

**Draft Sunshine Coast Planning Scheme**  
Response to Submissions  
**Region Wide Key Issues Paper No. 10: Special entertainment precincts**

<b>Key Issue:</b>	<b>Consideration of the need for Special entertainment precincts to be identified in the Sunshine Coast Planning Scheme</b>
No. of submissions:	10
Major issues raised:	Concerns about the proposed hospitality areas and requests for these areas to be identified as special entertainment precincts.

## 1.0 INTRODUCTION

10 submissions were received regarding the proposed hospitality areas identified in the draft planning scheme.

Submissions raised concerns about the effectiveness of the proposed hospitality areas and requested that Council identify these areas as *special entertainment precincts* in accordance with the *Local Government Act 2009*. Other submissions requested changes to the hospitality area boundaries and to uses within areas.

## 2.0 STATE LEGISLATION

The *Local Government Act 2009* (Clause 264) includes provisions for local governments to establish a *Special Entertainment Precinct* through planning schemes. These provisions displace the provisions in the *Liquor Act 1992*.

The Local Government Act defines *special entertainment precincts* as follows:

*A special entertainment precinct is an area in which:*

- (a) *amplified music that is played at premises in the area is regulated by a local law, and not by the Liquor Act 1992; and*
- (b) *the requirements about noise attenuation under the Planning Act apply to certain types of development in the area.*

The Local Government Act sets out the following procedures for the establishment of a *special entertainment precinct*:

*If a local government wants to establish a special entertainment precinct in its local government area, the local government must:*

- (a) *amend the local government's planning scheme to identify the special entertainment precinct; and*
- (b) *make a local law to regulate noise from amplified music from premises in the special entertainment precinct, in accordance with a permit that is issued for the premises.*

Fortitude Valley in Brisbane is the only place where a *special entertainment precinct* exists in conjunction with a Local Law. Under the *Brisbane City Plan 2000*, the Fortitude Valley

Neighbourhood Plan identifies the Fortitude Valley Entertainment Precincts and outlines provisions for uses within the precincts.

Entertainment venues in a *special entertainment precinct* are exempt from the amplified music noise requirements of the State Government's liquor licensing laws. Responsibility for regulating amplified music noise from venues in a *special entertainment precinct* has been transferred from the State Liquor Licensing Division to Council.

In the Fortitude Valley special entertainment precinct, Brisbane City Council is responsible for the issuing of permits and the compliance monitoring of amplified music venues within the *special entertainment precinct* in accordance with the adopted local law.

### 3.0 EXISTING PLANNING SCHEME PROVISIONS

There are no provisions in the existing planning schemes on the Sunshine Coast in relation to regulation of amplified noise from music venues. Noise requirements are currently regulated by the State Government.

### 4.0 DRAFT SUNSHINE COAST PLANNING SCHEME

The draft planning scheme does not propose the creation of *special entertainment precincts* which would transfer responsibility for regulation from the State government to Council.

As an alternative, the draft planning scheme introduces the local concept of *hospitality areas*. These areas are intended to provide for a range of entertainment uses which may operate after hours and include live music.

The draft Strategic Framework Economic Development Theme recognises that activity centres may include *hospitality areas* as follows:

*Activity centres are designed to incorporate:-*

- (a) *a main street or other externally focussed configuration with active or semi-active street frontages that connect to surrounding communities and community spaces;*
- (b) *high amenity public spaces that support and encourage social interaction, casual meeting and active lifestyles;*
- (c) *buildings and places which contribute to the character and identity of their local area; and*
- (d) ***hospitality areas*** *in identified locations which provide business uses and entertainment activities that may operate after hours and include live music which creates a vibrant atmosphere.*

In Part 7 Local Plan Codes, *hospitality areas* are identified within the Caloundra and Mooloolaba local plan areas as follows:

- Caloundra - four proposed hospitality areas including the Events Centre, Bulcock Street, Bulcock Beach and Kings Beach; and
- Mooloolaba - sites on either side of Brisbane Road, the Mooloolaba Esplanade and Venning Street (including the Mooloolaba Hotel).

These areas are identified as a *Hospitality area precinct* on the relevant Local plan precinct maps (contained in Schedule 2 of the draft planning scheme).

Provisions are included in the relevant Local plan codes (contained in Part 7 of the draft planning scheme). These provisions provide for a range of business uses in these areas, including entertainment activities (such as food and drink outlets, functions facilities and

hotels) that may operate after hours and include live music. Nightclub entertainment facilities may also be provided for in certain hospitality areas.

