

Sunshine Coast Planning Scheme 2014 Review

September 2020



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COUNCIL

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Executive Summary

Need for a Planning Scheme Review

The Sunshine Coast Planning Scheme 2014 commenced on 21 May 2014. Legislative requirements under the *Planning Act 2016* require Council to review its Planning Scheme within 10 years of it being made and the Corporate Plan recognises the need to prepare a new planning scheme by 2024. It is timely for a review of the Planning Scheme to be undertaken.

Whilst the current Planning Scheme compares favourably to other contemporary planning schemes in Queensland, and has been generally successful in its operation to date, a number of significant influences are emerging which require the current policy framework to be updated.

The Planning Scheme Review examines the operation of the Planning Scheme, and whether it accords with current legislation, Council's adopted vision and strategies, and community expectations.

The Review identifies key findings and information gaps, and includes recommendations arising from the consideration of these findings.

Key Findings

The Review found that the current planning scheme:

- is generally operating well as a planning instrument;
- compares favourably to other contemporary planning schemes;
- is not significantly out of date due to periodic amendments; and
- generally aligns with Council's current policy positions.

However, the Review found that the Planning Scheme would benefit from changes to:

- strengthen alignment with more recent State and local policy;
- update various mapping layers;
- address information gaps, emerging issues and key tension points; and
- an e-plan platform to improve useability, accessibility and user experience.

The key findings from the Review are summarised below.

In relation to State planning matters, the Planning Scheme has been amended to align with the current *Planning Act 2016* for workability purposes. However, a new planning scheme can be drafted with specific reference to this Act. In addition, the Planning Scheme should be updated to:

- improve alignment with the latest version (July 2017) of the State Planning Policy (SPP);
- better align with the South East Queensland Regional Plan 2017 (SEQRP) to reflect a planning horizon of 2041 and a policy shift away from expansion in greenfield areas to urban consolidation; and
- reference and reflect major State infrastructure projects.

At the local level, the Planning Scheme reflects Council's vision of a strong community, a healthy environment and a smart economy. Any review of Council's Corporate Plan should be reflected in the Planning Scheme.

The Planning Scheme also largely reflects and/or is consistent with Council's key regional strategies including the:

- Environment and Liveability Strategy;
- Regional Economic Development Strategy;
- Community Strategy; and
- Integrated Transport Strategy.

Major new projects and strategies influencing planning policy include the:

- Sunshine Coast Mass Transit Project and associated land use strategy;
- Coastal Hazard Adaptation Strategy (CHAS);
- Sunshine Coast Airport Expansion Project;
- Biosphere Project;
- Blue Heart Project; and
- Beerwah East structure planning.

Of these projects, the project that is the most likely to effect change is the Mass Transit Project and the associated planning strategy.

In particular, this project will provide opportunities for the creation of sustainable urban villages with an increased focus on consolidation rather than expansion as envisaged in the SEQRP and Council's adopted strategies.

The Planning Scheme Review also focussed on development trends and outcomes on the ground. Key findings include:

- the highest concentration of residential and commercial building activity on the Sunshine Coast is in the main areas of Caloundra South, Palmview, Maroochydore and Birtinya;
- the focus of development activity in hinterland areas is primarily in Nambour, Yandina, Landsborough and Palmwoods;
- trends in housing indicate a shift away from detached dwellings to multiple dwellings;
- there is increasing interest in affordable housing options including secondary dwellings and tiny homes;
- the Planning Scheme provisions are generally working well including: assessment levels; overlays, in particular building height; local plans; zones and definitions;
- a need to improve multiple dwelling outcomes in terms of bulk, scale, amenity and landscaping;
- identification of emerging trends such as micro-breweries;
- difficulties associated with the development of dwellings in floodplains; and
- non-industrial uses such as gyms and dance studios occurring in industry zoned areas.

The outcomes of legal proceedings have also been examined which has highlighted that, in most cases, the provisions of the Planning Scheme are clear and defensible. In some cases, issues raised in appeals have been addressed through subsequent planning scheme amendments. There are, however, particular aspects of the Planning Scheme that could be reviewed, including updating policy and mapping, strengthening of overall

outcomes and specific development provisions.

To provide some insight into community views on the Planning Scheme, the Review also considered outcomes from community consultation undertaken to date on several key council strategies and other projects, development applications, planning scheme amendments and general media interest. Key learnings include:

- desire to protect the lifestyle, character, natural environment and natural landscapes of the Sunshine Coast;
- support for a compact settlement pattern and sustainable, sub-tropical design;
- building height continues to be important;
- local planning and maintenance of the Sunshine Coast as a "community of communities" continues to be important;
- support for a connected and integrated transport system;
- consider reviewing code assessment for certain development; and
- some community members view the planning scheme as a type of "contract" with Council (i.e. decisions in conflict with the planning scheme viewed as a breach of contract).

To help inform the Review, consultation was undertaken internally with key users of the Planning Scheme. It was found that while the Planning Scheme is generally performing well, there is a need to:

- improve the development codes, particularly in relation to building envelope controls, landscaping and design of multiple dwellings;
- improve the strength and clarity of provisions;
- further reduce complexity;
- support for increased detail in local plan codes;
- improve community understanding of how the planning scheme works;
- be responsive to emerging issues, trends and uses; and
- continue to emphasise protection of the environment, integrated transport

solutions, climate resilience and adaptation and maintenance of strong growth boundaries.

Other internal feedback focussed on the following:

- improvement to the codes;
- improvement of community understanding of the Planning Scheme;
- be more responsive to emerging issues and trends; and
- emphasis on protection of the environment, integrated transport solutions, climate resilience and adaptation, and maintenance of growth management boundaries.

Feedback was also sought from planning consultants using the Planning Scheme on a day-to-day basis. Some of the key points raised included:

- the Planning Scheme generally works very well in terms of clarity, usability and structure;
- updated and more accurate mapping would be beneficial;
- there were mixed responses on the usability of e-plan platforms in other local government areas;
- Development.i is a very helpful tool;
- difficulties can occur with the implementation of the Planning Scheme at the assessment stage;
- levels of assessment 'are about right';
- zones generally work well, specific issues include split zones, the effect of the Limited development zone and complexity of industry zones;
- local area planning generally works well, some areas would benefit from further local planning and review of character provisions;
- definitions generally work well, noting that industry definitions and thresholds are difficult to use;
- specific issues in relation to the regulation of dwelling houses, dual occupancies and multiple dwellings;

- there should be some flexibility in building height;
- emerging uses and trends need to be taken into account;
- the implications of mass transit need to be understood prior to drafting a new planning scheme;
- the next phase of planning is infill development and linked to this is how great urban spaces are created;
- there is a perceived lack of greenfield land for smaller, mid-tier developments which are occurring less; and
- for a new planning scheme, the views from a broad range of the community should be sought.

Preparation of a new planning scheme also presents an opportunity for Council to finalise the transition away from hard copy publication to an exclusively electronic format (e-plan). The aim would be to improve user experience and accessibility, while also ensuring the planning scheme documentation is easy to administer and maintain over time.

Further Investigations

While the policy positions in the SPP, SEQRP and Council's regional strategies provide the substantive framework for guiding land use and development on the Sunshine Coast, it is noted that the following projects and/or investigations are currently underway:

- Sunshine Coast Mass Transit Project and associated land use strategy;
- coastal hazards / climate change impacts;
- flooding and stormwater;
- biodiversity, waterways and wetlands mapping;
- planning for the Beerwah East Major Development Area;
- planning for Maroochydore City Centre surrounds;
- planning for the Sunshine Coast Airport and surrounds; and
- planning for strategic greenspaces, including the Blue Heart.

Other issues requiring further investigation include:

- design provisions particularly for multiple dwellings and mixed use development;
- emerging uses and issues such as micro-breweries, secondary dwellings and short-term accommodation;
- planning for the Palmview structure plan area;
- centres and employment planning;
- scenic amenity, views, landscape character, local character;
- housing needs assessment;
- natural hazard risk assessments (as required by the SPP);
- implications of transport and mobility trends;
- review of local extractive resources;
- consideration of Aboriginal and Torres Strait Islander cultural heritage and interests; and
- e-plan approach.

