone of Mooloolaba and Maroochydore
- Lift overruns should be excluded from building height limits
- A bar should not be restricted to 60 patrons
- Buildings associated with rooftop uses should not be restricted to 2 or 3 metre setback
- Lift overruns and plant should not be restricted from the edge of buildings, where not adjacent to a road boundary
- Transparency requirement is unclear and should exclude fire egress stairs
- The amendment should include a requirement to provide green rooftops
- The amendment should apply to the Mooloolaba State Harbour land

Key issues raised in submissions objecting to the proposed amendment:

- The amendment will result in loss of sea views from Coolum Terrace, Coolum
- The planning scheme does not need to be amended to help the development sector rather it should protect the community
- Increase in building height, associated density and loss of views
- We are not the Gold Coast and do not need rooftop bars
- Amenity (privacy and overlooking), anti-social behaviour and building security issues
- Noise and light impacts on adjacent development

- Incremental building height creep will turn the Sunshine Coast into the Gold Coast
- The amendment should not apply to Cotton Tree and should be restricted to the Principal centre zone
- Building design requirements will restrict this to new buildings
- The amendment will worsen parking and traffic issues
- Impacts on property values and existing businesses
- There is no guarantee that these facilities will be publicly accessible
- Rooftop uses should require Impact assessment
- The amendment is inexplicable as it includes Coolum and excludes Caloundra
- Coolum has a maximum height of 12 metres and therefore the amendment is of limited benefit
- Council has not undertaken any research to support the proposed amendment

INTRODUCTION

The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) – Rooftop Uses* ('proposed amendment') was subject to formal public consultation for 23 business days from 26 March to 27 April 2018.

During the public consultation period, 68 submissions were received by Council. Of these submissions, 12 submissions were in support and 56 submissions objected to the proposed amendment.

This consultation report addresses the key issues raised in submissions and outlines Council's intentions in relation to the proposed amendment following consideration of submissions.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendment seeks to incentivise the provision of certain publicly accessible rooftop uses in the key tourism locations of Maroochydore, Mooloolaba/Alexandra Headland and Coolum.

The general effect of the proposed amendment is to provide an allowance for some additional building height for these rooftop uses where the built form is appropriately designed to minimise the impression of building height.

CONSIDERATION OF KEY ISSUES IN SUBMISSIONS SUPPORTING THE PROPOSED AMENDMENT

This section of the report considers the key issues raised in those submissions that offered provisional support for the proposed amendment, but which requested changes to the proposed amendment as publicly notified.

The amendment should apply to the whole of the Sunshine Coast coastline

In preparing the proposed amendment, Council has considered how best to encourage this type of development in discrete tourist areas of the Sunshine Coast.

It is not proposed to expand the proposed locations to ensure that the incentivisation of publicly accessible rooftop uses is focused on these key tourist locations.

The amendment should allow for increased residential density

The focus of the proposed amendment is on tourism related uses and not residential uses. There is considered to be sufficient provision for residential development to cater for projected growth within the life of the planning scheme.

The amendment should apply to Caloundra

Maximum building height is proposed to be increased in certain locations in Caloundra in response to the Caloundra Centre Master Plan, whilst ensuring significant view corridors are maintained.

As such, it was not considered appropriate to provide for additional building height in Caloundra as the proposed Caloundra Centre Master Plan amendment has already addressed the incentivisation of development in the Caloundra Centre.

The amendment should apply to the High density residential zone in Maroochydore and Mooloolaba

Under the planning scheme, *bars, food and drink outlets* and *hotels* are subject to impact assessment and are not identified as consistent uses in the High density residential zone.

The intent of the proposed amendment is to only provide for some additional building height to incentivise proposed *Prescribed rooftop uses* in zones where the proposed uses are identified as consistent uses.

Four (4) metres is not sufficient for a high speed lift overrun and the amendment should exclude lift overruns from the building height limit

Under the proposed amendment, the additional height allowance is provided to achieve a design outcome which minimises the impression of building height whilst incentivising certain rooftop uses. As such, it is considered appropriate to place an upper limit on the height of lift overruns.