In addition to the above *hospitality areas*, under Part 10 Planning Partnerships, the *Maroochydore Principal Regional Activity Centre Structure Plan* includes provisions for the establishment of entertainment and hospitality activities (including food and drink outlets, hotels and nightclub entertainment facilities) in a number of precincts, including Ocean Street, Plaza Parade, Government and Sunshine Plaza precincts.

## 5.0 CONSIDERATION OF ISSUES

The submissions to the draft planning scheme outline the following issues relating to entertainment activities on the Sunshine Coast:

- Concern that the planning scheme should nominate *special entertainment precincts* rather than hospitality areas to ensure that entertainment activities including live music are supported within these areas;
- A *special entertainment precinct* designation should be applied to Ocean Street, Maroochydore supported by well balanced, considered local laws;
- Expansion of the Mooloolaba Hospitality area to include part of the Tourist accommodation zone to allow entertainment uses at the ground floor level;
- Expansion of the Caloundra Hospitality area to include adjoining laneways and non-residential properties in side streets, and remaining development sites in and around the town centre to allow Bulcock Street and surrounds to become an important hospitality hub; and
- The need to include small bars as self assessable development in hospitality areas.

Submissions to the draft planning scheme support live music opportunities. They also indicate that the live music industry believes it cannot expand because of perceived threats to the liquor licence attached to the venue if noise becomes a problem.

### Special entertainment areas versus hospitality areas

The application of *special entertainment precincts* would have an advantage to the music industry and licensed venues by separating the licensing provisions (through Liquor Licensing) from the noise regulations (through the local government). These provisions reduce the risk for operators as their licences are not directly linked with noise regulation.

In February 2013, the State government issued a Discussion Paper on Red tape reduction and other reform proposals for regulation of liquor and gaming. At Section 2.5, the paper reviews noise controls for licensed premises and discusses options for continuing with the current regulation or empowering local government or allowing police to enforce noise standards. The Discussion Paper also considers whether noise measurement by dB should be re-assessed to allow a more general interpretation of 'unreasonable noise'.

The Sunshine Coast Chamber of Commerce Alliance is extensively quoted saying that they prefer a police approach to enforce noise standards ahead of local government. The LGAQ also expressed opposition to shifting responsibility for noise control to local government.

For this reason, the draft planning scheme did not identify *special entertainment precincts*. Instead the draft planning scheme nominates "Hospitality areas" as a local response to the need to recognise the role of these areas for entertainment purposes. The hospitality areas are not regulatory and do not provide additional or different use rights within the planning scheme. Instead, the hospitality areas designation is a "flag" to indicate that entertainment uses including live music may occur in these areas. The identification of hospitality areas also does not prevent the establishment of entertainment uses in other areas in accordance with the planning scheme zones.

### Ocean Street

Some submissions requested that Ocean Street be nominated as a *special entertainment precinct*. However, on the basis of the above discussion, it is not recommended that Ocean Street be identified as a *special entertainment precincts* are not identified in the draft Sunshine Coast Planning Scheme.

The Maroochydore Principal Regional Activity Centre Structure Plan includes provisions for the establishment of entertainment and hospitality activities in Ocean Street. Given that, Ocean Street is recognised as an important location for entertainment activities, its identification as a hospitality area in the draft planning scheme is supported.

Therefore, it is recommended that a hospitality area designation be applied to the Ocean Street consistent with other hospitality area designations within the draft planning scheme.

### Nambour

There has also been interest in establishing a hospitality area in Nambour's town centre. Following discussion with the local divisional councillor, a hospitality area has been identified including the town centre, the former Mill site and sites on Howard Street.

### Area specific amendments

Specific requests for amendments to the hospitality area boundaries need to be considered on a local plan area basis. These requests have been considered in the relevant Submission Tables (for Caloundra and Mooloolaba local plan areas).

### Small bars

In response to requests to include small bars as self assessable development in hospitality areas, it is recommended that the planning scheme tables of assessment are amended to include small bars as self/code assessable development within designated hospitality areas.

Note: The Queensland Planning Provisions V3 includes a new definition for "bar" and limits their size of a maximum capacity of 60 persons.

## **5.0 DIRECTION**

That:-

- (a) ***Special entertainment precincts* not be implemented in the draft Planning scheme and the regulation of music venues continues to be the responsibility of the State government;**
- (b) **The hospitality area designations in the planning scheme be maintained and extended to include hospitality areas at Ocean Street, Maroochydore and Nambour;**
- (c) **Bars are included as self/code assessable development within designated hospitality areas; and**
- (d) **Council investigates the opportunities and impacts of designating *special entertainment precincts* on the Sunshine Coast and continues to work with the State government on improvements to the licensing and regulations for music venues.**