Recommendations

On balance, having regard to the key findings of the Planning Scheme Review, it is recommended that a new planning scheme be prepared.

Should Council resolve to prepare a new planning scheme, a community consultation and engagement strategy will need to be developed in accordance with relevant legislation and guidelines.

It is recommended that an interactive e-planning platform for the new planning scheme be considered and budgeted for.

It is recommended that the preparation of a new planning scheme be primarily resourced through the Strategic Planning Branch as the lead agency. This will be facilitated by a core project team. The project team would be supported, on an as needs basis, by external consultant resources.

There are some discrete issues that could be progressed in a more timely way through amendments to the current Planning Scheme (e.g. revised and updated mapping layers to better reflect the SPP).

Preliminary drafting instructions for new planning scheme

Having regard to the findings from the Planning Scheme Review and Council's currently adopted policy positions and strategies, the following preliminary set of planning principles have been identified for a new planning scheme:

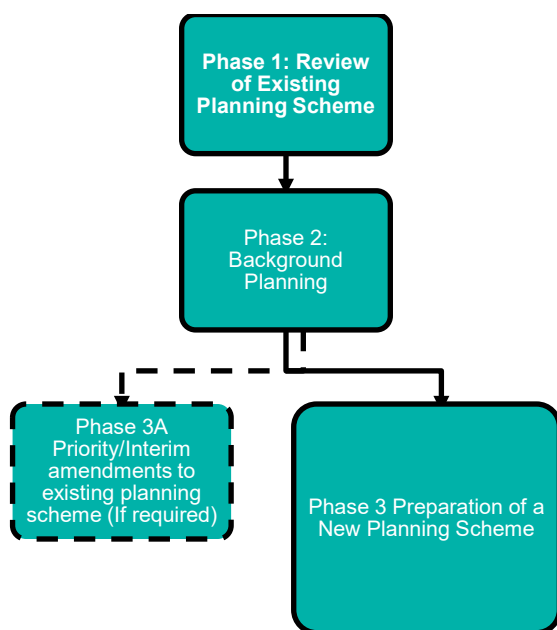
- retain strong and clearly defined growth management boundaries;
- promote a compact, transit supportive and sustainable pattern of settlement;
- promote vibrant, compact centres as a focus for economic and social activity and protection of the activity centres network;
- encourage economic diversification and leverage investments in key infrastructure and region shaping projects;
- maintain a strong position on building height;
- promote Sunshine Coast Design principles;
- prioritise high quality urban landscaping, deep planting and walkable, leafy streets;
- increase focus on design of multi-unit and mixed use development;
- recognise the distinct character and identity of individual communities;
- continue focus on local planning;
- protect biodiversity, landscape character and scenic amenity;
- protect the ongoing viability of natural economic resources (e.g. agricultural land, forestry, fisheries, extractive resources);
- encourage appropriate value adding rural enterprises;
- avoid constrained or high hazard areas and improve resilience in existing areas; and
- adapt to a changing climate.

The State Planning Department has released a number of guidance documents for drafting and amending planning schemes. Having regard to this guidance material, and based on previous plan-making, the following preliminary drafting principles have been identified for a new planning scheme:

- strong and clear policy framework;
- risk tolerant and risk aware;
- balanced approach to certainty and flexibility; and
- effective and defensible.

Next steps

Should Council decide to formally resolve to prepare a new planning scheme, the next steps in the process are to undertake necessary background planning work and to commence the formal plan-making process.



1 Introduction

1.1 Sunshine Coast Region

The Sunshine Coast is one of Australia's largest and fastest growing local government areas. It is located in South East Queensland, 53 kilometres north of Brisbane and covers an area of approximately 2,200 square kilometres.

The region is known for its natural beauty and is defined by its subtropical climate, picturesque coastline, and beaches, extensive waterways and wetlands, and the hinterland mountain ranges.

The Sunshine Coast is a highly desirable place to live, work, and play. It comprises a community of communities, with the majority of residents living within established urban centres along the coast, supported by an emerging city centre, towns and neighbourhoods. In the hinterland, residents enjoy the unique character and identity of the towns and villages.

The current resident population is approximately 330,000. The population is expected to increase to approximately 500,000 residents in 2041, with approximately an additional 87,000 dwellings. The annual growth in population will lead to significant urban development and supporting infrastructure.

The Sunshine Coast economy is one of the largest regional economies in Australia and the second strongest regional economy in Queensland.

Appropriate management of growth is essential to maintaining Council's vision of being Australia's most sustainable region – healthy, smart, creative. The challenge is to protect our natural environment, encourage a vibrant economy and promote liveable communities.

The Planning Scheme plays an important role in achieving this vision, in conjunction with a range of region and place making projects. For a dynamic region such as the Sunshine Coast, it is important that the Planning Scheme is regularly reviewed and updated to keep pace with growth and change.

1.2 Sunshine Coast Planning Scheme 2014

The *Sunshine Coast Planning Scheme 2014* (the Planning Scheme) took effect on 21 May 2014 and applies to the whole of the Sunshine Coast local government area and adopts a planning horizon of 2031. The Planning Scheme has been in place for over 6 years.

It is a key tool for implementing Council's vision and responding to growth management challenges. It works alongside Council's adopted strategies as well as a range of other policies and projects, which may in part be implemented through the Planning Scheme.

The Planning Scheme is the primary statutory instrument by which Council can achieve quality planning and design, because it provides:

- a strategic framework for managing growth, creating liveable and resilient communities and protecting natural assets;
- the regulatory levers to influence location, design and impacts of land use and development; and
- a local government infrastructure plan that identifies the trunk infrastructure required to service future communities.

1.3 Purpose of Review

Under the *Planning Act 2016*, Council is required to review the Planning Scheme within 10 years of it being made and decide, based on that review, whether to amend or replace the Planning Scheme.

While Council is yet to make a formal resolution in relation to the preparation of a new planning scheme, the *Corporate Plan 2019-2023* states that Council will commence the development of the region's next planning scheme, which is intended to be in place by 2024.

Since the commencement of the Planning Scheme, there have been a range of policy and legislative changes, as well as the commencement or continuation of a range of infrastructure and other projects, potentially significantly affecting future land use and development on the Sunshine Coast.

This Planning Scheme Review examines the effectiveness and efficiency of the Planning Scheme, and whether it accords with community expectations, current legislation and Council's adopted vision and strategies.

The Planning Scheme Review examines a range of factors, including:

- global and local trends;
- current State planning legislation, guidelines, policy, strategy and projects;
- Council's vision and current strategies, policies and projects;
- currency of the mapping;
- amendments undertaken to date;
- development trends and examples including an evaluation of the performance and operation of the Planning Scheme, including a review of development data, development outcomes on the ground and legal proceedings;
- technological considerations, including emerging user expectations and delivery platforms for the Planning Scheme; and
- a review of consultation, community engagement and feedback since the commencement of the Planning Scheme.

The Review identifies key findings and information gaps, and includes recommendations arising from the consideration of these findings.

2 Global and Local Trends

2.1 Global Trends

The world is experiencing rapid change. New technologies are connecting people and places around the world and changing the way people do business. Climate change is increasing the frequency and severity of weather events. Resources are under increasing stress. Local economies are increasingly affected by global economic trends. These trends will impact on the way we live, work, play and connect.

In addition to these trends, the COVID-19 pandemic that the world is currently experiencing is likely to influence the way people live, travel, do business, communicate and socialise into the future.

People

The world population is ageing with higher life expectancy and falling birth rates, increasing the proportion of older people. This trend provides significant opportunities as the older population hold a wealth of knowledge and experience. However, at the same time, the ageing population is challenging welfare and health care systems around the world.

The world's population is also becoming increasingly urbanised with projections that approximately two-thirds of the world's population will live in cities by 2030. This trend provides opportunities for increased efficiencies in servicing, but also challenges in managing growth, whilst protecting natural values and servicing social needs.