However, following further investigation of the technical specifications from the main lift suppliers in Australia, it is evident that some additional height allowance for a high speed lift to service a rooftop would be appropriate. Specifically, increasing the height allowance for lift overruns in the proposed amendment from 4 metres to 5 metres will more readily accommodate the type of lift typically required to service buildings that are likely to provide publicly accessible rooftop uses.

Bars should not be limited to 60 patrons

The land use definitions included in the *Sunshine Coast Planning Scheme 2014* are standard definitions mandated by the state government. Therefore, the requirement for a maximum seating capacity of 60 patrons for a *bar* cannot be changed.

However, when drafting the proposed amendment, this limitation on patron numbers for a *bar* was taken into account, resulting in the inclusion of a *hotel* as a *prescribed rooftop use* (noting that the *hotel* use definition does not restrict patron numbers).

Buildings associated with rooftop uses should not be restricted to 2 or 3 metre setbacks to allow for the expression of rooftop forms

It is acknowledged that visually interesting rooftops is an outcome which should be encouraged. As a consequence, the proposed amendment has been modified to apply the 2 metre setback requirement to walls only and not roof elements.

Lift overruns and plant should not be restricted from the edge of buildings, where not adjacent to a road boundary

The intent of the setback requirement is to centralise service areas (e.g. lifts and building plant) to reduce their visual impacts, when viewed from public places and adjoining sites. As such, the proposed amendment has been modified to exclude lift overruns and plant from this setback requirement, where directly adjoining another tower element located on the same site.

The transparency requirement for building elements is unclear and should also exclude fire egress stairs

It is agreed that the transparency requirement could be further clarified. As such, the requirement has been modified to clarify that the transparency requirement is specifying the amount of a particular building element which must include transparent material and not how transparent a material must be.

It is also agreed that fire egress stairs should be excluded from the transparency requirement to ensure fire safety requirements can be met.

The amendment should include a requirement to provide green rooftops

The proposed amendment does not specifically exclude the use of landscape elements that would provide for green rooftops. The effect of the amendment is to provide for additional building height for *Prescribed rooftop uses*.

The proposal to promote green rooftops is supported; however, this would need to apply to a wider range of development scenarios. As such, the encouragement of green rooftops will need to be considered in a separate planning scheme amendment investigation.

The amendment should apply to the Mooloolaba State Harbour land

It is acknowledged that the current zoning of the Mooloolaba State Harbour land provides for uses such as *food and drink outlets* and *function facilities* in certain locations. However, it is not intended to include this land in the *Prescribed rooftop uses* definition noting that a maximum building height of 8.5 metres currently applies to this land. Further consideration of the type, scale and intensity of uses should be undertaken in an integrated manner as part of a master planning process for this land.

CONSIDERATION OF KEY ISSUES IN SUBMISSIONS OBJECTING TO THE PROPOSED AMENDMENT

This section of the report considers the key issues raised in those submission which objected to the proposed amendment as publicly notified.

The amendment will result in loss of sea views from Coolum Terrace

Having regard to the redevelopment potential of land within the Tourist accommodation zone in Coolum, it is considered unlikely that any existing multi-storey building would be redeveloped in the foreseeable future to utilise the proposed amendment.

However, there are several opportunities for vacant sites or under-developed land to accommodate a *Prescribed rooftop use*, towards the southern extent of the Tourist accommodation zone in Coolum, where existing sea views are less likely to be adversely impacted by the additional building height.

It is also noted that the proposed amendment would result in only a minor increase in building height and there are requirements to minimise the impression of building height associated with rooftop uses.

As such, no change to the amendment is proposed in response to this issue.

The planning scheme does not need to be amended to help developers in lieu of protecting the community

The role of a planning scheme is to guide development by balancing the competing outcomes of protecting natural resources, maintaining the wellbeing of the community and promoting economic development.

The amendment as proposed is considered to be a balanced and considered approach to development and these competing interests.

Increase in building height, density and loss of views

Whilst the proposed amendment will provide for some additional building height in discrete locations, the drafting has considered impacts associated with this increased building height and sought to minimise any potential impacts.

