

Amendment Instrument

Proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

Post Notification Ministerial Review Version

Made under the *Planning Act 2016*, section 20 (Amending planning schemes under Minister's rules)

This amendment has effect on and from [to be inserted]



1. Short title

This amendment instrument may be cited as the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]*.

2. Commencement

This amendment instrument has effect on and from [to be inserted].

3. Purpose

The purpose of the proposed planning scheme amendment is 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 planning scheme amendment is for an allowance of additional building height for these uses, where the built form is appropriately designed to minimise the impression of building height.

4. Amendment table

This amendment instrument amends the component of the Sunshine Coast Planning Scheme 2014 in Table 1, Column 1, in respect of the planning scheme provisions stated in Table 1, Column 2, in the manner stated in Table 1, Column 3.

Table 1 Amendment table

Column 1	Column 2	Column 3
Planning scheme component	Planning scheme provision	Amendment
Part 5 (Tables of Assessment)	Section 5.10 (Categories of development and categories of assessment - overlays), Table 5.10.1 (Overlays)	Amend as shown in Appendix A
Schedule 1 (Definitions)	SC1.2 (Administrative definitions), Table SC1.2.1 (Index of administrative definitions) and Table SC1.2.2 (Administrative definitions)	Amend as shown in Appendix A

As a consequence of the amendments in Table 1, this amendment instrument also makes consequential amendments to the component of the *Sunshine Coast Planning Scheme 2014* in Table 2, Column 1, in respect of the planning scheme provisions stated in Table 2, Column 2, in the manner stated in Table 2, Column 3.

Table 2 Consequential amendment table

Column 1	Column 2	Column 3
Planning scheme component	Planning scheme provision	Amendment
Part 5 (Tables of Assessment)	Section 5.5 (Categories of development and categories of assessment – material change of use)	Where applicable, lower the category of assessment from impact assessment to code assessment for all <i>Prescribed rooftop uses</i> within the zones (or part thereof) and local plan areas listed in Table 4.1 of the Explanatory Memorandum.
Part 6 (Zones)	Section 6.2 (Zone codes)	Where applicable, amend to include all <i>Prescribed rooftop uses</i> as consistent uses within the zones (or part thereof) and local plan areas

Column 1	Column 2	Column 3
Planning scheme component	Planning scheme provision	Amendment
		listed in Table 4.1 of the Explanatory Memorandum.

Appendix A Amendment schedule

Part 5 - Tables of Assessment

ASSESSMENT BENCHMARKS FOR ASSESSABLE DEVELOPMENT AND REQUIREMENTS FOR ACCEPTED DEVELOPMENT FOR OVERLAYS		
Development subject to overlay ⁸	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development ⁹
	No change if not otherwise specified above.	<ul style="list-style-type: none"> Flood hazard overlay code
Reconfiguring a lot if within a flood and inundation area as identified on a Flood Hazard Overlay Map.	No change	<ul style="list-style-type: none"> Flood hazard overlay code
Operational work if:- (a) within a flood and inundation area as identified on a Flood Hazard Overlay Map; and (b) involving:- (i) any physical alteration to a <i>waterway</i> or floodway, including <i>vegetation clearing</i> ; or (ii) filling cumulatively exceeding 50m ³ .	Code assessment if:- (a) involving <i>filling or excavation</i> ; and (b) provisionally made accepted development by the table of assessment in Section 5.8 (Categories of development and categories of assessment – operational work); other than:- (c) where on <i>Council</i> owned or controlled land; and (d) undertaken by or on behalf of the <i>Council</i> .	<ul style="list-style-type: none"> Flood hazard overlay code
	No change if not otherwise specified above.	<ul style="list-style-type: none"> Flood hazard overlay code
Building work not associated with a material change of use, other than <i>minor building work</i> , if within a flood and inundation area as identified on a Flood Hazard Overlay Map.	No change	<ul style="list-style-type: none"> Flood hazard overlay code
Height of buildings and structures overlay		
Material change of use if:- (a) exceeding the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map; and (b) for a use or purpose other than:- (i) erecting a structure for a telecommunications tower in the:- (A) Rural zone; (B) Principal centre zone; (C) Major centre zone; (D) District centre zone (E) Specialised centre zone; (F) Low impact industry zone; (G) Medium impact industry zone; (H) High impact industry zone; (ii) erecting a structure for an industrial use in the:- (A) Medium impact industry zone; or (B) High impact industry zone; or (iii) erecting a structure for a sport and recreation use in the:- (A) Sport and recreation zone; or (B) Open space zone; (iv) erecting a structure for an <i>extractive industry</i> or <i>rural industry</i> in the Rural zone; or (v) erecting a structure for a <i>tourist attraction</i> in the Tourism zone in Precinct TOU2 (Aussie World); or (vi) erecting a building or structure associated with a <i>Prescribed rooftop use</i> , where: (A) the building or structure does not exceed 3 metres above the maximum height specified for the site on the applicable Height of Buildings and Structures Overlay Map, with	Impact assessment	<ul style="list-style-type: none"> The planning scheme

