

## Explanatory Memorandum

# Proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted] – Special Entertainment Precincts

Public consultation version

October 2018



## 1. Short title

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

## 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 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 proposed 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 proposed 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 proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]

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

The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* 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;
- Nambour Local Plan Area;
- Maroochydore/Kuluin Local Plan Area;
- Mooloolaba/Alexandra Headland Local Plan Area;
- Caloundra Local Plan Area;
- Coolum Local Plan Area; and
- Sippy Downs Local Plan Area.

## **5. Purpose of the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]**

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

- (a) facilitate/support the live music industry on the Sunshine Coast through the designation of part of the Maroochydore City Centre Priority Development Area and part of Nambour's activity centre as special entertainment precincts 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 precincts 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, 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 precincts and the Ocean Street Food and Music Sub-Precinct;
  - ii. allow for micro-breweries to establish via code assessment in the Principal and Major centre zones
  - 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) delete provisions relating to existing hospitality areas identified in the planning scheme to reduce potential overlap and confusion with the designated special entertainment precincts;
- (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 proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]**

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

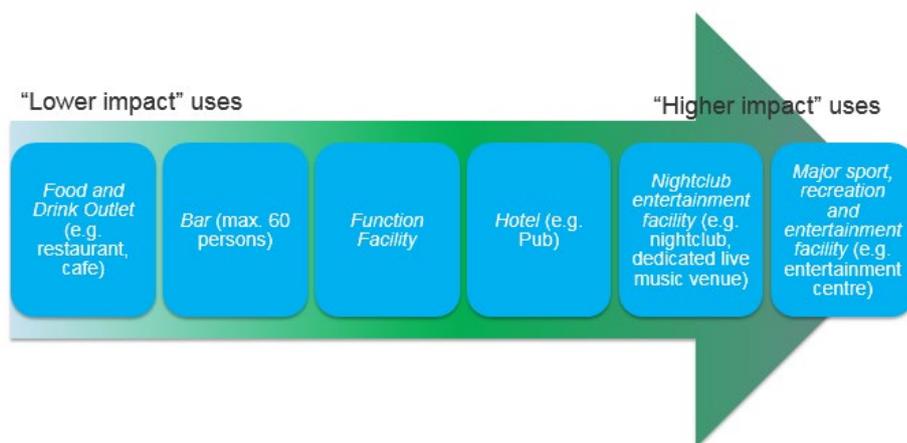
Current planning scheme provisions

The *Sunshine Coast Planning Scheme 2014* (SCPS) does not currently include designated special entertainment precincts. Instead, the scheme designates “hospitality areas” at Caloundra, Mooloolaba, Maroochydore and Nambour. The hospitality areas identify parts of the Principal, Major and District centre zones and Tourist accommodation zone that are intended to accommodate a range of entertainment uses, and purport to make residents and visitors in these areas aware that a higher level of ambient noise may be expected.

Whilst in some cases levels of assessment are changed for development in a hospitality area, they generally do not provide additional or different use rights or restrict the establishment of entertainment uses in other areas in accordance with the planning scheme zones. They also do not affect liquor licensing requirements, with venues remaining subject to the noise conditions of their licence. The primary tool for identifying land use rights relating to entertainment uses in the planning scheme is the zones, which identify levels of assessment (categories of development and assessment) and acceptable uses in the zone.

Under the SCPS, defined “entertainment uses” can be categorised along a continuum as identified in **Figure 1** below.

**Figure 1: Continuum of “entertainment uses”**



Any of the above defined land uses may offer live music, as long as they operate in accordance with the conditions of their liquor licence, the planning scheme and any relevant development approval conditions.

The SCPS is generally facilitative of entertainment uses, particularly in higher order centres, with:

- “lower impact” uses such as food and drink outlets and bars generally being identified as consistent uses and accepted development (for a bar, only where in a hospitality area), or subject to code assessment;

- intermediate uses such as function facility and hotel generally being identified as consistent uses subject to code assessment; and
- “higher impact” uses such as nightclub entertainment facilities generally identified as a potentially consistent use subject to impact assessment, or a consistent use subject to code assessment where in the Principal centre zone, and the Major centre zone hospitality areas.

The general provisions are varied by local plans in some instances, for example the Caloundra local plan area provides for nightclub entertainment facility to be code assessable/consistent only on certain sites fronting Bulcock Street.

The proposed designation of the special entertainment precincts has 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 proposed 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 new special entertainment precincts in order to facilitate their establishment as core areas for live music on the Sunshine Coast.