It is unlikely that the proposed amendment will be utilised in a large number of proposals, given the requirement placed on rooftop uses to be publicly accessible and therefore limiting its application to circumstances where the development has a strong commercial or tourism focus.

The proposed amendment is therefore unlikely to have a significant impact upon building height or intensity of development on the Sunshine Coast or loss of views.

We are not the Gold Coast and don't need rooftop uses

The proposed amendment in no way resembles the scale and intensity of development which can occur on the Gold Coast. The amendment does not materially change the current policy position articulated in the planning scheme which, among other outcomes, seeks to limit building height to generally low and mid-rise buildings.

The amendment will result in unacceptable amenity (privacy and overlooking), building security issues, and noise and light impacts on neighbouring development

It is important to note that the rooftop uses nominated in the proposed amendment can already occur within the locations identified in the amendment and that the only effect the amendment has on development is an allowance for some additional building height to incentivise these uses.

It is considered unlikely that an existing building containing residential units would be retrofitted to include a rooftop use, as this would require consent of all unit owners.

In the circumstance of a new development, security and management issues would be addressed through the design of the building and management structure under a body corporate arrangement.

Noise and light impacts are considerations that would need to be mitigated in the design of a building. The planning scheme's Nuisance code would necessitate that a development application is supported by an acoustic assessment to ensure that the use could operate at satisfactory noise levels and to determine acoustic attenuation requirements and hours of operation. Council may also require evidence from a suitably qualified person to demonstrate that proposed lighting is designed to mitigate impacts on adjoining uses.

Any licensed premises would also need to demonstrate that it is operating within the required noise limitations, as part of its liquor license.

Incremental building height creep will result in the Sunshine Coast becoming the Gold Coast

The proposed additional building height allowance under the proposed amendment is not considered significant in context to the current height limits included in the planning scheme and is likely to be utilised by only a limited number of development scenarios.

The amendment should not apply to the Tourist accommodation zone (i.e. Cotton Tree or Bradman Avenue) and only apply to the areas more suitable for these type of uses (i.e. Principal centre zone)

The land proposed to be included in the Maroochydore/Kuluin local plan area has been reviewed to determine where these rooftop uses should be encouraged to locate.

Considering that the take up of these types of uses is likely to be limited, it is considered appropriate to incentivise these uses to preferred locations. Additionally, it is considered appropriate to review areas which, despite being zoned Tourist accommodation, are predominantly accommodating permanent residents.

As such, for the Tourist accommodation zone in Maroochydore, it is considered appropriate to limit the effect of the proposed amendment to land fronting The Esplanade and Cotton Tree Parade (i.e. exclude areas on Sixth Avenue and Bradman Avenue).

Building requirements will restrict this to new buildings

It is noted that building requirements (National Construction Code and the like) will place impediments on retrofitting existing buildings to accommodate rooftop uses.

When considering the proposed amendment, it was evident that it is unlikely that an existing building would be retrofitted to accommodate a rooftop use. However, the amendment was drafted to not differentiate between existing and proposed buildings, as this was considered unnecessary and it would be up to an owner/s of an existing building to determine whether a proposal would be feasible or not.

The amendment will worsen traffic and parking issues

The proposed amendment will not significantly affect density of development (as previously discussed) and is therefore unlikely to have any significant impacts upon traffic or parking. It is important to note that any proposal would be required to provide on-site parking at the rates specified in the Transport and parking code.

Impacts on property values and existing businesses

As previously discussed, the uses referred to in the proposed amendment can already occur within the applicable zones and could currently be proposed to be located on the rooftop of a building and be generally consistent with the planning scheme provisions, subject to detailed design considerations.

On this basis, the proposed amendment is unlikely to have a negative effect on property values.

The planning scheme does not specifically regulate the type and scale of land uses in regard to impacts upon existing businesses. This is generally limited to larger scale retail development (e.g. shopping centres), which can have significant impacts on the operation of existing uses and centres more generally.