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ASSESSMENT BENCHMARKS FOR ASSESSABLE DEVELOPMENT AND REQUIREMENTS FOR ACCEPTED DEVELOPMENT FOR OVERLAYS

Development subject to overlay ⁸	Category of development and category of assessment	Assessment benchmarks for assessable development and requirements for accepted development ⁹
<p>the exception of lift overrun and building plant associated with any part of the building which do not exceed 4 metres above the maximum height specified for the site on the applicable Height of Buildings and Structures Overlay Map;</p> <p>(B) the building or structure is not located within 2 metres of the roof perimeter, other than clear glass balustrading;</p> <p>(C) lift overrun and building plant associated with any part of the building are setback a minimum of 3 metres from the roof perimeter (applicable to new building work only);</p> <p>(D) having a maximum combined roofed area (including permanent shade structures) equivalent to 50% of the floor area of the storey directly below;</p> <p>(E) providing for a minimum of 30% of the total rooftop use area as outdoor use area (may include fixed shade elements that are not fixed to walls); and</p> <p>(A),(F) including external walls with a minimum 75% visually transparent material (i.e. walls, windows and doors), and roof and fixed shade elements with a minimum 25% visually transparent material.</p>		
<p>Material change of use if:-</p> <p>(a) not exceeding the maximum height specified on the applicable Height of Buildings and Structures Overlay Map; and</p> <p>(b) for a use other than a <i>dual occupancy</i> or <i>dwelling house</i>.</p>	No change	<ul style="list-style-type: none"> Height of buildings and structures overlay code
<p>Building work not associated with a material change of use if exceeding the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map.</p>	Impact assessment	<ul style="list-style-type: none"> The planning scheme
Heritage and character areas overlay – where involving or adjoining a heritage place		
<p>Material change of use if involving a <i>local heritage place</i> as identified on a Heritage and Character Areas Overlay Map.</p>	<p>Code assessment if the change of use:-</p> <p>(a) will not involve the demolition, relocation or removal of a heritage place; and</p> <p>(b) is provisionally made accepted development by a table of assessment for material change of use.</p>	<ul style="list-style-type: none"> Heritage and character areas overlay code
	<p>Impact assessment if the change of use will result in building work involving demolition, relocation or removal of a heritage place.</p>	<ul style="list-style-type: none"> The planning scheme
	<p>No change if not otherwise specified above.</p>	<ul style="list-style-type: none"> Heritage and character areas overlay code
<p>Reconfiguring a lot if:-</p> <p>(a) involving a <i>local heritage place</i> as identified on a Heritage and Character Areas Overlay Map; or</p> <p>(b) on a lot or premises adjoining a <i>State heritage place</i> or <i>local heritage place</i> as identified on a Heritage and</p>	No change	<ul style="list-style-type: none"> Heritage and character areas overlay code

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Schedule 1 - Definitions

SC1.2 Administrative definitions

- (1) Administrative definitions assist with the interpretation of the planning scheme but do not have a specific land use meaning.
- (2) A term listed in column 1 of **Table SC1.2.2 (Administrative definitions)** has the meaning set out beside that term in column 2.
- (3) The administrative definitions listed here are the definitions for the purpose of the planning scheme.

