

Explanatory Memorandum

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

Post Notification Ministerial Review Version

August 2018



1. Short title

The amendment instrument to which this explanatory memorandum relates is the proposed amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* relating to rooftop uses.

2. Type of local planning instrument

The proposed amendment to the *Sunshine Coast Planning Scheme 2014* constitutes a 'qualified state interest amendment' in accordance with Schedule 1 of the *Minister's Guidelines and Rules* and Section 20 of the *Planning Act 2016*.

The proposed amendment meets the criteria for being a qualified state interest amendment for the following reasons:

- the amendment is not an administrative or minor amendment;
- the amendment only potentially affects two state interests in the State Planning Policy (SPP);
 1. Planning for economic growth - Tourism; and
 2. Planning for liveable communities and housing – Liveable communities;
- the amendment does not involve the state interest of natural hazard, risk and resilience as set out in the SPP; and
- the amendment reflects the guiding principles of the SPP, does not adversely affect a state interest in the SPP or SEQ Regional Plan, accords with the Act's purpose and is consistent with the regulated requirements under the Act.

3. Entity making the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

The entity making the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* is the Sunshine Coast Regional Council.

4. Land affected by the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* applies to the land described in **Table 4.1**.

Table 4.1 Land affected by the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

Local plan area	Affected zones	Ownership Category	Map of Subject Land
Maroochydore/ Kuluin local plan area	Principal centre zone Local centre zone (where adjacent to King Street) Tourist accommodation zone, where adjacent to The Esplanade and Cotton Tree Parade	Private, State and Local Government	Refer Appendix 1 .
Mooloolaba/Alexandra Headland local plan area	District centre zone Tourism zone Tourist accommodation zone	Private, State and Local Government	Refer Appendix 1 .
Coolum local plan area	District centre zone Tourist accommodation zone	Private and State Government	Refer Appendix 1 .

5. Purpose and reasons for the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

Council has prepared the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* 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.

It has been acknowledged that by providing an absolute building height limit in the planning scheme (via the Height of buildings and structures overlay), there is less incentive for rooftop uses to be established by the development sector, which generally seeks to maximise yield for residential components. It is important to note that the proposed amendment is not intended to provide for additional residential density, through maintaining the exclusion of these uses above the building height limit (other than ancillary recreation and entertainment components, where publicly accessible).

Rooftop uses (under the additional building height provision) have been limited to tourism focus areas within the local plan areas of Maroochydore/Kuluin; Mooloolaba/Alexandra Headland; and Coolum.

In arriving at this position, Council has determined the minimum height allowance that is necessary to achieve these types of rooftop uses and facilities. Additionally, the proposed planning scheme provisions have been drafted to minimise the potential adverse impacts of building height associated with rooftop uses.

Furthermore, the proposed amendment will only apply to publicly accessible rooftop uses and ancillary recreation and entertainment facilities to ensure that these uses are accessible to the general public and not retained solely for the exclusive use of building occupants and their guests.

6. Details of the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]

The details of the proposed amendment to the *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* are summarised in **Table 6.1**.

Table 6.1 Summary of proposed planning scheme amendment

Planning Scheme Part	Summary of Amendment
Part 5 (Tables of Assessment)	Amend Section 5.10 (Categories of development and categories of assessment - overlays), Table 5.10.1 (Overlays), to provide an additional building height exemption category for <i>Prescribed rooftop uses</i> .
Schedule 1 (Definitions)	Amend Table SC1.2.1 (Index of administrative definitions) and Table SC1.2.2 (Administrative definitions) to include a new definition for <i>Prescribed rooftop uses</i> .

The proposed amendment will also require consequential amendments in regard to levels of assessment and tables of consistent uses to align the proposed *prescribed rooftop uses* to the applicable zones and local plan areas.

