

## **Explanatory Memorandum**

# **Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21 – Special Entertainment Precincts**

**January 2020**



## **1. Short title**

The amendment instrument to which this explanatory memorandum relates is the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21 – Special Entertainment Precincts* relating to the designation of a Special Entertainment Precinct and associated amendments.

## **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 Guideline and Rules* (July 2017) (MGR) and section 20 of the *Planning Act 2016* (the Act).

In accordance with Schedule 3 (Required material), section 2(b) of the *Minister's Guidelines and Rules*, the planning scheme amendment is consistent with the definition of a 'qualified state interest amendment' for the following reasons:

- the amendment is not a minor amendment or an administrative amendment;
- the amendment does not affect more than three state interests and meets the requirements of section 3(d)(iii) of Schedule 1 of the MGR;
- the amendment does not involve the state interest of natural hazard, risk and resilience as set out in the State Planning Policy (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.

The Planning Scheme Policy (PSP) amendment constitutes an 'amendment' to a planning scheme policy in accordance with Schedule 1 of the MGR and section 22 of the Act.

## **3. Entity making the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21**

The entity making the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* is the Sunshine Coast Regional Council.

## **4. Land affected by the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21**

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* generally applies to land included in the following zones and local plan areas:

- Principal centre zone;
- Major centre zone;
- District centre zone;
- Local centre zone;
- Tourist accommodation zone;
- Tourism zone;
- Nambour Local Plan Area;
- Maroochydore/Kuluin Local Plan Area;
- Mooloolaba/Alexandra Headland Local Plan Area;
- Caloundra Local Plan Area;
- Coolool Local Plan Area; and
- Sippy Downs Local Plan Area.

## **5. Purpose of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21**

The purpose of the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* is to:-

- (a) facilitate/support the live music industry on the Sunshine Coast through the designation of part of Nambour's activity centre as a special entertainment precinct under the *Local Government Act 2009*;
- (b) amend the Nuisance code to:
  - i. include specific noise criteria which must be met and provisions to regulate attenuation requirements for venues that are likely to host live music, and residential development within the special entertainment precinct and the surrounding buffer areas; and
  - ii. include new noise criteria and requirements for development in key mixed use areas more generally to minimise/manage land use conflicts.
- (c) amend the tables of assessment, zone codes and relevant local plan provisions for the Principal centre zone, Major centre zone, Tourism zone and parts of the District centre zone, Local centre zone and Tourist accommodation zone to:
  - i. allow for diffusion of "lower impact" entertainment uses (e.g. restaurants and small bars) across centre zones and key tourist areas to encourage vibrancy and support the night time economy in higher order centres, whilst concentrating "higher impact" entertainment uses (e.g. night clubs and dedicated live music venues) in the designated special entertainment precinct and the Ocean Street Food and Music Sub-Precinct;
  - ii. allow for micro-breweries to establish via code assessment in the Principal centre zone, Major centre zone, Tourism zone, and (where within the Mooloolaba/Alexandra Headland Local Plan Area) the District centre zone and Tourist accommodation zone;
  - iii. reinforce the mixed use nature of these zones and the desire for a vibrant day time and night time economy; and
  - iv. highlight that residents and visitors in these zones should expect a reasonable level of ambient noise associated with the benefits of living or staying in a centre or core tourist area.
- (d) remove provisions relating to existing hospitality areas identified in the planning scheme to reduce potential overlap and confusion with the designated special entertainment precinct;
- (e) amend the Planning Scheme Policy for the Nuisance code to include advice for achieving the outcomes specified in the Nuisance code including requirements for noise impact assessments; and
- (f) undertake all necessary consequential amendments to other parts of the planning scheme for consistency with the above amendments.

## **6. Reasons for the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21**

Council has prepared the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* to facilitate/support the live music industry on the Sunshine Coast and promote a vibrant day time and night time economy in major centres and tourist areas whilst also protecting residential amenity.

### Background

In recent times increasing conflicts have been arising between residents and live music venues on the Sunshine Coast, resulting in some cases, in venues being unable to continue to host live bands and music events due to complaints about noise emissions from encroaching residential development threatening the suspension of their liquor licence.

One tool available to council to help manage this issue is the designation of "special entertainment precincts" under the *Local Government Act 2009*. The designation makes entertainment venues within this precinct exempt from the amplified music noise requirements of the State Government's liquor licencing laws, and instead transfers

responsibility for the regulation of amplified music noise emissions from venues in the precinct to council. Venues still need to meet all the other requirements for obtaining a liquor licence.

This arrangement gives live music and entertainment venues greater certainty in relation to the noise levels they may operate to, and prevents venues being “shut down” by encroaching sensitive land uses such as residential development. The amenity of residential development within and in close proximity to the special entertainment precincts is protected through new acoustic attenuation requirements in the planning scheme. It should be noted however that the acoustic requirements do add additional costs to the development of residential premises, and are also likely to have implications for the design of buildings. There may also be some cost implications for existing and new venues in order to achieve the proposed attenuation requirements. Costs would be highly variable depending on the size and construction of the venue.

Another difference with the use of special entertainment precincts is that nearby residences are expected to close their windows/doors to block out the noise, whereas traditionally the noise criteria would apply on peoples balconies or inside residences with windows/door open. The traditional method therefore does not allow any benefits from acoustic upgrades to the residences.

The designation requires the implementation of both planning scheme amendments and local law amendments. Council has received various representations from creative and live music industry groups advocating for the introduction of special entertainment precincts on the Sunshine Coast.

The designation of a special entertainment precinct necessitated a review of the existing hospitality areas and zone provisions in order to reduce duplication and ensure the scheme provisions remain as simple and effective as possible. The amendments are designed to simplify provisions relating to entertainment uses in the planning scheme, allowing diffusion of “lower impact” entertainment uses across key centres and tourist areas more generally, whilst encouraging “higher impact” entertainment uses in a new special entertainment precinct in order to facilitate their establishment as core areas for live music on the Sunshine Coast.

## **7. Details of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21**

### Identification of a special entertainment precinct and buffers

The primary aim of the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* is to designate a special entertainment precinct under the *Local Government Act 2009* in part of Nambour’s activity centre. The special entertainment precinct, and associated buffer areas are identified on the local plan precinct map for Nambour.

The special entertainment area has been identified based on a variety of factors including potential/capacity to accommodate growth in “higher impact” entertainment venues, and the extent of residential development currently within the precincts and buffer areas. Importantly, the proposed special entertainment precinct currently has no residential uses within the boundaries of the proposed precinct and buffer areas.

The buffer areas encompass land directly proximate to the special entertainment precinct and which is likely to be affected by noise emissions from entertainment venues within the precinct. The buffer areas generally equate to approximately 50 metres from the boundary of the precinct for the primary buffer and 100 metres for the secondary buffer and have been determined based on advice from acoustic engineering specialists. A range of factors were considered including existing noise levels in buffer areas, proximity to existing and residential uses, built form and topography, and capacity of noise to travel through the environment. In order to minimise land use conflicts, residential development within the buffer areas will need to comply with the attenuation requirements in the Nuisance Code.

The current hospitality areas at Mooloolaba, Caloundra and Ocean Street, Maroochydore were investigated but not considered appropriate for designation as special entertainment precincts, primarily due to their crucial role in providing for existing and future tourist/residential accommodation. Entertainment uses can however continue to establish in these areas in accordance with the relevant zone/local plan provisions. Venues in these areas will also remain subject to the noise conditions of their liquor licence.