Technology, income growth, improvements in education and cultural change are providing individuals with higher expectations about liveability and life experiences. Higher incomes and education are improving quality of life and people are placing more importance on life experiences. This trend is leading to a rise in the 'experience economy' with the desire to connect with people of all cultures and locations.

Economic Changes

Global power is shifting with rapid economic growth in Asia and developing countries, affecting existing markets whilst promoting new (and potentially unknown) markets. As these economies move from industrialisation

to technology and services, the demand for imports is likely to move from materials to services.

These changes will bring both increased competition and new opportunities. As the global economy grows, the opportunities for an interconnected global economy will become increasingly important.

This trend will have significant impacts on the way we plan to support economic growth. Building on existing strengths to grow new technology and services-based businesses will be important. The protection of land for agriculture and support for value-adding industries will also be critical.

Technology

Technology is improving exponentially, creating new markets and challenging existing operations. Technology will continue to be disruptive, impacting on the way people interact, obtain information and services and make decisions.

Information gathering, robotics, transformative energy production and storage, medical breakthroughs and enabling technology will continue to change the way we live.

The rise of the digital world is having significant impacts on previously dominant sectors of the economy, reshaping retail, office and other services. This trend is also reshaping the way we design cities and places and the types of jobs provided in these centres. Lifestyle regions such as the Sunshine Coast offer significant opportunities for people to work remotely and still be connected.

Technology is increasingly enabling businesses and employees to become mobile, with an increasing ability to choose their location based on "qualities of place". Smart cities technology is focused on responding to a changing context and using technology to evolve the way services are delivered, providing individualised, real-time and remote information, responses and solutions.

It is often difficult to plan for technological change. Instead, planning needs to concentrate on providing an adaptive environment which allows business and industry to evolve to meet changing demands.

Environmental Change

The environment is under increasing threat from a range of impacts including climate change, urbanisation and other man-made impacts.

Increasing greenhouse gas emissions are causing climate change and creating unpredictable impacts on the environment through increasingly severe and more frequent weather events.

Other man-made actions, including the increasing rate of development, are degrading our natural environment with significant impacts on biodiversity and habitats.

These environmental changes will reduce the world's resilience to future changes and have significant impacts on quality of life. The planet is also under increasing demand for limited natural resources.

The pressures of population growth, economic growth and climate change are stretching water, food, arable land, energy and mineral resources. The sustainable management of these finite resources is critical to the wellbeing of future generations.

In response to these escalating changes, the role of the natural environment and the protection of areas with biodiversity and habitat value will be increasingly important.

Areas which offer protection and resilience from future climate change impacts should be identified and protected. Planning also needs to protect water catchments, support agricultural land and maintain resource areas to preserve natural resources for the future, even if those resources are not being actively exploited or currently utilised.

COVID-19 Pandemic

The COVID-19 pandemic has and will continue to create significant disruption around the world, resulting in social, economic and technological change. It is likely to affect the way people live, travel, do business, communicate and socialise into the future.

However, it will also present opportunities for innovation. It has accelerated investment in remote working technology, telehealth services, and shifts to online business which is already occurring in the retail sector. Demand for office space may decrease as companies downsize centralised offices to

realise potential financial savings offered by all or part of their workforce working remotely.

The impact of these changes on demand for physical retail and office space is likely to have an influence on the role of centres into the future.

Regional lifestyle areas such as the Sunshine Coast are expected to be increasingly favoured post-pandemic as city-dwellers, many equipped with the proven ability and technology to work remotely, are attracted to the relative affordability, space and lifestyle offered outside the cities. Suburban and local centres may also enjoy an increased revival with a good proportion of people expected to continue to work at least some hours from home post-pandemic.

2.2 Local Trends

Local trends will have a significant impact on the way we live on the Sunshine Coast, from our centres, suburbs and communities, to the way we move around and the design of buildings, facilities and open spaces.

Population Growth

Population projections suggest that the Sunshine Coast will reach a population of approximately 500,000 residents by 2041.

This population growth will create a significant demand for new housing. It is anticipated that the majority of this growth will be accommodated in Caloundra South, Palmview and Beerwah East and in the coastal corridor between Maroochydore and Caloundra.

As significant development and infrastructure projects are completed, new groups including professionals, younger people and younger families are likely to be attracted to live and work on the Sunshine Coast.

Based on projected population growth, the Sunshine Coast will need to accommodate approximately 210,000 dwellings by 2041, equating to approximately 87,000 additional dwellings between 2016 and 2041.

While the majority of dwellings are single detached houses currently, it is expected that the types of housing will be more diverse by 2041. In particular, there will be greater demand for a range of semi-attached and attached housing to provide more affordable living options, preferably located close to

public transport and major centres. Housing will need to be adaptable and provide for the changing demands of an ageing population.

There is also a trend for smaller lot sizes. In South East Queensland in 2009, lot sizes were on average about 740m², but had decreased to 480m² in 2019. On the Sunshine Coast, there were no lots below 300m² in 2009, whereas 15% of lots were below 300m² in 2019.

Community Needs

The ageing population will continue to play an important role in the community. The over 65s will look for more active and inclusive lifestyles with different types of 'retirement living', greater involvement in the community, in local business and in education.

Younger people will seek new ways to be involved in the local community, through education, environmental initiatives, culture, arts, sports and lifestyle activities.

The Sunshine Coast will need to address the issue of housing affordability. New types of housing will be needed in existing urban areas, particularly in and around centres, within close proximity to services and public transport.

From secondary dwellings and duplexes to townhouses, small unit developments to medium rise development, a range of housing options will be required by 2041.

The Sunshine Coast's climate and location will provide opportunities for community activity with an emphasis on health, sports and well-being. The cultural and arts sector will continue to grow, providing a platform for events, activities and community involvement across the Sunshine Coast.

Economic Growth

The Sunshine Coast economy is expected to grow from \$18.5 billion in 2017/18 to \$33 billion by 2033. The Sunshine Coast's economy continues to evolve into a modern, 'smart' economy based on sound growth across numerous high valued and knowledge-based sectors including professional services, innovative manufacturing and high-tech start-ups.

'Region shaping' projects include the Maroochydore City Centre and the Sunshine

Coast University Hospital which are located in the coastal corridor.

Maroochydore City Centre, including the Priority Development Area and frame, is seeking to attract entrepreneurs to the Sunshine Coast and start-up businesses which will grow the local economy.

Across the Sunshine Coast, the types of jobs will change significantly by 2041 with an emphasis on health and wellbeing, education and research, knowledge industries, professional services, sports and events, tourism, agribusiness, aviation, aerospace and clean technologies. Some traditional industries such as manufacturing are likely to experience a decreasing percentage of jobs growth over time.

Technology will continue to play a significant role in the growth of the local economy. The international broadband submarine cable will connect the Sunshine Coast to the world with nanosecond speed digital services, making the Sunshine Coast attractive for global business. Renewable energy, including council's solar farm investment, will make the Sunshine Coast attractive to innovative and sustainable industry.

These trends are also likely to affect the traditional centres network and employment areas on the Sunshine Coast. Maroochydore City Centre will cement its place as the Principal Regional Activity Centre, a new Major Regional Activity Centre may develop at Aura (Caloundra South) and a new Major Regional Activity Centre may be recognised at Beerwah East depending on how planning progresses.

Other centres may change their role and function to meet new demands. Enterprise and industry areas are likely to evolve as new enterprises replace existing industries. The demand for additional industrial land is likely to be less relative to other employment land needs.

Environmental Challenges

Open space and the natural environment on the Sunshine Coast will come under increasing pressure from urban development, climate change and increased pressure for use by the community. Challenges to the natural environment over the next 20 years will include loss of biodiversity, vegetation clearing, further

habitat loss and fragmentation, loss of ecological resilience, poorer water quality and increases in invasive plants and animals. Challenges also include the loss of landscape and amenity values of both open space and natural areas.

Climate Change

Modelling shows that the Sunshine Coast will be exposed to increases in average temperatures and in the number of days per year in excess of 35°C.