7. Compliance with the Planning Act 2016

The *Sunshine Coast Planning Scheme 2014* complies with Section 16(1) (Contents of local planning instruments) of the *Planning Act 2016*. In particular the *Sunshine Coast Planning Scheme 2014* appropriately reflects the *Planning Act 2016* through the adoption and commencement of the *Sunshine Coast Planning Scheme 2014 (Alignment Amendment) No. 10*. The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* does not materially affect this compliance.

The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* has been prepared in accordance with:-

- (a) Section 20 (Amending planning schemes under Minister's rules) of the *Planning Act 2016*; and
- (b) the *Minister's Guidelines and Rules*.

8. Compliance with State planning instruments

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

In particular, there are limited aspects of the proposed amendment considered to be potentially relevant to State planning instruments, as the amendment relates to building form matters in specific local areas of the Sunshine Coast. Furthermore, the proposed additional building height allowance will not materially impact upon demand on services due to the limitations placed on the location and nature of these rooftop uses and the likely limited take up of these provisions.

9. Consultation with government agencies

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

10. Compliance with State Imposed Conditions

Council received approval from the Planning Minister by letter dated 2 March 2018, that Council may commence public consultation, with no conditions.

11. Public consultation

Public consultation on the proposed planning scheme amendment was undertaken in accordance with the Communications strategy approved by the Planning Minister, which occurred from 26 March to 27 April 2018.

The approved communications strategy included the following:-

- formal public consultation on the proposed amendment for 20 business days;
- consultation with relevant State agencies (refer **Section 9**);
- publishing a public notice in the Sunshine Coast Daily and on Council's website;
- written notice to affected and adjoining land owners, stating the purpose and general effect of the proposed amendment;
- release of an industry newsflash; and
- a copy of the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]* Amendment Instrument and Explanatory Memorandum to be made available at Council's administration buildings in Nambour, Caloundra and Maroochydore and available for viewing and downloading on Council's website.

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

12. Consideration of public submissions

During the public consultation period, 68 submissions were received by Council. Of which, 12 submissions were in support and 56 submissions objected to the proposed amendment. In accordance with the *Minister's Guidelines and Rules*, Council considered every properly made submission about the proposed amendment (refer **Appendix 2 - Consultation Report**).

Following consideration of submissions, Council decided to proceed with the proposed planning scheme amendment, with the following changes:

- amended *Prescribed rooftop uses* definition to include only the Tourist accommodation zone with a frontage to The Esplanade or Cotton Tree Parade, where in the Maroochydore/Kuluin local plan area;
- amended lift overrun height from 4 metres to 5 metres;
- roof elements excluded from the 2 metre setback requirement;
- lift overruns excluded from the 3 metre setback requirement, where facing another tower on the same site;
- amended transparency requirement to clarify that the requirement is for the amount of material and not how transparent the material is;
- fire egress walls excluded from the transparency requirement; and
- editorial drafting changes to improve the clarity and interpretation of the proposed amendment.

In addition to responding to issues raised in submissions, separate drafting changes were also made to simplify and improve the operational effect of the proposed amendment while still maintaining the purpose and effect of the proposed amendment. Specifically, the criteria for prescribed rooftop uses were removed from Table 5.10.1 (Overlays) of the public consultation version of the proposed amendment and instead, included in the “Prescribed rooftop use” definition in Schedule 1 (Definitions).

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

13. Background studies and reports

No background studies or reports have been prepared to inform the preparation of the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) No. [to be inserted]*.