#### Maroochydore City Centre PDA Development Scheme

Development in the Maroochydore City Centre PDA is undertaken in accordance with the *Maroochydore City Centre PDA Development Scheme* under the jurisdiction of Economic Development Queensland (EDQ). Although the Sunshine Coast Planning Scheme does not otherwise apply to development in the Maroochydore City Centre PDA, the *Local Government Act 2009* still requires the special entertainment precinct to be identified in the planning scheme. All other requirements, including buffers and any relevant noise criteria for development within the proposed PDA special entertainment precinct, will need to be provided for via future amendments to the PDA development scheme.

## **7. Details of the proposed Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]**

### Identification of special entertainment precincts and buffers

The primary aim of the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* is to designate special entertainment precincts under the *Local Government Act 2009* in part of the Maroochydore City Centre Priority Development Area (PDA) and part of Nambour’s activity centre. The proposed special entertainment precincts, and associated buffer areas are identified on the local plan precinct maps for Nambour and Maroochydore/Kuluin.

The proposed special entertainment areas have 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 proposed precincts and buffer areas. Importantly, the proposed special entertainment precincts currently have no residential uses within the boundaries of the proposed precincts and buffer areas..

The proposed buffer areas encompass land directly proximate to the special entertainment precincts 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 proposed 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 proposed 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 the special entertainment precincts 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 precincts and buffer areas 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 precincts.

The proposed 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 proposed 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 proposed criteria would result in some existing venues not meeting the new allowable noise levels. To this end, if the local law provisions are based on Brisbane City Council’s local law as intended, where an existing venue doesn’t comply with the new local law provisions, council would have 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 proposed amendment does not impact upon the ability for temporary events and festivals involving live music to occur inside or outside of the special entertainment precincts.

#### 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 also proposed 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 proposed “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.

Feedback from Brisbane City Council regarding the operation of these provisions has been very positive. Whilst these requirements will add some cost to the development of residential uses, this is considered to be justifiable and appropriate in order to “future proof” key mixed use areas. In addition, many of the areas proposed to be subject to the new requirement are already required to undertake similar attenuation due to proximity to a transport noise corridor under the Queensland Development Code.

Residents in the proposed special entertainment precincts, 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 precincts and associated buffer areas and the inclusion of associated noise criteria and provisions, the proposed amendments increase 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 precincts and the Ocean Street Food and Music Sub-Precinct. Nightclubs and dedicated live music venues are proposed to 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 precincts, the existing hospitality precincts/areas are proposed to be deleted and replaced with more general zone/local plan provisions.

Amendments are also proposed 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 proposed amendments to the *Sunshine Coast Planning Scheme 2014*. It should be noted that the amendments have been drafted inclusive of pending amendments for the Maroochydore Structure Plan (Post Consultation Ministerial Review Version).

If progressed, the proposed amendments will also require drafting changes to the proposed amendment package for Caloundra Centre Master Plan, currently subject to First State Interest Review. At this stage, the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* amendment package has been drafted using the existing gazetted version of the Caloundra local plan area scheme provisions as a base, however a set of required drafting changes to the proposed Caloundra Centre Master Plan amendments (State Interest Review Version) has also been prepared for state review. Depending on the progress of the two amendment packages, these amendments will need to be incorporated into the proposed Caloundra Master Plan amendment package at a later date.

**Table 7.1 Summary of proposed amendments**

| Planning Scheme Part                             | Summary of Amendment  |
|--|---|
| <p><b>Part 1 (About the planning scheme)</b></p> | <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 proposed new special entertainment precincts and delete references to existing hospitality areas.</li> </ul>  |
| <p><b>Part 3 (Strategic framework)</b></p>       | <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>  |
| <p><b>Part 5 (Tables of assessment)</b></p>      | <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 proposed to instead be 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 the special entertainment precincts 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 proposed to instead be reflected in the supplementary table of assessment for the zone in the Mooloolaba/Alexandra Headland local plan area.</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> <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> </li> </ul> </li> </ul> |

| Planning Scheme Part         | Summary of Amendment  |
|------------------------------|---|
|                              | <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 Nightclub entertainment facility 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> </li> </ul> |
| <p><b>Part 6 (Zones)</b></p> | <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 6.2.5 (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 precincts or in the Ocean Street Food and Music Sub-Precinct in the first instance; and</li> </ul> </li> </ul>   |