### Noise criteria and attenuation requirements

The designation of a special entertainment precinct requires concurrent amendments to the planning scheme (specifically the Nuisance Code and associated Planning Scheme Policy) to include new requirements for new residential development and venues within the precinct and buffer area to incorporate acoustic attenuation designed to meet specific criteria for noise emissions in order to protect the amenity of residential development within and in close proximity to the special entertainment precinct.

The requirements have been recommended by acoustic consultants and generally equate to the “Core B” levels for the Fortitude Valley special entertainment precinct. The “Core B” areas are located on the fringe of the main

entertainment area in the Valley, closer to residences, and as a result have a somewhat stricter criteria for venues. The noise limits are 88 dBC Leq outside venues before 11:30pm/midnight and 65 dBC Leq at other times. For comparison, the noise levels outside South Bank (Brisbane) venues is around 80 to 85 dBC Leq during the busier evening period. Noise levels outside some Fortitude Valley venues would exceed 88 dBC Leq during evening/night periods.

It is possible that the implementation of the criteria would result in some existing venues not meeting the new allowable noise levels. To this end, where an existing venue doesn't comply with the new local law provisions, council has the ability/discretion to require a "noise management plan" for the venue, to allow the venue to continue to operate at its existing internal levels, even though it doesn't meet the new noise limits.

The amendment does not impact upon the ability for temporary events and festivals involving live music to occur inside or outside of the special entertainment precinct.

#### Managing noise in mixed use areas generally

In order to help minimise/manage land use conflicts in mixed use areas more generally into the future (as opposed to special entertainment areas and buffers specifically) and promote vibrant dining focussed entertainment areas, changes are made to the Nuisance Code to insert specific noise criteria and glazing requirements for residential development in key mixed use areas similar to those in the *Brisbane City Plan 2014*. The "prescribed mixed use areas" include core areas/precincts of the Principal and Major centre zones, the District Centre zone at Mooloolaba, and the Tourist accommodation zone in Maroochydore, Mooloolaba, Caloundra, and Coolum.

Residents in the special entertainment precinct, buffer areas and prescribed mixed use areas may need to close windows during noisier periods. This approach is similar for residents beside major roads and railway lines. It recognises the importance of the activity and places more responsibility on the resident.

#### Other related amendments

In addition to the identification of the special entertainment precinct and associated buffer areas and the inclusion of associated noise criteria and provisions, the amendment increases the area where small bars (accommodating up to 60 patrons seated) can be established as accepted development (i.e. not requiring a development approval), subject to certain qualifications, in key centres/tourist areas, and restrict code assessable nightclub entertainment facilities (including dedicated live music venues) generally to the designated special entertainment precinct and the Ocean Street Food and Music Sub-Precinct. Nightclubs and dedicated live music venues remain impact assessable and potentially consistent in most other parts of the Principal centre zone, and Major centre zone and parts of the Tourist accommodation zone. To avoid confusion and overlap with the new special entertainment precinct, the existing hospitality precincts/areas are removed and replaced with more general zone/local plan provisions.

Amendments are also made to the relevant zone/local plan codes to reinforce the mixed use nature of larger centres/core tourist areas and the desire for vibrant, active streets which may include night time/entertainment activities, and indicate that people living in these zones generally can expect a reasonable level of noise which necessarily comes with the benefits of living in a centre.

**Table 7.1** provides further detail of the amendments to the *Sunshine Coast Planning Scheme 2014*.

**Table 7.1 Summary of amendments**

Planning Scheme Part	Summary of Amendment
<b>Part 1 (About the planning scheme)</b>	<ul style="list-style-type: none"> <li>Amend Table 1.2.2 (Local plans and local plan precincts) to update the local plan precinct references to reflect the new special entertainment precinct and delete references to existing hospitality areas.</li> </ul>
<b>Part 3 (Strategic framework)</b>	<ul style="list-style-type: none"> <li>Amend Section 3.4.3 (Element 2 – Sunshine Coast activity centre network), Section 3.4.3.1(d)(iv) (Specific outcomes) to replace the reference to hospitality areas with special entertainment precincts and note amenity expectations for these areas.</li> </ul>
<b>Part 5 (Tables of assessment)</b>	<ul style="list-style-type: none"> <li>Amend Section 5.5 (Categories of development and categories of assessment – material change of use), Table 5.5.4 (Tourist accommodation zone) to remove reference to <i>bar</i> as accepted development where in a hospitality area. This provision is instead reflected in the supplementary tables of assessment for the zone in the Mooloolaba/Alexandra Headland and Caloundra local plan areas.</li> <li>Amend Section 5.5 (Categories of development and categories of assessment – material change of use), Table 5.5.5 (Principal centre zone) and Section 5.5 (Categories of development and categories of assessment – material change of use), Table 5.5.6 (Major centre zone) to:- <ul style="list-style-type: none"> <li>change the category of development and category of assessment (level of assessment) qualification for <i>bar</i> being accepted development in an existing building in the zone from “where in a designated hospitality area” to “where not involving amplified music that is audible external to the premises”. This provides for ‘bars’ to establish as accepted development (no development approval required) throughout these zones subject to these qualifications; and</li> <li>change the category of development and category of assessment (level of assessment) for <i>nightclub entertainment facility</i> to code assessment where in a designated special entertainment precinct, and impact assessable otherwise, to encourage nightclub entertainment facilities (including live music venues) to establish in a special entertainment precinct or the Ocean Street Food and Music Sub-Precinct in the first instance. Note: See below amendment to Maroochydore/Kuluin Local Plan Table of Assessment to vary the category of development and category of assessment (level of assessment) to Code assessable in the Ocean Street Food and Music Sub-Precinct.</li> <li>change the category of development and category of assessment (level of assessment) for <i>medium impact industry</i> to code assessment where for a micro-brewery to allow for these uses to establish more easily in major centres.</li> </ul> </li> <li>Amend Section 5.5 (Categories of development and categories of assessment – material change of use), Table 5.5.7 (District centre zone) to remove reference to <i>bar</i> as accepted development where in a hospitality area. This provision is instead reflected in the supplementary table of assessment for the zone in the Mooloolaba/Alexandra Headland local plan area.</li> <li>Amend Section 5.5 (Categories of development and categories of assessment – material change of use), Table 5.5.22 (Tourism zone) to change the category of development and category of assessment (level of assessment) for <i>medium impact industry</i> to code assessment where for a micro-brewery to allow for these uses to establish more easily in major tourist attractions.</li> <li>Amend Section 5.9 (Categories of development and categories of assessment – local plans), Table 5.9.2 (Caloundra local plan: material change of use) to:- <ul style="list-style-type: none"> <li>provide for <i>bar</i> to be: <ul style="list-style-type: none"> <li>accepted development in the Tourist accommodation zone where in an existing building approved for non-residential use and not involving amplified music, subject to code assessment if forming part of a mixed use building, and impact assessment otherwise; and</li> </ul> </li> </ul> </li> </ul>