Table SC1.2.1 Index of administrative definitions

<ul style="list-style-type: none"> • Access • Acid sulfate soils (ASS) • Active transport • Active use • Adjoining premises • Adult store sensitive use area • Advertising device • Affordable living • Ancillary • Annual exceedance probability (AEP) • Art and craft centre • Australian noise exposure forecast (ANEF) • Average recurrence interval (ARI) • Aviation facilities • Aviation facility sensitive area • Base date • Basement • Bed and breakfast • Best practice • Buffer or landscape buffer • Building height • Business activity group • Camping ground • Caravan park • Centre zone • Character building • Coastal dependent development • Community activity group • Constructed water body • Corner store • Council • Defined flood event (DFE) • Defined storm tide event (DSTE) • Demand unit • Department store • Development Control Plan 1 Kawana Waters • Development footprint • Discount department store • Distributor-retailer • Domestic outbuilding • Drive-through facility • Dwelling 	<ul style="list-style-type: none"> • Frontage • Full line supermarket • Gross floor area • Gross leasable floor area • High impact home based business activities • High volume convenience restaurant • Home office • Household • Industrial activity group • Industry zone • Infrastructure • Intensive rural use • Kawana Waters Development Agreement • Koala habitat tree • Local area structure plan • Local heritage place • Local utility • Major road • Major utility • Maritime development • Mezzanine • Minor building work • Minor electricity infrastructure • Mixed use building • Mixed use development • Natural ground level • Net developable area • Netserv Plan • Non-juvenile koala habitat tree • Non-urban zone • Not-for-profit organisation • Obstacle limitation surface (OLS) • Other activity group • Operational airspace • Outermost projection • Planning assumptions • Plot ratio • Prescribed other development codes • <u>Prescribed rooftop uses</u> • Primary active street frontage • Principal public transport network 	<ul style="list-style-type: none"> • Property maintenance activities • Protected estate • Public open space • Public safety area • Rear lot • Reasonably necessary • Recommended flood level (RFL) • Regional activity centre • Residential activity group • Residential density or density of residential uses • Residential zone • Resource/processing area • Rooming unit • Rural activity group • Safe refuge • Secondary active street frontage • Secondary dwelling • Sensitive land use • Service catchment • Setback • Signface area • Site • Site cover • Slope • Slope analysis • Sport and recreation activity group • State heritage place • Steep land • Storey • Storm tide inundation area • Streetscape • Sunshine Coast activity centre network • Supermarket • Temporary use • Third party advertising device • Tidal waters • Transport hierarchy • Transport network • Transport route • Ultimate development • Urban purposes • Urban zone • Use area
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Column 1 Term	Column 2 Definition
	of water service and wastewater service pursuant to section 99BJ of the <i>South East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .
Non-juvenile koala habitat tree	A <i>koala habitat tree</i> that has a height of more than four (4) metres, or a trunk with a circumference of more than 31.5 centimetres at 1.3 metres above the ground, or both.
Non-urban zone	Means each of the following zones:- (a) Community facilities zone if located outside the urban growth management boundary; (b) Sport and recreation zone if located outside the urban growth management boundary; (c) Open space zone; (d) Environmental management and conservation zone; (e) Limited development (landscape residential) zone; (f) Rural zone; (g) Rural residential zone; and (h) Tourism zone if located outside the urban growth management boundary.
Not-for-profit organisation	A bona fide non-profit, volunteer, charitable, community, sporting or religious organisation which is registered with the Australian Tax Office as a charitable/non-profit organisation or with the Office of Fair Trading under either the <i>Associations Incorporation Act 1981</i> or <i>Collections Act 1966</i> .
Obstacle limitation surface (OLS)	The surface that establishes the limit to which objects may project into the airspace associated with an airport or aerodrome to maintain safe aeronautical operations. The <i>OLS</i> consists of an outer surface, a take-off/approach surface and a transitional surface.
Other activity group	The uses identified in Figure SC1.1.2G (Other activity group) as forming part of the <i>other activity group</i> .
Operational airspace	The areas and vertical dimensions of the <i>OLS</i> of the Sunshine Coast Airport and Caloundra Aerodrome.
Outermost projection	The <i>outermost projection</i> of any part of a building or structure including, in the case of a roof, the outside face of the fascia, or the roof structure where there is no fascia, or attached sunhoods or the like, but does not include retractable blinds, fixed screens, rainwater fittings, or ornamental attachments.
Planning assumptions	Assumptions about the type, scale, location and timing of future growth.
Plot ratio	The ratio of <i>gross floor area</i> to the area of the <i>site</i> .
Prescribed other development codes	The following other development codes contained in Part 9 (Development codes) of the planning scheme:- (a) Landscape code; (b) Nuisance code; (c) Safety and security code; (d) Stormwater management code; (e) Sustainable design code; (f) Transport and parking code; (g) Waste management code; (h) Works, services and infrastructure code.
<u>Prescribed rooftop use</u>	<i>A bar, food and drink outlet (restaurant), function facility, hotel (excluding any accommodation component), indoor sport and recreation, outdoor sport and recreation or other recreation and entertainment facilities ancillary to a use in the residential activity group that are:-</i> (a) (a) located on a rooftop and exceeding (whether fully or partially) the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map under the following circumstances: (i) the building or structure does not exceed 3 metres above the maximum height specified for the <i>site</i> on the applicable Height of Buildings and Structures Overlay Map, with the exception of a lift overrun and building plant associated with any part of the building which does not exceed 4 metres 5 metres above the maximum

