



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

Consultation Report: Rooftop Uses

No. of submissions: 68

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

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

Key issues raised in submissions objecting to the proposed amendment:

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

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

INTRODUCTION

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

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

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

SUMMARY OF PROPOSED AMENDMENT

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

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

CONSIDERATION OF KEY ISSUES IN SUBMISSIONS SUPPORTING THE PROPOSED AMENDMENT

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

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

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

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

The amendment should allow for increased residential density

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

The amendment should apply to Caloundra

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

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

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

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

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

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

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

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

Bars should not be limited to 60 patrons

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

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

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

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

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

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

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

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

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

The amendment should include a requirement to provide green rooftops

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

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

The amendment should apply to the Mooloolaba State Harbour land

It is acknowledged that the current zoning of the Mooloolaba State Harbour land provides for uses such as *food and drink outlets* and *function facilities* in certain locations. However, it is not intended to include this land in the *Prescribed rooftop uses* definition noting that a maximum building height of 8.5 metres currently applies to this land.

Further consideration of the type, scale and intensity of uses should be undertaken in an integrated manner as part of a master planning process for this land.

CONSIDERATION OF KEY ISSUES IN SUBMISSIONS OBJECTING TO THE PROPOSED AMENDMENT

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

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

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

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

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

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

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

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

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

Increase in building height, density and loss of views

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building requirements will restrict this to new buildings

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

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

The amendment will worsen traffic and parking issues

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

Impacts on property values and existing businesses

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

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

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

There is no guarantee that these facilities will be publicly accessible

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

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

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

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

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

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

The amendment is inexplicable as it includes Coolum and excludes Caloundra

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

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

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

Council has not undertaken any research to support the proposed amendment

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

SUMMARY

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

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

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

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

RECOMMENDED CHANGES TO THE PROPOSED AMENDMENT

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

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