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>▪ accepted development in the Local centre zone at Moffat Beach where in an existing building with frontage to Seaview Terrace and not involving amplified music, subject to code assessment if not accepted development and with frontage to Seaview Terrace, and impact assessment otherwise.</li> </ul> <p>This amendment reflects the removal of hospitality areas and consequential changes to the table of assessment for the Tourist accommodation zone and allows for the use to establish as accepted development more broadly in the Tourist accommodation zone within the Caloundra local plan area and a small part of the Local centre zone at Moffat Beach.</p> <ul style="list-style-type: none"> <li>– provide for <i>nightclub entertainment facility</i> to be subject to code assessment in the Major centre zone, if located on a site with frontage to Bulcock Street between Tay Avenue/Centaur Street and Moreton Parade/Canberra Terrace (impact assessment otherwise). This is to restrict nightclub entertainment facilities, subject to code assessment, only where in the eastern portion of Bulcock Street (generally mirroring the area subject to the current Bulcock Street hospitality area).</li> </ul> <ul style="list-style-type: none"> <li>• Amend Section 5.9 (Categories of development and categories of assessment – local plans), Table 5.9.8 (Maroochydore/Kuluin local plan: material change of use) to:- <ul style="list-style-type: none"> <li>– provide for a <i>nightclub entertainment facility</i> to be subject to code assessment in the Principal centre zone, if located in the Ocean Street Food and Music Sub-precinct, and impact assessable otherwise.</li> </ul> </li> <li>• Amend Section 5.9 (Categories of development and categories of assessment – local plans), Table 5.9.9 (Mooloolaba/Alexandra Headland local plan: material change of use) to:- <ul style="list-style-type: none"> <li>– provide for <i>bar</i> to be accepted development in the Tourist accommodation zone where in an existing building approved for non-residential use and not involving amplified music, subject to code assessment if forming part of a mixed use building, and impact assessment otherwise.</li> </ul> <p>This amendment reflects the removal of hospitality areas and consequential changes to the table of assessment for the Tourist accommodation zone and allows for the use to establish as accepted development more broadly in the Tourist accommodation zone within the Mooloolaba/Alexandra Headland local plan area.</p> <ul style="list-style-type: none"> <li>– provide for <i>bar</i> to be accepted development in the District centre zone where in an existing building and not involving amplified music, and code assessment otherwise.</li> </ul> <p>This amendment reflects the removal of hospitality areas and consequential changes to the table of assessment for the District centre zone and allows for the use to establish as accepted development more broadly in the District centre zone within the Mooloolaba/Alexandra Headland local plan area.</p> <ul style="list-style-type: none"> <li>– Provide for <i>medium impact industry</i> to be subject to code assessment if for a micro-brewery in the Tourist accommodation zone and District centre zone, and impact assessable otherwise.</li> </ul> </li> </ul>
<b>Part 6 (Zones)</b>	<ul style="list-style-type: none"> <li>• Amend Section 6.2 (Zone codes), Section 6.2.4 (Tourist accommodation zone code), section 6.2.4.2 (Purpose and overall outcomes) to insert a new overall outcome reinforcing the mixed use nature of the zone and that residents and visitors in these areas should expect a reasonable level of ambient noise.</li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.7 (Tourist accommodation zone code), Table 6.2.7.2.1 (Consistent and potentially consistent uses in the Tourist accommodation) to:-</li> </ul>

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>– provide for medium impact industry where for a micro-brewery to be a consistent use where located in the Mooloolaba/Alexandra Headland local plan area and a potentially consistent use.</li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.5 (Principal centre zone code), section 6.2.5.2 (Purpose and overall outcomes) overall outcome (4)(d) to reinforce the mixed use nature of the zone and that residents and visitors in these areas should expect a reasonable level of ambient noise.</li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.5 (Principal centre zone code), Table 6.2.5.2.1 (Consistent uses and potentially consistent uses in the Principal centre zone) to:- <ul style="list-style-type: none"> <li>– remove reference to a <i>nightclub entertainment facility</i> to being a consistent use, to encourage nightclub entertainment facilities (including live music venues) to establish in the designated special entertainment precinct or in the Ocean Street Food and Music Sub-Precinct in the first instance; and</li> <li>– provide for <i>medium impact industry</i> where for a micro-brewery to be a consistent use, to allow for these uses to establish more easily in the principal centre.</li> </ul> </li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.6 (Major centre zone code), section 6.2.6.2 (Purpose and overall outcomes) to:- <ul style="list-style-type: none"> <li>– reinforce the mixed use nature of the zone and that residents and visitors in these areas should expect a reasonable level of ambient noise.</li> </ul> </li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.6 (Major centre zone code), Table 6.2.6.2.1 (Consistent and potentially consistent uses in the Major centre zone) to:- <ul style="list-style-type: none"> <li>– provide for <i>nightclub entertainment facility</i>, to be a consistent use where located in the Caloundra local plan area on a site with frontage to Bulcock Street between Tay Avenue/Centaur Street and Moreton Parade/Canberra Terrace, and an inconsistent use in the balance of the Major centre zone in the Caloundra local plan area and change the reference to hospitality areas to special entertainment precincts; and</li> <li>– provide for <i>medium impact industry</i> where for a micro-brewery to be a consistent use to allow for these uses to establish more easily in the major centres.</li> </ul> </li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.7 (District centre zone code), section 6.2.7.2 (Purpose and overall outcomes) to reinforce the mixed use nature of the zone and that residents and visitors in these areas should expect a reasonable level of ambient noise.</li> <li>• Amend Section 6.2 (Zone codes), Section 6.2.7 (District centre zone code), Table 6.2.7.2.1 (Consistent and potentially consistent uses in the District centre zone) to:- <ul style="list-style-type: none"> <li>– remove reference to designated hospitality area to provide for <i>nightclub entertainment facility</i> to be a potentially consistent use in all of the District centre zone;</li> <li>– provide for <i>medium impact industry</i> where for a micro-brewery to be a consistent use where located in the Mooloolaba/Alexandra Headland local plan area and a potentially consistent use otherwise.</li> </ul> </li> </ul>
<b>Part 7 (Local plans)</b>	<ul style="list-style-type: none"> <li>• Amend Section 7.2.6 (Caloundra local plan code), Section 7.2.6.3 (Purpose and overall outcomes) to:- <ul style="list-style-type: none"> <li>– reinforce the mixed use nature of the Major centre zone and Tourist accommodation zone and that residents and visitors in these areas should expect a reasonable level of ambient noise; and</li> <li>– delete overall outcomes relating to hospitality areas to reflect the proposed removal of these areas from the planning scheme.</li> </ul> </li> </ul>



Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>• Amend Section 7.2.6 (Caloundra local plan code), Section 7.2.6.4 (Performance outcomes and acceptable outcomes), Table 7.2.6.4.1 (Performance outcomes and acceptable outcomes for assessable development) to delete performance outcomes relating to hospitality areas, to reflect the proposed removal of these areas from the planning scheme.</li> <li>• Amend Section 7.2.19 (Maroochydore/Kuluin local plan code), Section 7.2.19.3 (Purpose and overall outcomes) to:- <ul style="list-style-type: none"> <li>– insert a new overall outcome reinforcing the mixed use nature of the zone and that residents and visitors in these areas should expect a reasonable level of ambient noise; and</li> <li>– change references to the 'Ocean Street Hospitality Area' to the 'Ocean Street Food and Music Sub-Precinct';</li> </ul> </li> <li>• Amend Section 7.2.19 (Maroochydore/Kuluin local plan code), Section 7.2.19.4 (Performance outcomes and acceptable outcomes), Table 7.2.19.4.2 (Additional performance outcomes and acceptable outcomes for assessable development in the Principal centre zone) to:- <ul style="list-style-type: none"> <li>– change references to the 'Ocean Street Hospitality Area' to the 'Ocean Street Food and Music Sub-Precinct';</li> </ul> </li> <li>• Amend Section 7.2.19 (Maroochydore/Kuluin local plan code), Section 7.2.19.4 (Performance outcomes and acceptable outcomes), Table 7.2.19.4.3 (Maroochydore/Kuluin local plan supplementary table of consistent uses and potentially consistent uses in the Principal centre zone) to provide for: <ul style="list-style-type: none"> <li>– a <i>nightclub entertainment facility</i> to be a consistent use in Sub-Precinct MAR LPSP-1 – Ocean Street Food and Music Sub-Precinct and a potentially consistent use in the balance of Precinct Mar LPP-1 – City Core.</li> <li>– a <i>medium impact industry</i> where for a micro-brewery to be a consistent use in Precinct MAR LPP-2 – Aerodrome Road and Precinct MAR LPP-3 – Maroochy Boulevard/Dalton Drive to allow for these uses to establish more easily.</li> </ul> </li> <li>• Amend Section 7.2.20 (Mooloolaba/Alexandra headland local plan code), Section 7.2.20.3 (Purpose and overall outcomes) to:- <ul style="list-style-type: none"> <li>– reinforce the mixed use nature of the District centre zone and Tourist accommodation zone and that residents and visitors in these areas should expect a reasonable level of ambient noise; and</li> <li>– delete references to hospitality areas to reflect the removal of these areas from the planning scheme.</li> </ul> </li> <li>• Amend Section 7.2.20 (Mooloolaba/Alexandra Headland local plan code), Section 7.2.20.4 (Performance outcomes and acceptable outcomes), Table 7.2.20.4.1 (Performance outcomes and acceptable outcomes for assessable development) to:- <ul style="list-style-type: none"> <li>– delete performance outcomes relating to hospitality areas to reflect the removal of these areas from the planning scheme.</li> </ul> </li> <li>• Amend Section 7.2.22 (Nambour local plan code), Section 7.2.22.3 (Purpose and overall outcomes) to:- <ul style="list-style-type: none"> <li>– delete the requirement for development in the Major centre zone to incorporate residential uses above the ground storey;</li> <li>– insert a new overall outcome reinforcing the mixed use nature of the Major centre zone and that residents in this area should expect a reasonable level of ambient noise;</li> <li>– change references to the 'Nambour Hospitality Area' to the 'Nambour Special Entertainment Precinct'; and</li> <li>– include new references to specific noise criteria and attenuation requirements contained in the Nuisance code.</li> </ul> </li> </ul>

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>Amend Section 7.2.22 (Nambour local plan code), Section 7.2.22.4 (Performance outcomes and acceptable outcomes), Table 7.2.22.4.1 (Performance outcomes and acceptable outcomes for assessable development) to:- <ul style="list-style-type: none"> <li>change references to the 'Nambour Hospitality Area' to the 'Nambour Special Entertainment Precinct';</li> <li>delete "and Hospitality Area" from references to Precinct NAM LPP-2 (Former Mill Site and Hospitality Area) to reflect the removal of the hospitality areas from the planning scheme. The Mill site is now developed and is not included in the new special entertainment precinct; and</li> <li>include new references to specific noise criteria and attenuation requirements contained in the Nuisance code.</li> </ul> </li> <li>Amend Section 7.2.22 (Nambour local plan code), Section 7.2.22.4 (Performance outcomes and acceptable outcomes), Table 7.2.22.4.2 (Nambour local plan supplementary table of consistent uses and potentially consistent uses in the Major centre zone) to provide for <i>medium impact industry</i> where for a micro-brewery to be a consistent use in Precinct NAM LPP-3 – Town Centre Frame to allow for these uses to establish more easily in the major centres.</li> </ul>
<b>Part 9 (Development codes)</b>	<ul style="list-style-type: none"> <li>Amend Section 9.4 (Other development codes), Section 9.4.3 (Nuisance code), Section 9.4.3.2 (Purpose and overall outcomes) to include a new overall outcome relating to development within and in close proximity to special entertainment precincts.</li> <li>Amend Section 9.4 (Other development codes), Section 9.4.3 (Nuisance code), Section 9.4.3.3 (Performance outcomes and acceptable outcomes), Table 9.4.3.3.1 (Performance outcomes and acceptable outcomes for assessable development) to:- <ul style="list-style-type: none"> <li>delete references to hospitality areas to reflect the removal of these areas from the planning scheme;</li> <li>include new performance outcomes and acceptable outcomes relating to noise criteria and attenuation requirements for venues and residential development within special entertainment precincts and associated primary and secondary buffer areas;</li> <li>include new performance outcomes and acceptable outcomes specifically for residential development to protect residential amenity and reduce land use conflicts in key mixed use areas ("<i>prescribed mixed use areas</i>"). The requirements are similar to those used successfully by Brisbane City Council in Mixed use areas, and are equivalent to current requirements in Transport Noise corridors (Category 2) in the <i>Queensland Development Code</i> (QDC). The outcomes can be met through upgraded glazing requirements; and</li> <li>incorporate minor consequential changes to remainder of code.</li> </ul> </li> </ul>
<b>Schedule 1 (Definitions)</b>	<ul style="list-style-type: none"> <li>Amend Table SC1.2.2 (Administrative definitions) to include new definitions of "<i>amplified music</i>" and "<i>prescribed mixed use area</i>" to assist in the interpretation of the provisions. Prescribed mixed use areas have been determined based on levels of anticipated mixed use activity and include parts of the Principal centre zone, Major centre zone, District centre zone and Tourist accommodation zone in the Maroochydore/Kuluin, Caloundra, Coolumb, Mooloolaba/Alexandra Headland, Nambour and Sippy Downs Local Plan Areas.</li> <li>Consequential amendment to Table SC1.2.1 (Index of administrative definitions) to list these terms.</li> </ul>
<b>Schedule 2 (Mapping)</b>	<ul style="list-style-type: none"> <li>Amend Local Plan Map LPM18 (Nambour Local Plan Precincts) to:- <ul style="list-style-type: none"> <li>identify the new special entertainment precinct and buffer areas; and</li> <li>delete the existing hospitality precincts.</li> </ul> </li> <li>Amend Local Plan Map LPM22 (Maroochydore/Kuluin Local Plan Precincts) to:-</li> </ul>

Planning Scheme Part	Summary of Amendment
	<ul style="list-style-type: none"> <li>– delete the existing hospitality precincts; and</li> <li>– change references to the 'Ocean Street Hospitality Precinct' to 'Ocean Street Food and Music Sub-Precinct'</li> <li>• Amend Local Plan Map LPM34 (Mooloolaba/Alexandra Headlands Local Plan Precincts) and Local Plan Map LPM45 (Caloundra Local Plan Precincts) to delete the existing hospitality precincts.</li> </ul>
<b>Schedule 6 (Planning scheme policies)</b>	<ul style="list-style-type: none"> <li>• Amend Section SC6.15 Planning scheme policy for the Nuisance code to include advice for achieving the outcomes specified in the Nuisance code including requirements for noise impact assessments.</li> </ul>

## 8. Compliance with the Planning Act 2016

In accordance with the Minister's Alignment Amendment Rules, the *Sunshine Coast Planning Scheme 2014* was amended for alignment with the *Planning Act 2016* on 3 July 2017. The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* does not materially affect this alignment.

The *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* has been prepared in accordance with:

- Section 20 (Amending planning schemes under Minister's rules) of the *Planning Act 2016*;
- Section 22 (Making or amending planning scheme policies) of the *Planning Act 2016*; and
- Minister's Guidelines and Rules* (July 2017) made under the *Planning Act 2016*.