The area will also be subject to more extreme rainfall events and changes in the magnitude of extreme events including cyclones, storms, droughts, heat waves and flooding.

Other impacts include rising sea levels, permanent inundation, decreased annual rainfall and drier soil moisture.

These forecast changes are expected to have an impact on the natural environment of the Sunshine Coast, including changes to biodiversity, habitat and ecosystems. Water quality is also likely to be affected, impacting on the diversity, amenity and recreational values of our waterways, wetlands, estuaries and coasts.

Climate change is also likely to affect the built environment with extreme events impacting on buildings and infrastructure and insurability of homes and assets. Planning for climate change will need to consider a range of measures including reducing emissions, protecting natural values and building adaptability and resilience into new development.

Transport and Infrastructure

As the Sunshine Coast grows, innovative transport and other infrastructure solutions will be required to connect and service communities and jobs. Improved opportunities will support self-containment and contribute to liveability.

The Sunshine Coast Airport is undergoing significant expansion, including a new runway and associated infrastructure which will improve connections, both nationally and internationally.

The Sunshine Coast continues to face challenges with the road network, with significant road improvements underway or planned including the upgrade to the Bruce

Highway and the proposed Mooloolah River Interchange.

To meet the needs of the expected population, significant investment is needed in both existing and new public transport systems. The B2N project proposes improvements to the North Coast Rail Line between Beerwah and Nambour. The recent North Coast Connect proposal is investigating the upgrade of the North Coast Rail Line and the development of a new passenger rail spur from Beerwah to Maroochydore along the protected CAMCOS Corridor.

Council is investigating a mass transit connection between Caloundra and Maroochydore, with potential connections to Beerwah and the Sunshine Coast Airport.

Mass transit infrastructure in this corridor would provide significant opportunities for transit oriented development as a focus for urban consolidation and renewal.

There may be an opportunity to link CAMCOS and the mass transit system to create an integrated public transport network providing local services and regional services. It is noted that the priority need is for local transit to contribute to liveability and self-containment.

The global trend around innovative transport will also have an impact on the Sunshine Coast with opportunities for shared riding services, driverless vehicles, electric vehicles, drones and other technology. Planning will need to be adaptable to allow for a range of innovative transport solutions in the future.

The Sunshine Coast's focus on active and healthy lifestyles will continue to drive demand for active transport opportunities including cycle and pedestrian links, coastal and recreational trails. These networks will need to be designed and delivered to cater for all age groups, for both community use and tourism activities.

Growth will also require innovative approaches to the delivery of water, sewerage, waste, energy and telecommunication services to meet changing needs whilst protecting environmental and lifestyle values on the Sunshine Coast.

3 State Planning Review

3.1 Introduction

The State Government sets the key planning rules and establishes the framework of planning instruments that support the making of planning schemes.

The key planning legislation is the *Planning Act 2016* and *Planning Regulation 2017*. This is supported by the *Minister's Guidelines and Rules* (MGR) which sets out a consistent method for plan making. The legislation is also supported by State planning instruments including the *State Planning Policy 2017* and the *South East Queensland Regional Plan 2017*, which set out state and regional planning interests for growth management. Planning scheme preparation and implementation must be in accordance with these rules and framework.

The Planning Scheme Review was undertaken in accordance with the *Planning Act 2016*, which requires that a review be undertaken within 10 years of the commencement of a planning scheme.

3.2 State Government Planning Framework

3.2.1 Planning Act and Regulation

The Planning Scheme was made under the former *Sustainable Planning Act 2009* and its mandatory *Queensland Planning Provisions* (QPP). New requirements for local government planning schemes are now established under the *Planning Act 2016* and *Planning Regulation 2017*.

Whilst the *Sunshine Coast Planning Scheme 2014* was amended to align with the *Planning Act 2016*, there are aspects of the Planning Scheme, including assessment benchmarks and assessment levels, which would benefit from further review.

The Planning Scheme contains a strategic framework that is consistent with the *Planning Act 2016*, which states that a planning scheme must identify strategic outcomes for the local government area.

Also, in accordance with the *Planning Act 2016*, the Planning Scheme includes a regulatory framework that establishes categories of development assessment and

'assessment benchmarks' against which assessable development is measured.

The *Planning Act 2016* introduced the concept of assessment benchmarks and changed the rules by which code and impact assessment is to be undertaken. This may influence the structure and operation of a new planning scheme.

The former mandatory QPP has been replaced by 'regulated requirements' which include a suite of zones (and purpose statements) from which council must choose appropriate zoning allocations for the Sunshine Coast (these are very similar to the suite of zones under the QPP). The regulated requirements also include mandatory definitions which are also similar to the QPP definitions. There is no longer a mandatory structure for planning schemes or mandatory rules for interpretation; however, the guide '*Drafting A Planning Scheme – Guidance for Local Governments*' has been produced by the State Planning Department.

A new planning scheme would need to be drafted in accordance with the mandatory zones and definitions that comprise the 'regulated requirements'. The removal of the mandatory QPP structure and assessment rules, as well as the lack of prescription in relation to what constitutes an "assessment benchmark", provides an opportunity for structural changes, simplification and other improvements. This could improve useability and better reflect local circumstances.

3.2.2 Minister's Guidelines and Rules

The statutory guideline *Minister's Guidelines and Rules* (MGR) made under the *Planning Act 2016* establishes requirements for planning scheme amendments and scheme preparation processes. It also contains a parallel process for preparing a local government infrastructure plan (LGIP) which must still form part of the planning scheme if a local government intends to levy infrastructure charges.

While the State Government will review a proposed planning scheme to ensure state and regional interests are appropriately reflected, there are some notable procedural requirements under the MGR, including:

- Council can propose its own process (including for example, concurrent state

interest review and public consultation) although the process must be agreed to by the Chief Executive of the State Planning Department;

- local governments must prepare a communications strategy which must be agreed to by the Chief Executive;
- a mandatory 40 business day period for public consultation is set by the *Planning Act 2016*;
- an 'adverse planning change' made in response to a natural hazard requires the preparation of a 'feasible alternatives report' which demonstrates that all feasible alternatives to the change have been considered. This process is onerous but protects Council from compensation claims due to the 'adverse change'; and
- the MGR is supported by the non-statutory Guidance for the Minister's Guidelines and Rules.

3.2.3 State Planning Policy 2017 (SPP)

The *Planning Act 2016* requires a planning scheme to coordinate and integrate the matters that it deals with, including state and regional dimensions. The State Planning Policy 2017 (SPP) sets out the state interests and applies instead of a regional plan or a planning scheme to the extent of any inconsistency.

At the time of adoption and commencement, the Planning Scheme was confirmed by the Planning Minister to be consistent with the SPP. However, the SPP has undergone amendments since that time, and further guidance has been provided by the State in relation to the operation of certain aspects of the SPP.

Overall, there remains a high level of alignment of the Planning Scheme with state policy interests. However, matters which may require further consideration, subject to any direction from the State Government, include:

- alignment of the coastal hazard adaptation strategy recommendations (once complete) with the SPP requirements and preparation of a risk assessment and any required feasible alternatives;
- updating mapping for the new airport runway. The SPP has been updated to

incorporate the Australian Noise exposure Forecast (ANEF) contours, but is yet to be updated to include the Obstacle Limitation Surface (OLS) plan;

- representation and rationalisation of matters of state environmental significance (MSES) and matters of local environmental significance (MLES);
- review of biodiversity offset arrangements in accordance with legislative changes;
- possible review of housing needs/affordability, scenic amenity/ landscape / coastal values and other supporting studies outlined in various SPP guidelines;
- water quality and other issues related to Seqwater and Healthy Land;
- updated mapping related to declared fish habitat areas, coastal management districts, erosion prone areas and bushfire hazard;
- updated mapping related to energy and water supply; and
- possible review of koala conservation measures to ensure the *South East Queensland Koala Conservation Strategy 2020-2025* (and associated mapping) is appropriately reflected.