| Planning Scheme Part        | Summary of Amendment  |
|-----------------------------|---|
|                             | <ul style="list-style-type: none"> <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> <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 and</li> <li>– include a note referencing the proposed new supplementary table of consistent and potentially consistent uses in the Caloundra local plan code.</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>– for <i>nightclub entertainment facility</i>, 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> </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;</li> <li>– delete overall outcomes relating to hospitality areas to reflect the proposed removal of these areas from the planning scheme; and</li> <li>– include a new overall outcome referring to the proposed new supplementary table of consistent uses and potentially consistent uses in the Caloundra local plan code.</li> </ul> </li> <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: <ul style="list-style-type: none"> <li>– include a new overall outcome referring to the proposed new supplementary table of consistent uses and potentially consistent uses in the Caloundra local plan code; and</li> <li>– delete performance outcomes relating to hospitality areas, to reflect the proposed removal of these areas from the planning scheme.</li> </ul> </li> <li>• Amend Section 7.2.6 (Caloundra local plan code), Section 7.2.6.4 (Performance outcomes and acceptable outcomes) to insert a new Table 7.2.6.4.2 (Caloundra local plan supplementary table of consistent uses and potentially consistent uses in the Major centre zone).<br/> <p>The purpose of the supplementary table is to clarify that <i>nightclub entertainment facility</i> is only a consistent use in certain specified areas and is inconsistent otherwise. Whilst this outcome is currently stated in the overall and performance outcomes of the code, the specific use of a supplementary table of consistent uses and potentially consistent uses to express this outcome, ensures internal drafting consistency within the planning scheme.</p> </li> <li>• Amend Section 7.2.19 (Maroochydore/Kuluin local plan code), Section 7.2.19.3 (Purpose and overall outcomes) to:</li> </ul> |

| Planning Scheme Part | Summary of Amendment   |
|----------------------|--|
|                      | <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> <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 (Performance outcomes and acceptable outcomes for assessable development in the Principal centre zone) to: <ul style="list-style-type: none"> <li>- include new references to specific noise criteria and attenuation requirements contained in the Nuisance code.</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 proposed 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 delete performance outcomes relating to hospitality areas to reflect the proposed removal of these areas from the planning scheme.</li> <li>• Amend Section 7.2.22 (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> <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</li> </ul> </li> </ul> |

| Planning Scheme Part                     | Summary of Amendment  |
|--|---|
|  | <p>developed and is not proposed to be included in the new special entertainment precinct; and</p> <ul style="list-style-type: none"> <li>- include new references to specific noise criteria and attenuation requirements contained in the Nuisance code.</li> </ul> <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 7.2.22.4.2 (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>   |
| <p><b>Part 9 (Development codes)</b></p> | <ul style="list-style-type: none"> <li>• Amend Section 9.4 (Other development codes), Section 9.4.3 (<b>Nuisance code</b>), 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 proposed 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 proposed 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> |
| <p><b>Schedule 1 (Definitions)</b></p>   | <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 proposed 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, Coolum, 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>  |
| <p><b>Schedule 2 (Mapping)</b></p>       | <ul style="list-style-type: none"> <li>• Amend Local Plan Map LPM18 (Nambour Local Plan Precincts) and Local Plan Map LPM22 (Maroochydore/Kuluin Local Plan Precincts) to: <ul style="list-style-type: none"> <li>- identify the proposed new special entertainment precincts and buffer areas;</li> <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> </ul> </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>  |

| Planning Scheme Part                         | Summary of Amendment   |
|--|--|
| <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 proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* does not materially affect this alignment.

The proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* 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 proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]*:

- 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 proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* has confirmed that the proposed 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 proposed amendment that have been identified as potentially relevant to State planning instruments are detailed in **Table 9.1** below.

Whilst not directly a planning scheme issue, potential impacts on emergency services due to possible antisocial behaviour associated with late night entertainment precincts has also been considered. 'Safe Night Precinct' are already designated in Mooloolaba, Maroochydore and Caloundra. Should the proposed amendments proceed, it is recommended that Safe Night Precincts should also be established in Nambour and the Maroochydore City Centre Priority Development Area (once developed). Further discussions are intended to be held with the relevant State agencies in relation to this matter.

### State owned land

Implications for State owned land are minimal. No state land is currently located within the boundaries of the proposed special entertainment precincts. 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 proposed buffers for the Nambour special entertainment precinct. The proposed amendments do 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.

The Nambour Museum on Mitchell Street (under ownership of the Department of Public Works) is also located within the proposed buffer areas. This site was previously included in the hospitality precinct, which is proposed to be deleted. The only implication of this change is that 'nightclub entertainment facility' would be impact assessable on the site, as opposed to code assessable currently.