In accordance with Schedule 3 (Required material), section 2(c)(ii) and (iii) of the *Minister's Guidelines and Rules*, the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21*:

- accords with the Act's purpose in that it seeks to facilitate the achievement of ecological sustainability, balancing ecological processes and natural systems, economic development outcomes, and the maintenance and enhancement of cultural, economic, physical and social wellbeing of people and communities in a localised context; and
- is consistent with the regulated requirements prescribed in the Planning Regulation, in that it accords with the *Sunshine Coast Planning Scheme 2014 (Alignment Amendment) No. 9* and does not purport to change any relevant definition or zone purpose statement.

## 9. Compliance with State planning instruments

At the time of the gazettal of the *Sunshine Coast Planning Scheme 2014* in May 2014, the Minister identified that the *South East Queensland Regional Plan 2009-2031* and the *State Planning Policy* were appropriately reflected in the planning scheme.

A new State Planning Policy (SPP) commenced on 3 July 2017 and a new Regional Plan – *ShapingSEQ South East Queensland Regional Plan 2017* – was released on 11 August 2017. Council is currently undertaking a review of the *Sunshine Coast Planning Scheme 2014* with a view to commencing an amendment process to align the planning scheme with the new SPP and SEQ Regional Plan.

A review of the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21* has confirmed that the amendment complies with the relevant aspects of the new State planning instruments. In accordance with Schedule 3 (Required Material) of the *Minister's Guidelines and Rules*, particular aspects of the amendment that have been identified as potentially relevant to State planning instruments are detailed in **Table 9.1** below.

#### State owned land

Implications for State owned land are minimal. No state land is currently located within the boundaries of the Nambour special entertainment precinct. Several land parcels directly surrounding, including the railway station at Nambour owned by DTMR and Queensland Rail currently used for railway related or industrial purposes, are located within the buffers for the Nambour special entertainment precinct. The amendment does not change the zoning, overlays or land uses allowable under the planning scheme on these sites and do not affect the current uses or their ability to expand in the future.

**Table 9.1 Compliance with State planning instruments**

State Interest	Summary of Compliance
<b>ShapingSEQ – South East Queensland Regional Plan 2017</b>	<p>The amendment is consistent with the SEQ Regional Plan 2017 in that it:</p> <ul style="list-style-type: none"> <li>relates to land within the Urban Footprint, including existing centre zones and the tourist accommodation zone;</li> <li>encourages vibrant and active centres with lively day and night time economies;</li> <li>promotes tourism opportunities associated with live music and creative industries;</li> <li>promotes economic revitalisation of key major centres, particularly Nambour; and</li> <li>protects opportunities for consolidation within and adjacent to the proposed special entertainment precincts by providing clear criteria for noise attenuation for both venues and residential development in these areas to avoid potential land use conflicts.</li> </ul>
<b>State Planning Policy July 2017</b> Planning for liveable communities and housing <ul style="list-style-type: none"> <li>Housing supply and diversity</li> <li>Liveable communities</li> </ul>	<p>The amendment seeks to encourage vibrant and active mixed use centres, particularly in terms of promoting a night time economy. Opportunities for consolidation within and adjacent to the special entertainment precinct are protected by providing clear criteria for noise attenuation for both venues and residential development in these areas to avoid potential land use conflicts.</p>
<b>State Planning Policy July 2017</b> Planning for economic growth <ul style="list-style-type: none"> <li>Agriculture</li> <li>Development and construction</li> <li>Mining and extractive resources</li> <li>Tourism</li> </ul>	<p>The amendment seeks to facilitate/encourage the development of the live music industry on the Sunshine Coast, which will also facilitate associated tourism benefits.</p> <p>The amendment seeks to adopt the lowest appropriate level of assessment for a variety of entertainment uses within the Nambour special entertainment precinct and across the higher order centres and tourist areas more generally.</p> <p>The amendments does not impact upon State Planning Interests relating to agriculture or mining and extractive resources.</p>
<b>State Planning Policy July 2017</b> Planning for the environment and heritage <ul style="list-style-type: none"> <li>Biodiversity</li> <li>Coastal environment</li> <li>Cultural heritage</li> <li>Water quality</li> </ul>	<p>Not applicable. The amendment does not impact upon State Planning Interests relating to the environment and heritage. The Heritage and character areas overlay in the planning scheme will continue to apply to development in the Nambour special entertainment precinct involving a heritage place.</p>
<b>State Planning Policy July 2017</b> Planning for safety and resilience to hazards <ul style="list-style-type: none"> <li>Emissions and hazardous activities</li> </ul>	<p>The special entertainment precinct (i.e. Nambour (part)) does not currently contain any sensitive uses (in particular residential development) within its boundaries, making it ideal as a special entertainment precinct. The amendment seeks to protect opportunities for future consolidation within and adjacent to the special entertainment precinct by providing clear criteria for noise attenuation for both venues and residential development in this area to avoid potential land use conflicts resulting from noise emissions.</p>

State Interest	Summary of Compliance
<ul style="list-style-type: none"> <li>Natural hazards, risk and resilience</li> </ul>	<p>The amendment does not impact upon State Planning Interests relating to natural hazards.</p>
<p><b>State Planning Policy July 2017</b></p> <p>Planning for infrastructure</p> <ul style="list-style-type: none"> <li>Energy and water supply</li> <li>Infrastructure integration</li> <li>Transport infrastructure</li> <li>Strategic airports and aviation facilities</li> <li>Strategic ports</li> </ul>	<p>The Nambour special entertainment precinct is located in an existing major centre well serviced by existing and planned transport and other infrastructure. It is recognised that the growth of the special entertainment precinct over time is likely to necessitate consideration of the provision of better late night public transport options for this area, which will require further discussions with the State.</p> <p>The amendment does not impact upon State Planning Interests relating to energy and water supply, strategic airports and aviation facilities or strategic ports.</p>

## 10. Consultation with government agencies

In accordance with Chapter 2, Part 3 (Qualified state interest amendment), section 8.3 and Schedule 3 (Required material), section 3 of the *Minister's Guidelines and Rules*, during the preparation of the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. 21*, Council officers, on 21 March 2018, met with representatives from the following departments, to discuss the content of the proposed amendment and likely state interests:

- Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP), Regional Services – SEQ (North);
- Office of Liquor and Gaming Regulation;
- Department of Transport and Main Roads; and
- Department of Natural Resources and Mines.

Representatives from Emergency Services were unable to attend. It was agreed that the primary areas of interest from the State perspective were Liquor Licencing and Building Codes Queensland. Preliminary agreement was also reached that the amendment could proceed as a qualified state interest amendment.

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 6 July 2018, advising of Council's decision to make the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment)* and to seek approval to proceed to public consultation.

On 6 September 2018, Council received advice from the Planning Minister that it may proceed to public consultation, with no conditions.

## 11. 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 State interest review step is complete. In this regard, Council received approval to commence public consultation from the Planning Minister, by letter dated 6 September 2018.

In accordance with the *Minister's Guidelines and Rules*, the proposed amendment was subject to public consultation from **15 October to 9 November 2018** (inclusive).

For a planning scheme policy amendment, a State interest review is not required and Council may proceed to public notification once the amendment is prepared, however as the planning scheme policy amendment directly relates to the planning scheme amendment, the proposed planning scheme policy amendment was notified concurrently with the associated amendments to the planning scheme.

In accordance with Council's communication strategy for the proposed amendment the following communication and consultation activities occurred during the public consultation period.