There is no guarantee that these facilities will be publicly accessible

The types of uses that the proposed amendment applies to would only be commercially viable if they were accessible to the general public.

The proposed amendment does include recreation and entertainment uses ancillary to residential uses, which normally would not be publicly accessible. However, for a proposal to achieve the requirements specified for *Prescribed rooftop uses*, it would need to be a mixed use type building which included uses typically available to the general public (i.e. bar or restaurant). The circumstances where a proposal provided recreation and entertainment uses ancillary to a residential component of a development would need to be in conjunction with a commercial (publicly accessible) use.

Any proposal would need to demonstrate that it would be publicly accessible to be code assessable under the proposed amendment. Further, development approvals could be conditioned to ensure that rooftop uses and associated areas remain publicly accessible for the life of the development.

The level of assessment for Rooftop uses should remain as Impact assessment

The uses included as *Prescribed rooftop uses* are generally code assessable in the zones subject to the proposed amendment. Additionally, the Height of buildings and structures overlay code is drafted such that buildings proposed to exceed the maximum building heights specified are in conflict with the *Sunshine Coast Planning Scheme 2014*. This rigid approach to regulation of building height has necessitated building height exemptions to exclude certain types of uses and associated buildings/structures from assessment against this overlay.

Increasing the level of assessment for *Prescribed rooftop uses* to Impact assessment would not be consistent with the intent to incentivise these particular uses.

The amendment is inexplicable as it includes Coolum and excludes Caloundra

As addressed earlier in this report, there is specific reasoning for excluding Caloundra from the proposed amendment. Coolum is considered a logical area to consider for the incentivisation of rooftop uses as it is one the Sunshine Coast's key tourism locations and has attributes that are favourable to the provision of such uses.

Coolum has a maximum building height of 12 metres and therefore is of limited benefit

In consideration of the current 12 metre height limit for the beachfront at Coolum, the proposed amendment will provide some opportunities to take advantage of sea views that may not otherwise be available within the current height limit.

Council has not undertaken any research to support the proposed amendment

Council did undertake research into the likely building design considerations which needed to be taken into account in the drafting of the proposed amendment. It was not considered necessary to undertake any specific research into possible impacts of this type of development (e.g. noise and amenity impacts), as these issues are already addressed in existing provisions included in the *Sunshine Coast Planning Scheme 2014*, Council's local laws and relevant legislation.

SUMMARY

Whilst the submissions raise a number of concerns, it is considered that the responses provided in this Consultation Report, adequately address these concerns.

Where appropriate, changes to the public consultation version of proposed amendment have been recommended following consideration of submissions. These changes seek to clarify and improve the operational effect of the proposed amendment.

In addition to responding to issues raised in submissions, separate drafting changes have also been identified to simplify and improve the operational effect of the proposed amendment while still maintaining the purpose and effect of the proposed amendment.

Specifically, it has been recommended to remove the criteria for prescribed rooftop uses from Table 5.10.1 (Overlays) of the public consultation version of the proposed amendment and include these criteria in the proposed "Prescribed rooftop use" definition in Schedule 1 (Definitions).

RECOMMENDED CHANGES TO THE PROPOSED AMENDMENT

That, following consideration of submissions, the following changes are made to the proposed Rooftop Uses amendment:-

- amend the *Prescribed rooftop uses* definition such that, in respect to the Maroochydore/Kuluin local plan area, the proposed amendment applies only to properties with a frontage to The Esplanade and Cotton Tree Parade;
- amend the lift overrun height from 4 metres to 5 metres;
- exclude roof elements from the 2 metre setback requirement;
- exclude lift overruns from the 3 metre setback requirement, where facing another tower on the same site;
- amend the transparency requirement to clarify that the requirement is for the amount of material and not how transparent the material is;
- exclude fire egress walls from the transparency requirement;
- remove the criteria for prescribed rooftop uses from Table 5.10.1 (Overlays) and include these criteria in the proposed "Prescribed rooftop use" definition in Schedule 1 (Definitions); and
- editorial drafting changes to improve the clarity and interpretation of the proposed amendment.