An assessment of the Planning Scheme's alignment with the SPP is included in **Appendix 1 – Review of Alignment with State Planning Policy 2017.**

As detailed above, achieving full compliance with the SPP may be achieved through incorporation into a new planning scheme or a combination of planning scheme amendments. Full incorporation of the latest SPP requirements into the Planning Scheme would result in a reduced administrative burden for Development Services staff and planning scheme users, who must currently have regard to both documents.

3.2.4 South East Queensland Regional Plan 2017 (SEQRP 2017)

The *South East Queensland Regional Plan 2017* (SEQRP 2017) is a state planning instrument that provides a framework for growth management and sets the long term planning direction for sustainable growth, a globally competitive economy and high-quality

living for the region. It includes broad regional land use categories, including a defined “Urban Footprint”, and is accompanied by regulatory provisions. The Planning Scheme is required to be consistent with the SEQRP 2017.

At the time of adoption and commencement, the Planning Scheme was confirmed to be consistent with the former SEQRP 2009-2031. Since the Planning Scheme commenced, the new SEQRP 2017 has taken effect. A number of planning scheme amendments have been undertaken or are currently underway which seek to reflect additions to the Urban Footprint which were made under the SEQRP 2017.

Whilst the Planning Scheme remains generally consistent with SEQRP 2017, further changes would be required to ensure greater consistency with some of the broader policy directions, positions and terminology and align with the new planning horizon of 2041.

As part of the reporting and measurement of key policy actions in the SEQRP 2017, the State Government established the Growth Monitoring Program (GMP) in early 2018. The GMP tracks residential and industrial land supply. SEQRP 2017 sets dwelling supply benchmarks that must be achieved within each local government area and requires at least 15 years’ supply of residential land is available on an on-going basis. Each year, the Land Supply and Development Monitoring Report is released. The 2019 report confirmed that the Sunshine Coast region meets the key policy objective of a minimum of 15 years land supply of zoned and able to be serviced residential and industrial land. In terms of the 2041 benchmarks, further planning is required to meet the consolidation benchmarks.

Opportunities to increase the planned dwelling supply are intended to be predominantly addressed through the Sunshine Coast Mass Transit Project (refer to Section 3.2.5 and 4.2.3), including through potential development opportunities in the Sunshine Coast Enterprise Corridor around critical high-frequency public transport.

The SEQRP 2017 urban expansion benchmarks for the Sunshine Coast will be met primarily in Palmview, Caloundra South and Beerwah East. Master planning for the Beerwah East new growth area is underway and will ultimately need to be recognised in the Planning Scheme.

The SEQRP 2017 identifies key landscape areas and natural assets, including the Northern Regional Inter-urban Break. Key regional transport infrastructure is also recognised along current and future networks. A new planning scheme, incorporating a revised planning horizon to match the SEQRP 2017, would likely provide the best opportunity to carry through, update and strengthen these provisions.

Economic development could continue to be strengthened through protection of major transport and freight networks, active transport and digital infrastructure.

References to social and community issues that could be further recognised and strengthened include: Traditional Owners cultural knowledge and connection to land and seascapes, fair and equitable communities, resilience to climate change, safety and affordability.

An assessment of the Planning Scheme’s alignment with the SEQRP 2017 is included in **Appendix 2 – Review of alignment with SEQRP 2017.**

Regional plans are generally reviewed every 5 to 7 years. The Planning Scheme or a new planning scheme should reflect the SEQRP if and when it is updated.

3.2.5 Major State Projects

There are several significant infrastructure projects currently being undertaken by the State Government which will potentially affect movement, growth and future land use patterns on the Sunshine Coast.

Beerburrum to Nambour (B2N) Rail Upgrade Project

The Beerburrum to Nambour (B2N) Rail Upgrade project includes proposed rail upgrades for the North Coast Rail Line between Beerburrum and Nambour and will involve duplication of rail line, new passing loops, realignment of affected roads, station upgrades and new park and ride facilities and

associated road upgrade work. Construction is scheduled for completion in late 2024.

Caboolture to Maroochydore Corridor Study

The Caboolture to Maroochydore Corridor Study (CAMCOS) was completed in 2001. The CAMCOS corridor is being considered for a passenger rail service to link the Sunshine Coast to Brisbane as part of the North Coast Connect proposal (outlined below). The State Government agreed to implement the recommendations, including the need to protect the preferred future public transport corridor from Beerwah to Maroochydore and on to the Sunshine Coast Airport. Since then, the State Government has been acquiring land for the corridor.

Detailed Mass Transit Business Case

The State Government has agreed to partner with Council to develop a detailed mass transit business case. This will follow on from the work undertaken by Council in the Sunshine Coast Mass Transit Project (refer to Section 4.2.3) and previous light rail project work. The aim of the project is to deliver high frequency public transport connections between key centres on the Sunshine Coast.

CoastConnect

CoastConnect is a Queensland Government initiative to improve public transport and sustainable travel between Maroochydore and Caloundra. Construction has been completed for many components, including bus stations.

North Coast Connect

The North Coast Connect project is being undertaken by a private consortium that received Federal Government funding to develop a business case investigating faster rail from Brisbane to Nambour and Maroochydore. The business case has been presented to the Federal Government for consideration.

Mooloolah River Interchange

The Department of Transport and Main Roads is progressing a detailed business case for a future major upgrade of the Mooloolah River Interchange at Mountain Creek. Preliminary planning has been completed and a preferred planning option has been developed for the future upgrade.

Inter-Urban Break Outdoor Recreation Plan

The Inter-Urban Break Outdoor Recreation Plan has been developed to protect outdoor recreation values on public lands within the Regional Inter-urban Break (RIUB). The purpose of the investigation is to determine the extent, values and intended uses of SEQ's northern inter-urban break and ensure its long term protection.

3.3 Outcomes of State Planning Review

Outcomes from a review of State planning indicate a need to:

- undertake any planning scheme amendments and drafting under the current planning legislative framework of the *Planning Act 2016*, *Planning Regulation 2017* and *Minister's Guidelines and Rules*;
- update policy and mapping to align with the current version of the SPP (July 2017); in particular, addressing such issues as
 - coastal hazard adaptation;
 - the new runway for the Sunshine Coast airport;
 - matters of State and local environmental significance;
 - ecological, natural hazard and infrastructure mapping;
- update policy and mapping to align with SEQRP 2017; in particular, addressing the required additional land supply through urban consolidation and the further development in the Sunshine Coast Enterprise Corridor around critical high-frequency public transport; and
- take into account significant State Government infrastructure and planning projects which will affect movement, growth and future land use patterns on the Sunshine Coast; in particular, road and rail projects and the inter-urban break.

4 Local Planning Review

4.1 Introduction

The local planning review examines:

- Council's policies, strategies and projects that inform the policy background of the Planning Scheme;
- Planning Scheme amendments;
- the currency of the mapping in the Planning Scheme; and
- peer reviews on the performance and operation of the Planning Scheme.

4.2 Council Corporate Plan, Strategies and Projects

Council's Corporate Plan, strategies and projects are discussed below, as well as the Sunshine Coast Airport Master Plan which was prepared by Sunshine Coast Airport Pty Ltd, as the operators of the airport.

4.2.1 Corporate Plan

Council's vision articulated in the Corporate Plan 2020-2024 is for the Sunshine Coast to be 'Australia's most sustainable region. Healthy. Smart. Creative' and includes the following goals:

- a strong community – in all our communities, people are included, treated with respect and opportunities are available to all;
- a healthy environment – maintaining and enhancing the region's natural assets, liveability and environmental credentials; and
- a smart economy – a prosperous, high value economy of choice for business, investment and employment.

Key Strategic Pathways of the Corporate Plan relevant to land use planning focus on the connection of people and places, resilience shaped by clever planning and good design, protection and enhancement of natural assets and distinctive landscapes and economic growth and resilience.

The Corporate Plan recognises that *'Maintaining a contemporary planning scheme and assessing development in a balanced and transparent manner will continue to provide*

greater certainty for the community and encourage new investment in infrastructure, employment services and facilities to fulfil the needs of a growing community.'