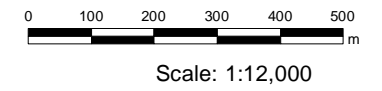
Proposed Round 5B - Rooftop Uses Amendment - Maroochydore/Kuluin Local Plan Area



- Community Facilities Zone Annotations**
1. Air services
 2. Cemetery
 3. Child care centre
 4. Community use
 5. Crematorium
 6. Educational establishment
 7. Emergency services
 8. Extractive industry
 9. Hospital
 10. Multiple dwelling
 11. Outdoor sport and recreation
 12. Place of worship
 13. Relocatable home park
 14. Renewable energy facility
 15. Residential care facility/Retirement facility
 16. Rooming accommodation
 17. Short-term accommodation
 18. Substation
 19. Tourist park
 20. Utility installation (Local utility)
 21. Utility installation (Major utility - refuse)
 22. Utility installation (Major utility - sewerage treatment)
 23. Utility installation (Major utility - water supply)

Legend

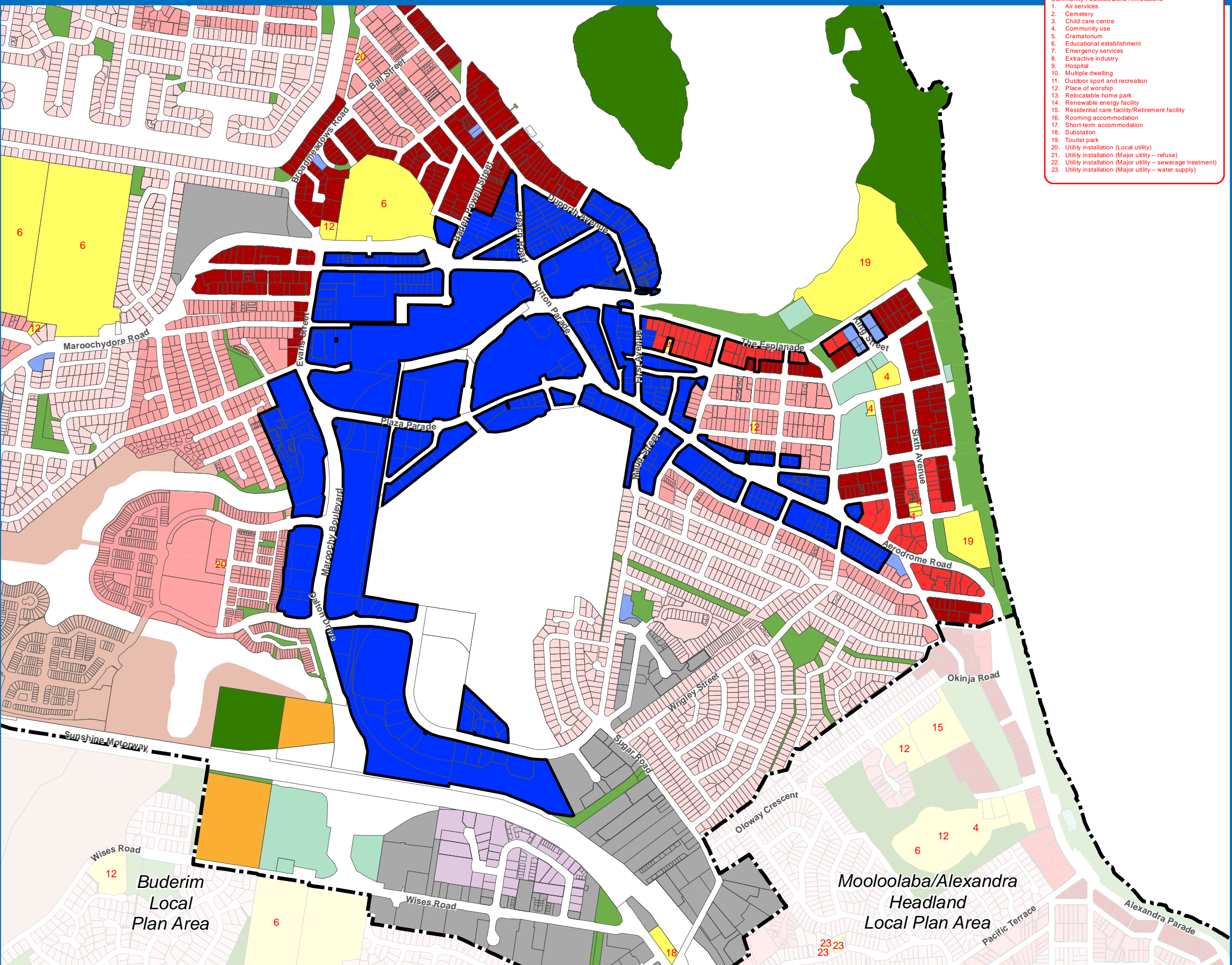
- Land proposed to be subject to the proposed Rooftop Uses Amendment
 - Property Boundary
- Zones**
- Residential Zones Category**
- Low Density Residential Zone
 - Medium Density Residential Zone
 - High Density Residential Zone
 - Tourist Accommodation Zone
- Centre Zones Category**
- Principal Centre Zone
 - Local Centre Zone
- Recreation Zones Category**
- Sport and Recreation Zone
 - Open Space Zone
- Environmental Zones Category**
- Environmental Management and Conservation Zone
- Industry Zones Category**
- Low Impact Industry Zone
- Other Zones Category**
- Community Facilities Zone
 - Emerging Community Zone
 - Limited Development (Landscape Residential) Zone
 - Specialised Centre Zone