- a notice in the Sunshine Coast Daily and on Council's website;
- formal public consultation on the proposed amendment for 20 business days;
- written notice to land owners within and in close proximity to the proposed special entertainment precincts and buffer areas, and key stakeholder groups, stating the purpose and general effect of the amendment;
- release of an industry newsflash;
- a copy of the amendment documentation made available at Council's administration buildings in Nambour, Caloundra and Maroochydore and available for viewing and downloading on Council's website;
- a copy of the amendment documentation uploaded to the DSDMIP's plan-making portal;
- Briefings/meetings with community associations, including:
  - Maroochydore Revitalisation Association;
  - Maroochydore Chamber of Commerce; and
  - Caloundra Chamber of Commerce; and
- Various phone, email and counter enquiries.

The department's Communications Engagement Toolkit for Planning was considered in the preparation of the communications strategy.

## 12. Consideration of public submissions

During the public consultation period, 9 submissions were received by Council. Of these, 8 submissions offered support or qualified support for the proposed amendment. One submission noted concerns and sought clarification but did not object to the proposed amendment. In accordance with the Minister's Guidelines and Rules, Council considered every properly made submission about the proposed amendment.

Following consideration of submissions and other matters during the post-consultation review, Council decided to proceed with the proposed planning scheme amendment, with the following changes:

- amend the tables of assessment, zone codes and relevant local plan provisions to provide for micro-breweries (where located in the Mooloolaba/Alexandra Headland Local Plan Area) in the District centre zone and Tourism accommodation zone and in the Tourism zone more generally;
- not proceed with the proposed designation of a SEP in the Maroochydore City Centre PDA at this time, to allow more time to determine the appropriate application of a SEP in the PDA;
- consequential amendments to other parts of the planning scheme to give effect to the above changes; and
- undertake drafting refinements and editorial changes that were identified during the post-consultation review of the proposed planning scheme amendment to improve the efficiency and operation of the proposed amendment.

These changes were not considered to make the proposed amendment significantly different to the public consultation version of the proposed amendment.

Following consideration of submissions, at the Ordinary Meeting of council held on 28 March 2019 (Council resolution OM19/38), Council decided to proceed with the proposed amendment, with changes, as summarised in the Consultation Report (refer to **Appendix 1 – Consultation Report**). Prepared in accordance with the *Ministers Guidelines and Rules*, the Consultation Report provides a summary of the matters raised in submissions and how these matters have been dealt with by Council. A copy of the Consultation Report has been provided to each person who made a submission and is also available to view or download on Council's website.

## 13. Final State Review

In accordance with Council's resolution (OM19/38) the proposed amendment, with changes, was forwarded to the Planning Minister on 15 May 2019, for approval for Council to adopt.

On 19 June 2019, Council received advice from the Planning Minister that Council may proceed to adopt the proposed amendment, with no conditions.

## 14. Background studies and reports

In order to inform the refinement of the proposed precinct and buffer areas, and identify specific noise criteria appropriate for these areas, Council commissioned specialist acoustic advice from ASK Consulting Engineers.





# Proposed Sunshine Coast Planning Scheme Amendment

## Consultation Report: Special Entertainment Precincts (SEPs)

### OVERVIEW OF SUBMISSIONS

**No. submissions in objection: 0**

**No. of submissions in support or provisional support: 8**

**No. of submissions in neither objection or support: 1**

#### Key issues raised in submissions:

- The amendment will help revitalise Nambour and support a night-time economy in the Maroochydore CBD.
- While generally in support, a number of submissions noted some concerns or sought clarification on aspects of the proposed amendment including:
  - Management of anti-social behaviour.
  - The removal of Hospitality Areas and the general impact of SEPs on existing hospitality areas.
  - The removal of “bar” as a self-assessable use in the Tourist accommodation zone and District centre zone.
  - The cost impacts of SEPs noise regulation on rate-payers.
  - The lack of a definition of a “micro-brewery”.

### INTRODUCTION

The proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) – Special Entertainment Precincts (the proposed amendment) was subject to formal public consultation from 15 October to 9 November 2018.

During the public consultation period, a total of 9 submissions were received by Council. No submissions were received in relation to the planning scheme policy amendment.

This consultation report provides a summary of the proposed amendment, considers the key issues raised in submissions and outlines Council’s intentions in relation to the proposed amendment following consideration of submissions.

Review of the submissions identified:

- 8 submissions offered provisional or full support for the proposed amendment; and
- 1 submission noted concerns and sought clarification but did not object to the proposed amendment.

### OVERVIEW OF PROPOSED PLANNING SCHEME AMENDMENT

#### Background

Council has prepared a proposed amendment to the *Sunshine Coast Planning Scheme 2014* relating to the designation of special entertainment precincts (SEPs) and the way entertainment uses are regulated more generally.

Council has prepared the proposed planning scheme amendment to assist and support the live music industry on the Sunshine Coast and promote a vibrant day time and night time economy in major centres and tourist areas whilst also protecting residential amenity.

To help achieve this outcome, the public consultation version of the proposed planning scheme amendment included the following elements:

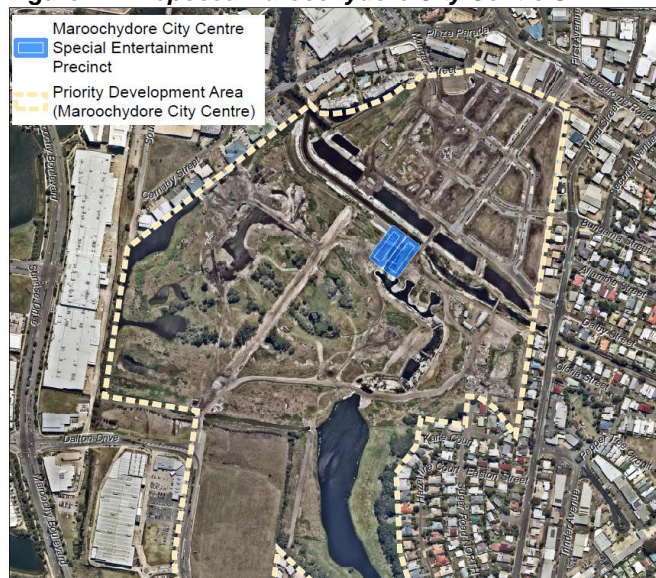
- (a) designate part of Nambour’s activity centre and part of the Maroochydore City Centre Priority Development Area (PDA) as SEPs under the *Local Government Act 2009* (refer to Figure 1 and Figure 2 overleaf);
- (b) remove existing hospitality areas in Maroochydore, Nambour, Caloundra and Mooloolaba activity centres to reduce potential overlap and confusion;
- (c) amend the tables of assessment, development codes, zone codes and relevant local plan provisions for the Principal centre zone, Major centre zone, and parts of the District centre zone, Local centre zone and Tourist accommodation zone to:
  - i. provide for “lower impact” entertainment uses (e.g. restaurants and small bars) across centre zones and key tourist areas to encourage vibrancy and support the night time economy in higher order centres;
  - ii. concentrate “higher impact” entertainment uses (e.g. night clubs and dedicated live music venues) in the designated SEPs and the Ocean Street Food and Music Sub-Precinct;

- iii. provide for micro-breweries in the Principal centre zone and Major centre zone;
  - iv. amend the assessment benchmarks relating to noise criteria for venues, surrounding residential development and key mixed use areas;
- (d) amend the Planning scheme policy for the Nuisance code to include advice for achieving the outcomes specified in the Nuisance code, including requirements for noise impact assessments; and
- (e) undertake all necessary consequential amendments to other parts of the planning scheme to give effect to the above changes.