It also states that *'Council will commence the development of the region's next planning scheme, which is to be in place by 2024.'* However, Council is yet to make a formal resolution to prepare a new planning scheme under the *Planning Act 2016*.

The Corporate Plan is due to be reviewed to take into account the views of the current Council elected in March 2020. The Planning Scheme will need to reflect any relevant changes or updates to the Corporate Plan.

4.2.2 Sunshine Coast Council Regional Strategies

The Corporate Plan goals of a strong community, a healthy environment and a smart economy are supported by three key long-term 'tier 1' regional strategies:

- Environment and Liveability Strategy 2017;
- Regional Economic Development Strategy 2013-2033; and
- Community Strategy 2019-2041.

In addition to the 'tier 1' regional strategies above, the following other regional strategies have also been adopted:

- Integrated Transport Strategy 2019; and
- Waste Strategy 2015-2025.

Environment and Liveability Strategy 2017 (ELS)

The Environment and Liveability Strategy 2017 (ELS) sets strategic directions to ensure a healthy environment and liveable Sunshine Coast to 2041. Key policy positions, targets and actions include: maintain and nurture our natural environment; respond to population growth; build resilience against the potential impacts of climate change; create liveable spaces and places and drive renewable energy.

The Planning Scheme generally aligns with the ELS, particularly in relation to urban containment, inter-urban breaks, open space and natural assets, cultural heritage values and hazard resilience. Further studies and updated data as a result of the ELS are referred to in Section 4.2.4 of this report.

Regional Economic Development Strategy 2013 – 2023 (REDS)

The Regional Economic Development Strategy 2013 - 2023 (REDS) provides a 20 year vision and blue print for economic growth on the Sunshine Coast to ensure the region actively participates in the global economy and delivers the desired lifestyle and opportunities for residents and businesses alike.

The REDS identifies seven high value industries to grow the economy including health and wellbeing; education and research; professional services and knowledge industries; tourism sport and leisure; agribusiness; urban technologies; aviation and aerospace.

The REDS Implementation Plan 2019-2023 sets out priorities and actions for delivery by 2023 and updates the region shaping projects for the Sunshine Coast, including:

- smart connected centres with a focus on the new Maroochydoore City Centre and master planned communities;
- expansion of the Sunshine Coast Airport;
- health and knowledge hubs such as the Sunshine Coast Health Precinct and University of the Sunshine Coast;
- digital connectivity, for example, the Sunshine Coast Broadband Network;
- transportation connectivity including an integrated public transport solution which provides suburb to suburb connections and integrates with a fast and reliable network that connects the region to Brisbane;
- upgrade of the Bruce Highway from Caboolture to the Sunshine Coast; and
- establishment of event, convention and hotel facilities.

The policy positions in the REDS were integrated into the Planning Scheme at the time of drafting. Some elements of the Planning Scheme may require updating to reflect recent trends and any updates to the REDS.

Community Strategy 2019-2041

The Community Strategy 2019-2041 focuses on inclusive communities by supporting the growth of social connection and collaboration through a place-based approach. Place based planning is an enduring concept in this strategy. Outcomes sought include an

emphasis on: active transport; community facilities, including supporting facilities, parks, open space and civic spaces; affordable living options; smart infrastructure and sense of place in the public realm.

Most of the policy positions and outcomes sought by the Community Strategy are not directly related to, or are already reflected in, the Planning Scheme. However some aspects could be strengthened, particularly in relation to neighbourhood development and promotion of walking and cycling, diversity of housing options and open space. New technologies could also be better recognised and improvement of the public realm emphasised.

Integrated Transport Strategy 2019 (ITS)

The Integrated Transport Strategy 2019 (ITS) provides a vision and strategic direction for transport on the Sunshine Coast to 2041 and beyond. The ITS considers a number of proposed improvements to the road network, public transport and active transport to deliver a sustainable and integrated network to service future needs and contribute to liveability in the region.

The objectives of the ITS seek to achieve a transport network that is:

- connected and integrated;
- smart and sustainable; and
- safe and efficient.

The ITS is seeking to achieve a shift to more sustainable modes and reduced single occupant car dependency. In particular, the ITS sets out the following mode share targets for 2041:

- private vehicle including freight to reduce from 85% to 70%;
- active transport to increase from 12% to 20%; and
- passenger transport to increase from 3% to 10%.

Achievement of these targets will be closely linked to the future settlement pattern integrated with the delivery of critical transport infrastructure projects and incorporating and supporting non-infrastructure projects and services (i.e. travel behaviour change activities, Mobility as a Service, new technology and digital information sources) to cater for this expected growth.

The Planning Scheme requires updating to reflect the latest transport network planning, in particular the Mass Transit Project (discussed in Sections 3.2.5 and 4.2.3 of this report).

Waste Strategy 2015-2025

The Waste Strategy 2015-2025 has been developed to shape council's future waste management infrastructure needs and develop strong resource recovery markets. An action of the strategy is to identify new landfill sites that will need to be recognised in the Planning Scheme.

4.2.3 Urban Transformation and Mass Transit Projects

Urban Transformation Directions Paper

The Sunshine Coast will face significant pressure for growth into the future. In February 2017, an Urban Transformation Directions Paper for the Sunshine Coast was produced by council. This paper recognised that the ability of the Sunshine Coast to effectively manage the pressure of continued growth will, in a large part, depend on a settlement pattern that provides a combination of greenfield development and urban transformation to accommodate an increasingly higher proportion of growth in the coastal corridor. The Directions Paper recognised that this approach will underpin a more sustainable future which optimises economic, community and environmental outcomes.

The Directions Paper outlined a preferred growth management strategy for the Sunshine Coast to 2041 that included the following elements:

- rural, landscape and natural areas (including inter-urban breaks) are protected and enhanced;
- most future growth areas will be accommodated in areas south of the Maroochy River in locations that are relatively less constrained and already supported by significant investments in infrastructure and services;
- the Sunshine Coast Enterprise Corridor (currently recognised in the Planning Scheme) will be the focus for urban transformation, providing opportunities for business, employment and residential development in existing centres and well

planned urban villages focussed around an efficient transport network;

- short to medium term greenfield development will occur through expansions to some small urban communities; and
- major greenfield communities are at Palmview, Caloundra South and Beerwah East.

The Directions Paper recognised that key challenges included:

- showcasing the key values of the coastal corridor;
- designing development which reflects the Sunshine Coast character;
- enhancing economic and employment opportunities in conjunction with residential development;
- identifying a preferred model for the delivery of urban redevelopment; and
- the provision of a rapid transit system which will facilitate the urban transformation of the coastal corridor.

Mass Transit Project

Council initiated and is currently undertaking the Mass Transit Project to investigate the potential and options for mass transit within the Maroochy to Caloundra corridor.

The Sunshine Coast Mass Transit Project Strategic Assessment (formerly known as the Strategic Business Case), was approved by Council on 25 July 2019. This project investigated the delivery of high frequency public transport connections between key centres, including either rapid bus transit, light rail or passenger rail.

Council is now undertaking an Options Analysis (formerly known as the Preliminary Business Case). The Options Analysis will inform a detailed business case which will be led by the State Government. Key land use implications of this study include a need to provide opportunities for infill in the Maroochy to Caloundra corridor and provide new quality housing choices within the mass transit catchment.

The Mass Transit Project will provide opportunities for the creation of sustainable urban villages with an increased focus on consolidation rather than expansion as

envisaged in the SEQRP and Council's adopted strategies.

In this regard, the Planning Scheme will need to not only reflect proposed staging, zoning and height changes but also include robust, best practice, and carefully crafted provisions in relation to design, amenity, built form, building envelopes, deep planting, public realm and infrastructure provision to ensure the corridor delivers "density done well" and reflects Sunshine Coast character and design.

The project is dependent on the support of both Council and the State Government. The timing of the project, including the timing of consultation phases, represents a critical dependency for the Planning Scheme which will need to be carefully considered. Further, this is a long term project, and the associated urban renewal and enhancement of select areas in the coastal corridor may occur in stages.