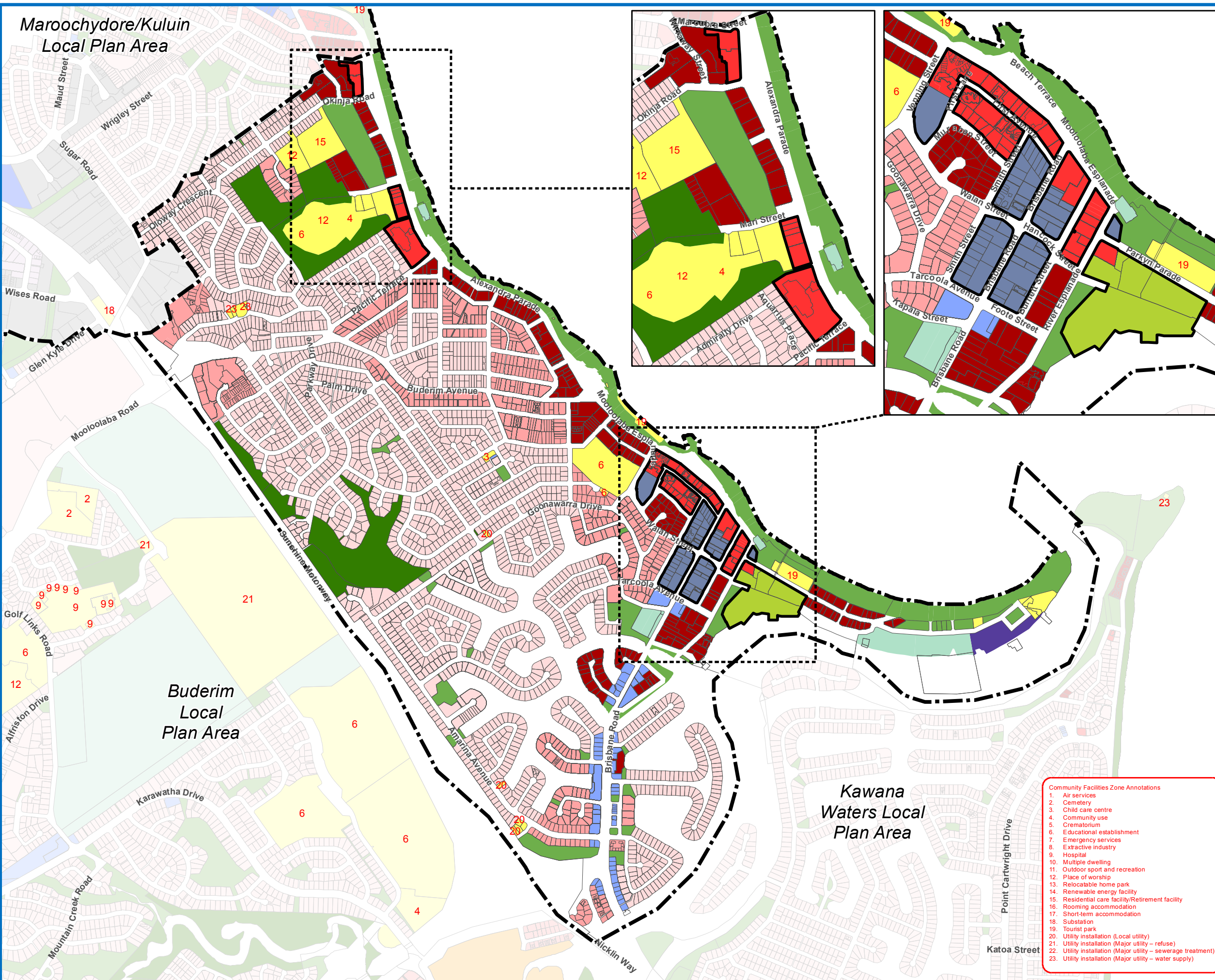
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Proposed Rooftop Uses Amendment - Mooloolaba/Alexandra Headland Local Plan Area