**Figure 1 – Proposed Nambour SEP**



**Figure 2 – Proposed Maroochydore City Centre SEP**



## CONSIDERATION OF KEY ISSUES

The following section of the report provides a summary of the key issues raised in submissions and responses to these issues.

### **Support for Nambour and Maroochydore City Centre SEPs**

The purpose of the proposed amendment is to facilitate/support the live music industry on the Sunshine Coast through the designation of SEPs in Nambour and the planned Maroochydore City Centre Priority Development Area (PDA).

Four submissions noted the positive contribution the designation of a SEPs would make to the revitalisation of Nambour.

Three submissions noted the benefits the SEP would bring to the night time economy and activity within the Maroochydore City Centre.

The support offered in these submissions is acknowledged and noted; however (as discussed in OTHER MATTERS below), it is recommended that the proposed SEP designation in the Maroochydore City Centre PDA not be progressed at this stage to allow more time to determine the appropriate application of a SEP in the PDA.

### **Concerns about anti-social behaviour**

One submission supported the designation of a SEP in Nambour but was concerned that anti-social behaviour associated with alcohol consumption needs to be managed appropriately.

In response to this concern it is noted that, outside of the formal planning and regulatory processes, the *Liquor Act 1992* enables the designation of “Safe Night Precincts”. Ocean Street is already a designated safe night precinct; however, if the proposed amendment progresses to adoption, it is recommended that a safe night precinct is also investigated for Nambour.

The designation of a Safe Night Precinct will help to address a range of community safety issues associated with late night entertainment areas.

The submitter’s concerns are therefore noted but no change to the proposed amendment is recommended in response to this issue.

### **Removal of Hospitality Areas**

Four submissions noted concerns about the impact of removing Hospitality Areas from Caloundra, Mooloolaba and Ocean Street, Maroochydore.

The planning scheme currently identifies “hospitality areas” at Caloundra, Mooloolaba, Maroochydore and Nambour to signal that these areas are intended to accommodate a range of entertainment uses and that a higher level of noise and night time activity may be experienced in these locations.



The existing hospitality areas at Mooloolaba, Caloundra and Ocean Street, Maroochydore, were investigated but not considered appropriate for designation as SEPs, primarily due to existing residential accommodation which is not currently present at the proposed SEPs at Nambour and the Maroochydore City Centre PDA.

To avoid confusion and overlap with the proposed SEPs, the existing hospitality areas are proposed to be removed and replaced with more general zone/local plan provisions that are intended to have a similar effect.

Specifically, provisions are proposed to be added to the Strategic Framework as well as the Principal centre, Major centre, District centre and Tourist accommodation zone codes. Similar provisions are also proposed to be added in the Caloundra, Nambour, Maroochydore/Kuluin and Mooloolaba/Alexandra Headland Local Plan Codes. These provisions recognise vibrant mixed use activity areas and note that residents and visitors “should expect a reasonable level of ambient noise” associated with living in the area.

The proposed changes clearly communicate the importance of these areas for entertainment and hospitality uses and signal that higher levels of activity and noise should be expected. In doing so, it is considered that the intent and operation of the Hospitality Areas in the planning scheme have been effectively preserved.

It is therefore recommended that no change be made to the proposed amendment in response to this issue.

One submission sought a strengthening of the messaging around expected noise levels in the proposed Ocean Street sub-precinct. The submitter suggested that residents and visitors should be advised to expect a “higher” level of ambient noise as opposed to a “reasonable” level of ambient noise associated with living in the area. This is on the basis that difficult to control noise from the street after venues close may not be considered “reasonable” by complainants.

After consideration of the word “higher” as an alternative to “reasonable”, references to a “reasonable” level of noise is still considered appropriate.

This is because a “higher” level of noise does not give any upper bound to the noise level that may be expected by surrounding residents. It is also important to note that the provision refers to what is considered reasonable in the context of a centre or tourist area. It could be easily argued that noise from the street after venues close and patrons leave would be reasonably expected in these areas. This wording therefore provides the appropriate range for what surrounding residents should expect.

The submitter’s concerns are therefore noted but no change to the proposed amendment is recommended in response to this issue.

### ***Competition with the Maroochydore City Centre SEP***

Further to the issue above, two submissions also raised the concern that the identification of a SEP in the Maroochydore City Centre may impact on the viability of the Ocean Street precinct in the long term.

While not proposed to be designated as a SEP, the Ocean Street area in Maroochydore is proposed to be identified as the Ocean Street Food and Music Sub-precinct. Under the proposed amendment, nightclub entertainment facilities (including live music venues) are encouraged to locate in SEPs and the Ocean Street Food and Music Sub-precinct.

Venues in the Ocean Street sub-precinct will remain subject to the noise conditions of their liquor licence.

The submitters are concerned that the proposed SEP’s unfairly advantage new venues in the Maroochydore City Centre.

The advantages of a SEP designation include greater certainty for venues in relation to where they can operate and to what noise level, and protection for future nearby residential development through greater attenuation requirements, as well as general economic benefits associated with growth of the live music industry and night time economy.

Over time, the development of the Maroochydore City Centre can be expected to drive growth and competition in the night-time economy. It is difficult to anticipate how the changing dynamics of hospitality and entertainment uses will play out in Maroochydore in the future. That being said, there is no evidence to suggest that the designation of a SEP would negatively impact on other venues outside of the SEP. Further, there are no potential cost implications for existing venues outside of the SEPs.

Council is committed to supporting a vibrant day time and night time economy in major centres and tourist areas across the Coast whilst also protecting residential amenity. Council does this, in part, by seeking to utilise the appropriate regulatory approach in each local context.

The submitters concerns are therefore noted but no change to the proposed amendment is recommended in response to this issue; however (as discussed in OTHER MATTERS below), it is recommended that the proposed SEP designation in the Maroochydore City Centre PDA not be progressed at this stage to allow more time to determine the appropriate application of a SEP in the PDA.

### ***Levels of assessment for small bars***

One submission raised a concern that the proposed amendment requires Code assessment for a “Bar” in

the Tourist accommodation zone and District centre zone.

The submission contends that this does not allow flexibility for operators to conduct or start their business without a development application and that this reduces the potential for small scale operations that enliven the area, provide a meeting place, and a service to the community. The submitter believes that development application costs are onerous and that the issuing of liquor licensing would adequately regulate the land use.

In responding to this concern, it is first important to clarify that the current planning scheme provisions only identify a “Bar” as Accepted development in the District centre zone and Tourist accommodation zone where located in a designated Hospitality area.

Second, the proposed amendment removes references to Hospitality areas but retains a Bar as Accepted development in certain locations through proposed amendments to make a Bar Accepted development in the Principal centre zone and Major centre zone as well as (where located in the Mooloolaba/Alexandra Headland Local Plan Area or the Caloundra Local Plan Area) in the District centre zone or the Tourist accommodation zone and in the Local centre zone (where located in the Caloundra Local Plan Area).

In this way, the proposed amendment broadens the area in which Bars are Accepted development. This change is intended to achieve part of the stated purpose of the proposed amendment which is to “allow for diffusion of “lower impact” entertainment uses (e.g. restaurants and small bars) across centre zones and key tourist areas to encourage vibrancy and support the night time economy in higher order centres...”

The District centre zone and Tourist accommodation zone is allocated in numerous locations throughout the region and often in close proximity to residential areas.