It is possible that some elements of early stages of Mass Transit could be facilitated by amending the existing Planning Scheme; however, given the scale of change anticipated, it is considered that the implementation of the land use implications of this project would be best achieved in the initial stages through a new planning scheme and fully realised urban renewal through subsequent planning schemes or planning scheme amendments. The extent to which urban renewal can be incorporated in a new planning scheme will depend on the progress of the Mass Transit Project and a future project funding commitment.

4.2.4 Other Council Projects and Plans

Council has undertaken, or is currently undertaking, several other major projects which will inform future land use planning on the Sunshine Coast. These projects and plans align with the adopted regional strategies.

Biosecurity Plan 2017

The Biosecurity Plan 2017 provides a framework for the management of priority invasive plants and animals in accordance with the *Biosecurity Act 2014*. Implications for the Planning Scheme are minimal; however, updated references to the plan and current legislation are required.

UNESCO Biosphere

Council endorsed the UNESCO Biosphere nomination in 2019. The aim of this project is that *'The Sunshine Coast Biosphere will be internationally renowned as a place where people live, learn, work and play sustainably'*.

The objectives are:

- People – A Sunshine Coast community that actively fosters and promotes sustainable practices, use and stewardship;
- Conservation – Conserving, maintaining and enhancing our natural environment from the hinterland to the coast, and connecting people and nature;
- Development – Demonstrating leadership in delivering a diverse and resilient economy; and
- Logistical support – inspiring and celebrating creativity, innovation, research and a learning community.

The nomination recognises the three key strategies of Council (refer to Section 4.2.2), as drivers of sustainable development. The mapped biosphere areas are consistent with the key strategies, the Planning Scheme and other Commonwealth and State planning policy.

Blue Heart

The Blue Heart seeks to protect land in the Maroochy River floodplain. This floodplain provides critical environmental services such as natural flood hazard mitigation and will be subject to projected increases in permanent inundation due to sea level rise. Whilst the project outcomes will primarily be achieved through other programs, the Planning Scheme will play a role in recognising and protecting the Blue Heart from incompatible land use and development.

The project is not currently recognised in the Planning Scheme although the Blue Heart area is generally protected through its inclusion in rural and open space/conservation zones.

Coastal Hazard Adaptation Strategy (CHAS)

The Coastal Hazard Adaptation Strategy (CHAS) is a long term strategy to manage the impacts of coastal hazards including erosion of beaches, temporary inundation of coastal land due to tides and storms or permanent

inundation of coastal land due to sea-level rise. This strategy is a key action in the Environment and Liveability Strategy. The CHAS is being prepared under the State Government QCoast₂₁₀₀ Program, which provides funding, tools and technical support to local governments.

The CHAS is examining coastal hazard risk from the present day to 2100, adaptation options and economic implications and opportunities. A first round of consultation occurred in 2018 and a second round in 2020. The final strategy is due for completion by March 2021.

Given the inherent risks associated with the predominantly coastal nature of the settlement pattern on the Sunshine Coast, particularly in a changing climate, the outcomes and recommendations of the CHAS will be critical in informing decisions in relation to future land use and infrastructure provision, particularly in near-coastal areas.

Parking Management Plan

The Parking Management Plan, adopted by Council in 2017, takes a regional view and outlines the challenges, desired outcomes, principles, policies, management options, and consequent actions. Local Parking Plans have also been prepared with specific outcomes for localities or centres. Key emerging issues for the Planning Scheme include:

- parking rates based on location as well as use;
- parking contributions;
- car ownership versus other models such as ride sharing; and
- connected autonomous vehicles and associated issues such as storage and ensuring infrastructure standards allow flexibility for these types of vehicles into the future.

Sunshine Coast Design Strategy

The intent of the Sunshine Coast Design Strategy is to guide the design of great places for residents and visitors and strengthen the 'look and feel' of the Sunshine Coast.

The Sunshine Coast Design Book was endorsed by Council on the 27 November 2019 and is the first instalment in the

Sunshine Coast Design Strategy. It sets out design principles to guide the design of great places for residents and visitors.

To some extent, the Planning Scheme already incorporates the values and principles of the Sunshine Coast Design Book, by promoting development that:

- creates landscapes that work with existing topography, and retain and enhance existing vegetation;
- protects cultural heritage;
- protects significant views and vistas;
- provides or protects open space networks, linkages, bushland and waterways;
- is consistent with its local context;
- creates places and streets that are accessible, safe and attractive; and
- is resilient to extreme weather events.

However, provisions in the Strategic Framework and Sustainable Design Code could be reviewed to ensure matters covered by the *Building Act 1975* (building assessment provisions) are excluded and matters that can be addressed or strengthened are included.

Whilst there are limitations on the extent to which design, and building standards in particular, can be regulated through planning schemes, there is scope to better reflect and reinforce the principles and outcomes of the Sunshine Coast Design Book.

4.2.5 Master Planned Communities

Master planned communities on the Sunshine Coast include the Maroochydore City Centre and new or emerging greenfield communities in Caloundra South, Beerwah East, Palmview and Kawana Waters.

The Maroochydore City Centre and Caloundra South are both Priority Development Areas (PDAs) established under the *Economic Development Act 2012*. Development in the PDAs is not regulated through the Planning Scheme. However, the relationship and integration of the PDAs with the surrounding areas and wider Sunshine Coast is critical.

Maroochydore City Centre Priority Development Area (PDA)

The Maroochydore City Centre Priority Development Area (PDA) was declared in 2013. It seeks to create a new central

business district for the Sunshine Coast, support economic development and provide much needed infrastructure and civic space. Key sites and civic infrastructure are in place for the central business area and construction of buildings has commenced.

Provisions in the Planning Scheme for the balance of Maroochydore will need to complement the PDA to ensure a holistic approach to planning, particularly in relation to heights, zoning, the centres network and infrastructure networks. Any boundary changes to the PDA will also need to be reflected in the Planning Scheme.

Caloundra South Priority Development Area

Caloundra South Priority Development Area was recognised as a PDA in 2012 and, prior to that, as an Urban Development Area in 2010.

The Caloundra South PDA is approximately 2,360 hectares of greenfield land located to the south of the established Caloundra urban area and is intended to be developed over a 30 to 40 year period. The development of Caloundra South PDA is intended to accommodate 20,000 dwellings to house 50,000 residents and provide between 15,000 to 20,000 jobs.

Development in the PDA is not regulated under the Planning Scheme. However, as is the case for Maroochydore City Centre PDA, the relationship of the PDA with the surrounding area and wider Sunshine Coast is an important consideration in the Planning Scheme.

Beerwah East Major Development Area

The SEQRP 2017 nominates Beerwah East as the only Major Development Area (MDA) in South East Queensland and includes it in the Urban Footprint. It is currently identified as a Further Investigation Area in the Planning Scheme in accordance with the former SEQRP 2009-2031.

The Beerwah East Major Development Area is intended to accommodate 20,000 dwellings, be development ready by 2027 and accommodate 7,000 lots by 2041. Further planning for this area is currently being undertaken as an SEQRP implementation project involving Council and the State Government, which will shape how the

Planning Scheme ultimately recognises and plans for this area.

Palmview Structure Plan

The Palmview Structure Plan provides for a master planned community of approximately 7,000 dwellings and 17,000 residents. The Structure Plan currently forms part of the Planning Scheme. However, it operates under its own requirements located in Part 10 (Other Plans).

Incorporation of this area into the Planning Scheme proper, for example, as a local plan area, could be investigated, acknowledging potential impacts in relation to the existing infrastructure agreement, variation approval and obligations for the site. If this was to be pursued, legal advice and further review of the structure plan area and provisions would be required.

Kawana Waters Community Development Area

The Kawana Waters Community Development Area (area subject to Development Control Plan 1) encompasses existing developed areas and some greenfield areas that are yet to be developed. The area is subject to the 1996 Caloundra City Planning Scheme and a longstanding Development Agreement between the master developer, Council and the State Government.

Incorporation of parts of the area that have been fully developed into the Planning Scheme proper could be investigated, acknowledging potential impacts in relation to the existing infrastructure agreement and obligations for the area.