Legend

- Land proposed to be subject to the proposed Rooftop Uses Amendment
- Property Boundary

Zones

Residential Zones Category

- Low Density Residential Zone
- Medium Density Residential Zone
- High Density Residential Zone
- Tourist Accommodation

Centre Zones Category

- Principal Centre Zone
- District Centre Zone
- Local Centre Zone

Recreation Zones Category

- Sport and Recreation Zone
- Open Space Zone

Environmental Zones Category

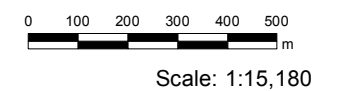
- Environmental Management and Conservation Zone

Industry Zones Category

- Low Impact Industry Zone
- Waterfront and Marine Industry Zone

Other Zones Category

- Community Facilities Zone
- Limited Development (Landscape Residential) Zone
- Specialised Centre Zone
- Tourism Zone



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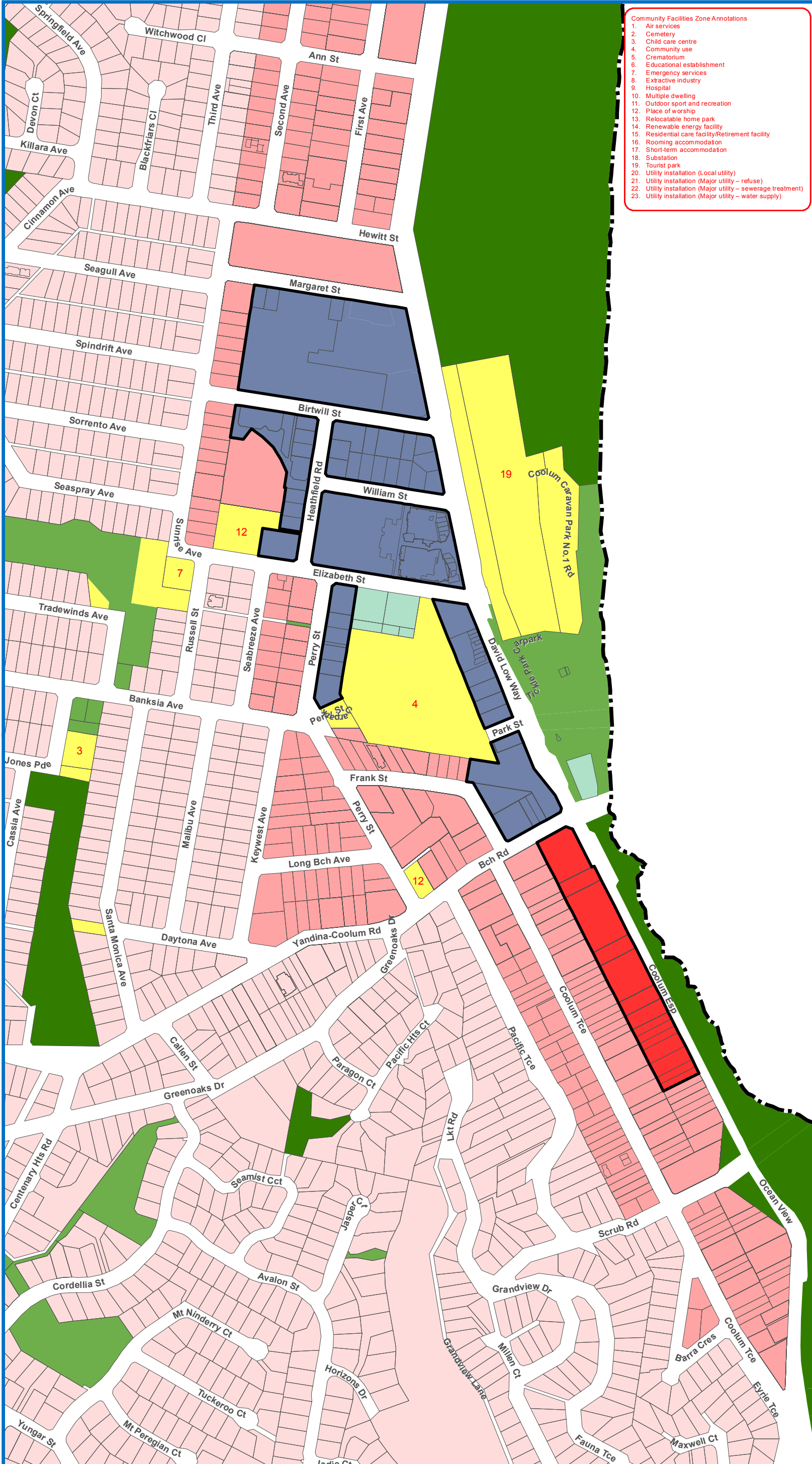
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- Community Facilities Zone Annotations**
1. Air services
 2. Cemetery
 3. Child care centre
 4. Community use
 5. Crematorium
 6. Educational establishment
 7. Emergency services
 8. Extractive industry
 9. Hospital
 10. Multiple dwelling
 11. Outdoor sport and recreation
 12. Place of worship
 13. Relocatable home park
 14. Renewable energy facility
 15. Residential care facility/Retirement facility
 16. Rooming accommodation
 17. Short-term accommodation
 18. Substation
 19. Tourist park
 20. Utility installation (Local utility)
 21. Utility installation (Major utility - refuse)
 22. Utility installation (Major utility - sewerage treatment)
 23. Utility installation (Major utility - water supply)

Proposed Rooftop Uses Amendment - Coolum Local Plan Area



- Community Facilities Zone Annotations**
1. Air services
 2. Cemetery
 3. Child care centre
 4. Community use
 5. Crematorium
 6. Educational establishment
 7. Emergency services
 8. Extractive industry
 9. Hospital
 10. Multiple dwelling
 11. Outdoor sport and recreation
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 21. Utility installation (Major utility - refuse)
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 23. Utility installation (Major utility - water supply)

Legend

Land proposed to be subject to the proposed Rooftop Uses Amendment

Property Boundary

Zones

Residential Zones Category

Low Density Residential Zone

Medium Density Residential Zone

Tourist Accommodation Zone

Centre Zones Category

District Centre Zone

Recreation Zones Category

Sport and Recreation Zone

Open Space Zone

Environmental Zones Category

Environmental Management and Conservation Zone

Other Zones Category

Community Facilities Zone



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Appendix 2: Consultation Report (to be inserted once considered by Council)

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