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Column 1 Term	Column 2 Definition
	<p>height specified for the site on the applicable Height of Buildings and Structures Overlay Map;</p> <p>(ii) the building or structure is not located within 2 metres of the rooftop perimeter, other than roof elements and clear glass balustrading;</p> <p>(iii) lift overrun and building plant associated with any part of the building are setback a minimum of 3 metres from the rooftop perimeter (applicable to new building work only), other than where facing another tower element on the same site;</p> <p>(iv) having a maximum combined roofed area (including fixed permanent shade elements structures) equivalent to 50% of the floor area of the storey directly below;</p> <p>(v) providing for a minimum of 30% of the total rooftop use area as outdoor use area (may include fixed shade elements that are not fixed to walls); and</p> <p>(vi) including external walls with a minimum 75% visually transparent material (i.e. walls, windows and doors), and roof and fixed shade elements with a minimum 25% visually transparent material, including visually transparent material to a minimum of 75% of external walls (other than walls to fire egress stairs), windows and doors, and 25% of roof or fixed shade elements;</p> <p>(b) accessible to the general public (i.e. not solely for the exclusive use of building occupants and their guests); and</p> <p>(c) located in a zone nominated in the following local plan areas:-</p> <p>(i) Maroochydore/Kuluin local plan area (Principal centre zone, that part of the Tourist accommodation zone adjacent to The Esplanade and Cotton Tree Parade, or that part of the Local centre zone adjacent to King Street); or</p> <p>(ii) Mooloolaba/Alexandra Headland local plan area (District centre zone, Tourism zone or Tourist accommodation zone); or</p> <p>(iii) Coolool local plan area (District centre zone or Tourist accommodation zone).</p>
Primary active street frontage	<p>Any frontage of a building that creates activity on the adjacent street or other public place.</p> <p>Unless otherwise specified in a local plan code, development on a <i>primary active street frontage</i>:-</p> <p>(a) contains <i>active uses</i> such as retail and entertainment/catering business uses for a minimum of 90% of the street front boundary,</p> <p>(b) is built to the street front boundary at ground level;</p> <p>(c) has windows and door openings to the adjacent street or public place; and</p> <p>(d) minimises driveway and servicing access across the active street frontage.</p>
Principal public transport network	<p>The public transport corridors identified on Figure 9.4.8C (Strategic Network of Public Transport Links) as a dedicated public transport corridor, public transport priority corridor and public transport advantage corridor.</p>
Private open space	<p>An outdoor space for the exclusive use of occupants of a building.</p>
Probable maximum flood (PMF)	<p>The largest flood that could reasonably occur at a particular location, resulting from the probable maximum precipitation. The <i>PMF</i> defines the extent of flood-prone land. Generally, it is not physically or financially possible to provide general protection against this event.</p>
Probable maximum storm tide (PMST)	<p>The maximum storm tide level that may be expected from the combination of meteorological and hydrological conditions that are reasonably possible in a particular locality, including the predicted impacts of climate change.</p>
Property maintenance activities	<p><i>Vegetation clearing</i> that is <i>reasonably necessary</i> for property maintenance including construction and maintenance of farm tracks, fences, farm structures (e.g. sheds, bores, windmills, tank stands, and stock yards), maintenance of crops, slashing grass, harvesting of crops, maintenance of pasture and cleared land areas and the pruning, felling and clearing of orchard vegetation species.</p>
Protected estate	<p>Means:-</p> <p>(a) any protected area to which the <i>Nature Conservation Act 1992</i> applies,</p>

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