**Table 9.1 Compliance with State planning instruments**

| State Interest   | Summary of Compliance   |
|--|---|
| <p><b>ShapingSEQ – South East Queensland Regional Plan 2017</b></p>  | <p>The proposed amendments are consistent with the SEQ Regional Plan 2017 in that they:</p> <ul style="list-style-type: none"> <li>relate to land within the Urban Footprint, including existing centre zones and the tourist accommodation zone;</li> <li>encourage vibrant and active centres with lively day and night time economies;</li> <li>promote tourism opportunities associated with live music and creative industries;</li> <li>promote economic revitalisation of key major centres, particularly Nambour; and</li> <li>protect 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> |
| <p><b>State Planning Policy July 2017</b><br/>Planning for liveable communities and housing</p> <ul style="list-style-type: none"> <li>Housing supply and diversity</li> <li>Liveable communities</li> </ul>                                 | <p>The proposed amendments seek 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 proposed special entertainment precincts 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>   |
| <p><b>State Planning Policy July 2017</b><br/>Planning for economic growth</p> <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 proposed amendments seek to facilitate/encourage the development of the live music industry on the Sunshine Coast, which will also facilitate associated tourism benefits.</p> <p>The amendments seek to adopt the lowest appropriate level of assessment for a variety of entertainment uses within the proposed special entertainment precincts and across the higher order centres and tourist areas more generally.</p> <p>The proposed amendments do not impact upon State Planning Interests relating to agriculture or mining and extractive resources.</p>   |
| <p><b>State Planning Policy July 2017</b><br/>Planning for the environment and heritage</p> <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 proposed amendments do 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 a special entertainment precinct involving a heritage place.</p>  |
| <p><b>State Planning Policy July 2017</b><br/>Planning for safety and resilience to hazards</p> <ul style="list-style-type: none"> <li>Emissions and hazardous activities</li> </ul>   | <p>The areas proposed for identification as special entertainment precincts (i.e. Nambour and Maroochydore City Centre PDA (part)) do not currently contain any sensitive uses (in particular residential development) within their boundaries, making them ideal for consideration as special entertainment precincts. The proposed amendments seek to protect opportunities for future 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 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 proposed amendments do 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 proposed special entertainment precincts are located in existing major centres well serviced by existing and planned transport and other infrastructure. It is recognised that in some areas, particularly Nambour, the growth of the special entertainment precincts over time is likely to necessitate consideration of the provision of better late night public transport options for these areas, which will require further discussions with the State.</p> <p>The proposed amendments do 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 proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]*, Council, 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 are Liquor Licencing and Building Codes Queensland. Preliminary agreement was also reached that the amendment can proceed as a qualified state interest amendment.

Initial discussions have also been undertaken with representatives from Economic Development Queensland (EDQ) in relation to the proposed designation of part of the Maroochydore City Centre Priority Development Area (PDA) as a special entertainment precinct under the *Local Government Act 2009*. EDQ have indicated their qualified support for the designation, however have requested that council proceed with the proposed planning scheme amendments, including public notification, prior to any related amendment to the Maroochydore City Centre PDA Development Scheme being considered. It is proposed to continue to closely liaise with EDQ throughout the amendment process.

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

No formal public consultation has been undertaken in relation to the preparation of the proposed amendment. 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.

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 proposed planning scheme amendment, it is intended to publicly notify the proposed planning scheme policy amendment concurrently with the associated amendments to the planning scheme.

Further, the Planning Minister noted Council's communication strategy for the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* that includes the following:

- formal public consultation on the proposed amendment for 20 business days;
- consultation with relevant State agencies (refer **Section 10**);
- a notice in the Sunshine Coast Daily and on Council's website;
- 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 proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (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; and

- a copy of the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* Amendment Instrument and Explanatory Memorandum uploaded to the DSDMIP's plan-making portal.

The department's Communications Engagement Toolkit for Planning has been 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.

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

## 12. Consideration of public submissions

In accordance with the *Minister's Guidelines and Rules*, following public consultation, Council will consider every properly made submission about the proposed amendment and may consider other submissions.

## 13. 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.

## 14. Indicative timeframe

In accordance with the *Minister's Guidelines and Rules* Schedule 3, item 5 of the 'required material' for a proposed qualified state interest amendment, an indicative timeframe for the proposed *Sunshine Coast Planning Scheme 2014 (Qualified State Interest Amendment) and Planning Scheme Policy (Amendment) No. [to be inserted]* is provided below:

| Amendment Stage                           | Indicative Timing    |
|---|----------------------|
| <i>Preparation</i>                        | Completed            |
| <i>First State Interest Review</i>        | Mid 2018             |
| <i>Public notification</i>                | Late 2018            |
| <i>Consider and report on submissions</i> | Late 2018/Early 2019 |
| <i>Ministerial Review</i>                 | Early to Mid 2019    |
| <i>Adoption and commencement</i>          | Mid 2019             |

It should be noted that this timeframe is indicative only and is heavily dependent upon several external factors, including the length of State Interest/Ministerial Reviews, the complexity of the public notification process and the number of submissions received.