

## Explanatory Memorandum

# Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11 – Muraban Street Extension

5 March 2018



## 1. Short title

The amendment instrument to which this explanatory memorandum relates is the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* relating to the Muraban Street Extension.

## 2. Type of local planning instrument

The amendment to the *Sunshine Coast Planning Scheme 2014* constituted 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 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 one state interest being planning for infrastructure as set out in the State Planning Policy (SPP);
- the amendment does not involve the state interest of natural hazards, 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 SEQ Regional Plan, accords with the Act's purpose and is consistent with the regulated requirements under the Act.


## 3. Entity that made the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11

The entity making the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* is the Sunshine Coast Regional Council.

## 4. Land affected by the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* generally applies to the planning scheme area and the land described in **Table 4.1**.

**Table 4.1 Land affected by the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11**

Property Description	Address	Ownership Category	Map of Subject Land
Lots 64 to 69 on RP52440, Lot 73, Lot 92 and Lot 93 on RP73433	7, 9, 13, 15 First Avenue, 11 Smith Street, Brisbane Road Carpark, Mooloolaba	Council	

## 5. Purpose of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11

The purpose of the amendment is to delete the requirement for the Muraban Street extension through Key Site 1 (Brisbane Road Carpark) from the Mooloolaba/Alexandra Headland local plan code.

## 6. Reasons for the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11

Council has prepared the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* to delete the proposed Muraban Street extension from the planning scheme and utilise Council's ownership of the Brisbane Road Carpark site to ensure that any development provides an appropriate mechanism to achieve local access arrangements in the vicinity of the site.

## 7. Details of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11

The details of the amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* are summarised in **Table 7.1** below and further details are provided in **Appendix 1**.

**Table 7.1 Summary of planning scheme amendment**

Planning Scheme Part	Summary of Amendment
Part 7 (Local plans)	Amend Section 7.2.20 (Mooloolaba/Alexandra Headland local plan code), Section 7.2.20.3 (Purpose and overall outcomes), Section 7.2.20.4 (Performance outcomes and acceptable outcomes) and Figure 7.2.20A (Mooloolaba/Alexandra Headland Local Plan Elements), to delete the requirement for the proposed Muraban Street extension from the local plan provisions.

## 8. 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. 11* does not materially affect this compliance.

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* was 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*.

## 9. Compliance with State planning instruments

The amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* does not adversely affect the planning scheme's compliance with State planning instruments.

The amendment only potentially affected one state interest being planning for infrastructure as set out in the State Planning Policy (SPP); however, the amendment relates only to the deletion of a proposed local connection road.

## 10. Consultation with government agencies

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

Approval to commence public consultation was received from the Minister by letter dated 16 October 2017.

Following public consultation and consideration of submissions the amendment was forwarded to the Minister by letter dated 9 January 2018, requesting approval to adopt the proposed amendment. The Minister subsequently responded to this request by letter dated 20 February 2018, providing approval for Council to adopt the proposed amendment with no conditions.

## 11. Public consultation

Council received notice from the Planning Minister by letter dated 16 October 2017, that Council may commence public consultation on the proposed planning scheme amendment, in accordance with the submitted consultation strategy. No conditions were imposed by the Planning Minister.

The endorsed communication strategy for the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. 11* included the following:-

- formal public consultation on the proposed amendment for 20 business days;
- consultation with relevant State agencies (refer **Section 10**);
- a notice in the Sunshine Coast Daily and on Council's website;
- written notice to affected 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 *Sunshine Coast Planning Scheme 2014 (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.

DILGP's Communications Engagement Toolkit for Planning was considered in the preparation of this communications strategy, which was tailored to suit the likely community and stakeholder interest in this proposed planning scheme amendment.

In accordance with the *Minister's Guidelines and Rules*, Council undertook public consultation for 20 business days from 30 October to 24 November 2017.

## 12. Consideration of public submissions

Two (2) properly made submissions were received objecting to the proposed planning scheme amendment.

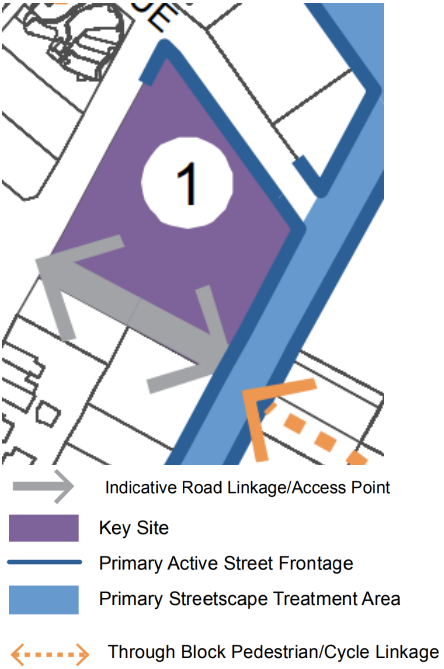





A consultation report was prepared in accordance with the *Minister's Guidelines and Rules*, including consideration of submissions. Refer to **Appendix 2**.

Following consideration of submissions, Council decided to proceed with the proposed planning scheme amendment, with no changes.

## 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. 11*.

## Appendix 1: Details of Planning Scheme Amendment

Property Description	Sunshine Coast Planning Scheme 2014	Summary	Amendment
<p><b>Key Site 1 (Brisbane Road Carpark)</b></p>	<p><b>Figure 1: Extract of Figure 7.2.20A (Mooloolaba/Alexandra Headland Local Plan Elements)</b></p>  <p>  Indicative Road Linkage/Access Point   Key Site   Primary Active Street Frontage   Primary Streetscape Treatment Area   Through Block Pedestrian/Cycle Linkage         </p>	<p>The Mooloolaba/Alexandra Headland local plan code includes provisions requiring an extension of Muraban Street along the southern boundary of Key Site 1 (Brisbane Road Carpark), as illustrated on Figure 7.2.20A (Mooloolaba/Alexandra Headland Local Plan Elements).</p> <p>The intent of this road link is to provide additional vehicle and pedestrian connectivity between Smith Street and Brisbane Road and access to the Brisbane Road Carpark site. It has been identified that the proposed road linkage places a significant impediment to the comprehensive development of the Brisbane Road Carpark site, as envisaged by the Key Site 1 provisions of the local plan code.</p> <p>It has been established that there may be other options to provide for an alternate access configuration to this site without the need for an extension to Muraban Street.</p> <p>Given that the Brisbane Road Carpark site is in Council ownership and that Council is acting in the public interest in pursuing a development of the site which will provide a large public parking facility to benefit the whole of Mooloolaba, it is considered appropriate to remove the identified road linkage from the local plan provisions and rely on Council's ownership to ensure an appropriate solution is implemented that achieves the same outcome sought by this planning scheme provision.</p>	<p><b>The Indicative Road Linkage/Access Point shown on Key Site 1 (Brisbane Road Carpark) be deleted from Figure 7.2.20A (Mooloolaba/Alexandra Headland Local Plan Elements) and that Section 7.2.20.3 (Purpose and overall outcomes) and Section 7.2.20.4 (Performance outcomes and acceptable outcomes) of the Mooloolaba/Alexandra Headland local plan code be amended to delete the requirement for the Muraban Street extension through Key Site 1 (Brisbane Road Carpark).</b></p>