The proposed amendment identifies a “bar” as Code assessable development in the District centre zone and in the Tourist accommodation zone (outside of Mooloolaba and Caloundra). This is considered the appropriate level of assessment in these areas as it allows for assessment against the applicable local plan code and other relevant codes.

The submitter’s concerns are therefore noted but no change to the proposed amendment is recommended in response to this issue.

### ***Cost to rate-payers***

Two submissions raised concerns that implementation of the proposed amendment could incur an on-going cost-burden on rate-payers. The submissions note that only Brisbane City Council has chosen to identify and regulate SEPs and that this may be due to other council’s not wishing to take on the financial cost.

In addition to a planning scheme amendment, the implementation of SEPs also requires Council to make a local law to regulate amplified music noise from premises in a special entertainment precinct. The role of education, compliance and enforcement of the new local law provisions is intended to be undertaken by Environmental Health Officers within Council’s Customer Response Branch.

Following adoption of the proposed planning scheme and local law amendments, it is estimated that the additional cost of administering the new local law requirements may be in the order of \$100,000 to \$200,000 per annum, primarily in additional staffing costs. This cost would need to be funded from future budgets. It is envisaged that each venue would need to apply for a yearly permit/licence under new local law provisions. Details in relation to relevant fees are intended to be addressed in a future report to Council to progress the related local law amendments; however, fees are intended to be based on full cost recovery.

The concerns raised by submitters in relation to potential costs have therefore been appropriately considered by Council.

### ***Introduction of a micro-brewery as a type of Medium impact industry***

One submission was supportive of council including ‘Medium impact industry – micro-brewery’ as Code Assessable development within the Principal centre zone and Major centre zone noting that the inclusion enables micro-breweries to contribute to the development of vibrant centres in the region.

The submission is also concerned however, that the interpretation and utilisation of what a micro-brewery might entail and the potential for residual impacts to adjoining and sensitive uses.

The submission recommends that the council include micro-brewery as an administrative definition to ensure that this use does not cause offence to surrounding uses within the Principal centre zone and Major centre zone.

A micro-brewery is a small scale brewery that produces small quantities of beer. Where the micro-brewery is purpose built and the primary use of the premises is the production of beer, the use is defined as ‘medium impact industry’ under the planning scheme.

Specifically, Schedule 1 (Definitions) of the planning scheme includes industry thresholds that list the activities that fall into Low, Medium and High impact industry and Special industry. A micro-brewery falls under the activity – “Processing, smoking, drying, curing, milling, bottling or canning food, beverages or pet food, less than 200 tonnes per annum.”

A brewery activity that exceeds a production of 200 tonnes per annum would fall under the definition of High impact industry and would consequently be Impact assessable anywhere outside of the High

impact industry zone. The planning scheme therefore already includes a definition that limits production to a level that reduces the potential for residual impacts to adjoining and sensitive uses.

Further to this, Code assessment of a Micro-brewery application would include assessment against the relevant zone code and local plan code as well as the Business uses and centre design code and each of the Prescribed other development codes.

Compliance with these codes will ensure that impacts on adjoining uses will be appropriately mitigated or managed. The submitter's concerns are therefore noted but no change to the proposed amendment is recommended in response to this issue.

## **OTHER MATTERS**

The following section of the report provides a summary of other matters that were not specifically raised in submissions, but have been taken into account in the post-consultation review of the proposed amendment.

### ***Code assessable Micro-breweries***

During the consultation period, key stakeholders queried whether areas in which micro-breweries are to be identified as Code assessable development could be broadened.

As noted above, the amendment proposes to make a Micro-brewery Code assessable development where located in the Principal centre zone and the Major centre zone.

Council officers have considered whether a Micro-brewery should also be made Code assessable development in the District centre zone, the Tourist accommodation zone and the Tourism zone.

As previously noted, the District centre zone and Tourist accommodation zone are allocated in numerous locations throughout the region and often in close proximity to residential areas. In most of these locations there would likely be significant community concerns about the establishment of a micro-brewery in close proximity to residential neighbourhoods. Impact assessment is therefore considered to be the appropriate level of assessment for a Micro-brewery use in these zones as it requires a development assessment process involving community consultation.

The exception to the above is the District centre zone and the Tourist accommodation zone in the Mooloolaba/Alexandra Headland Local Plan Area. These areas are suitably located to accommodate a Micro-brewery use without creating a significant potential for conflict with surrounding uses. Supporting Micro-breweries in these locations would also be in keeping with part of the purpose of the proposed amendment which is to encourage the vibrancy of key tourist areas.

In regards to the Tourism zone, it is noted that this zone is allocated in limited locations across the region. The purpose of the Tourism zone is to protect and provide for the continued operation of major man made tourist attractions and facilities. This includes Australia Zoo, Aussie World, the Big Cart Track, the Big Pineapple, the Sunshine Castle and Underwater World/Mooloolaba Wharf.

Making a Micro-brewery Code assessable at these locations would create the opportunity for operators to expand and diversify the tourism offer of these businesses.

It is therefore recommended that changes be made to the proposed amendment to make 'Medium impact industry – micro-brewery' a Code assessable use in the District centre zone and Tourist accommodation zone (where within the Mooloolaba/Alexandra Headland Local Plan Area) and within the Tourism zone more generally.

### ***Maroochydore Priority Development Area***

In addition to the above changes, it is recommended that the proposed designation of a SEP in the Maroochydore City Centre Priority Development Area (PDA) not be progressed within the proposed planning scheme amendment to allow more time to determine the appropriate application of a SEP in the Maroochydore City Centre PDA.

Given the generally positive submitter responses to the proposed amendment, in particular, support for the Nambour SEP to aid in the revitalisation of Nambour, it is recommended that the balance of the proposed amendment not be delayed by further consideration of aspects relating to the Maroochydore PDA SEP.

Consequently, changes are proposed to the public consultation version of the Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) – Special Entertainment Precincts to remove all references to the designation of the SEP in the Maroochydore/Kuluin local plan code.

### ***Other drafting and editorial changes***

A small number of editorial changes and drafting refinements have been identified during the post-consultation review of the proposed planning scheme amendment.

It is therefore recommended that these changes be made to improve the efficiency and operation of the proposed amendment.

## **SUMMARY**

It is noted that submissions were generally supportive of the proposed amendment.

Whilst the submissions raise some concerns in relation to the proposed amendment, it is considered

that the responses provided in this consultation report adequately address these concerns.

In response to feedback received during the consultation period, minor changes are proposed to the Table of Assessment to broaden the locations where a Micro-brewery may be established through Code assessment.

It is also proposed not to proceed with the designation of the SEP in the Maroochydore City Centre PDA at this time to allow more time to determine the appropriate application of a SEP in the Maroochydore City Centre PDA.

Finally, a small number of editorial changes and drafting refinements are proposed to improve the efficiency and operation of the proposed amendment.

## **RECOMMENDATION**

That Council proceed with the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) – Special Entertainment Precincts, subject to the following changes:

- make 'Medium impact industry – micro-brewery' a Code assessable use in the District centre zone and Tourist accommodation zone (where within the Mooloolaba/Alexandra Headland Local Plan Area) and within the Tourism zone more generally;
- not proceed with the proposed SEP designation in the Maroochydore City Centre PDA at this stage, to allow more time to determine the appropriate application of a SEP in the PDA;
- undertake all necessary consequential amendments to other parts of the planning scheme to give effect to the above changes; and
- undertake drafting refinements and editorial changes that have been identified during the post-consultation review of the proposed amendment to improve the efficiency and operation of the proposed amendment.