4.2.6 Sunshine Coast Airport Master Plan 2040

The Sunshine Coast Airport is no longer operated by Council. The Sunshine Coast Airport Pty Ltd prepared the Sunshine Coast Airport Master Plan 2040, which, sets out how the airport is intended to be developed over time to accommodate the future needs of the airport and the community over the next 20 years and beyond. It recognises the expansion and development of the north-west/south-east runway.

The Sunshine Coast Airport Master Plan 2040 has been acknowledged by Council, but not endorsed. Unless an alternative arrangement

is implemented, future development on the Sunshine Coast Airport will continue to be subject to the provisions of the Planning Scheme. It is also acknowledged that the current provisions in the Planning Scheme could be revised/updated to reflect the fact that the Council is no longer the airport operator. In this regard, the text and mapping would need to be updated and this could occur as amendments to the current Planning Scheme or addressed in a new planning scheme, or a combination of both.

4.3 Planning Scheme Amendments

4.3.1 Introduction

Since taking effect in 2014, a number of amendments to the Planning Scheme have been undertaken to keep it up to date and operating effectively.

There are a number of reasons why Council makes amendments to its planning scheme. These include to:

- incorporate the outcomes of new local area or site planning processes which have been undertaken since the commencement of the planning scheme;
- respond to new or changed State government legislation or planning policy that is required to be reflected in the planning scheme (e.g. the *Planning Act 2016* and the *SEQRP 2017*);
- respond to emerging issues which were not thought significant when the planning scheme was prepared but have become more important over time;
- respond to major changes in economic, social or environmental conditions that have occurred since the planning scheme was prepared (noting that the plan-making process was several years in the making); and
- rectify errors or inconsistencies that have been identified during the ongoing operation of the planning scheme.

There are four main types of planning scheme amendment outlined in the MGR (discussed in Section 3.2.2 above). These are:

- administrative amendments that are designed to address simple administrative

matters grammatical errors, inconsistency in referencing or outdated terminology;

- minor amendments that are designed to address changes that are minor in nature but which cannot otherwise be categorised as being administrative amendments;
- major amendments that are designed to address major changes in planning policy including changes to zones or the introduction of new or materially different planning provisions; and
- local government infrastructure plan amendments that are designed to provide a new or changed local government infrastructure plan.

An alignment amendment can also be undertaken to align with current legislation.

4.3.2 Planning Scheme Amendments

There have been 21 amendments to the Planning Scheme to date. The amendments comprise:

- 1 alignment amendment that aligned the terminology and provisions in the Planning Scheme with the *Planning Act 2016* and the *Planning Regulation 2017*;
- 13 major amendments relating to the following:
 - revised land use, densities and road layouts for the Palmview Master Planned Area;
 - site-specific zoning and height changes;
 - reflection of the Place Making Mooloolaba Master Plan;
 - changes to the zoning of land at Twin Waters West, Pacific Paradise, and specific code provisions;
 - zone or overlay changes relating to specific sites and terminology amendments to align with the *Planning Act 2016* and the *Planning Regulation 2017*, that were in addition to the alignment amendment;
 - deletion of the Maroochydhore Structure Plan from Part 10 and incorporation into the planning scheme proper, including zone or overlay changes for specific sites within the Maroochydhore Principal Regional Activity Centre

- reflection of the Caloundra Centre Master Plan;
- provisions for specific sites and height provisions;
- historic cultural heritage;
- changes to the Urban Footprint under the SEQRP 2017 and operational amendments relating to telecommunication facilities, local parks and parking rates;
- the Muraban Street extension in Mooloolaba;
- the Temporary Local Planning Instrument (Kawana Waters Town Centre);
- building height provisions for certain publicly accessible rooftop uses; and
- designation of part of Nambour's activity centre as a special entertainment precinct and related provisions;
- 1 transitional interim local government infrastructure plan (LGIP) amendment made a number of corrections;
- 1 LGIP amendment to replace the Priority Infrastructure Plan (PIP) with a LGIP; and
- 5 minor and/or administrative amendments.

A proposed Major Amendment Site Specific (additional South East Queensland Regional Plan 2017 sites and other zoning matters) is currently underway with public consultation to occur in late 2020. The purpose of the proposed amendment is to respond to changes to the Urban Footprint under the SEQRP 2017 and to reflect existing or desired future land uses. The proposed amendment provides more detailed planning outcomes through specific zoning and local plan area boundary changes with tailored assessment benchmarks provided, where relevant, in respective codes.

There are also a number of outstanding requests for planning scheme amendments. These come from a range of sources including landowners, businesses and residents. The requests for amendments generally relate to particular codes or provisions including: zoning changes; height changes; potential development for specific sites and concerns

regarding dual occupancies, bed and breakfasts and short-term accommodation. Issues with codes, overlays, zones, specific sites and uses, as well as a range of other matters have also been raised by internal Council officers.

4.3.3 Outcomes of Planning Scheme Amendments Review

The amendments undertaken to date highlight the need for the Planning Scheme to be responsive to particular trends and changed circumstances, site-specific issues and to changes in legislation and planning policy. The outstanding requests for amendments may be further considered as part of Council's Planning Scheme Amendment Program or, alternatively, considered as part of a new planning scheme process.

Whilst amendments are necessary and required to ensure a planning scheme remains up to date and responsive to emerging policy changes and issues, over time, the cumulative effect of multiple amendments has the potential to erode the efficiency and internal consistency of any planning scheme.

It is considered that the current Planning Scheme continues to be an effective and robust planning instrument, despite the amendments undertaken to date. However, there is a risk that additional amendments will diminish its operation and performance over time. As such, the preparation of a new planning scheme may be preferable where required future updates are significant and/or will affect many parts of the Planning Scheme.

4.4 Mapping Review

4.4.1 Introduction

A mapping review was undertaken to examine the Planning Scheme's mapping layers and the data used to inform these layers, to determine their currency and compliance with legislative requirements. The focus of the mapping review was to analyse the overlays in particular.

There are a wide range of maps and mapping layers currently used in the Planning Scheme, including:

- Part 1 – Map SCC1 Local government planning scheme area and context;

- Part 3 - Strategic Framework Maps;
- Part 7 - Local Plan Elements Figures;
- Part 8 - Flood Hazard Overlay Code Figure 8.2.7 Drainage Deficient Areas;
- Part 9 - Transport and Parking Code Figures;
- Part 10 - Palmview Structure Plan Maps;
- Schedule 2 - Index Map, Zone Maps, Local Plan Precinct Maps and Overlay Maps; and
- Schedule 3 - Local Government Infrastructure Plan (LGIP) Maps.

Some of the data used for these mapping layers was prepared during the plan making process for the Planning Scheme, while other layers have been updated since its commencement (via amendments to the Planning Scheme).

4.4.2 Overlay Mapping

A brief summary of the mapping analysis for the Planning Scheme's overlay mapping is provided below.

Acid Sulfate Soils

The Acid Sulfate Soils Overlay mapping layers (Area 1 and Area 2) should be updated to use the new 2018 LiDAR data.

Airport Environs

The Airport Environs Overlay mapping includes layers for the Sunshine Coast Airport, the Caloundra Aerodrome and related aviation facilities (e.g. navigation and communication facilities). The overlay mapping and the SPP mapping for the Sunshine Coast Airport both need updating to reflect:

- the opening of the new runway and the decommissioning of the current runway;
- the *Sunshine Coast Airport Master Plan 2040* mapping layers; and
- approved mapping layers from Air Services Australia (Note – the SPP now reflects the revised ANEF mapping).

The *Caloundra Aerodrome Master Plan 2013* is due for review and may result in revised overlay mapping. An aviation facility at Maleny was decommissioned on 26 May 2016 and no longer requires protection in the Planning Scheme.

Biodiversity, Waterways and Wetlands

Further work is being done to update the Biodiversity, Waterways and Wetlands Overlay mapping layers (including the native vegetation area, waterways, waterbodies and wetlands) based on new data (aerial photography, LiDAR data and mapping contained in the Environment and Liveability Strategy 2017).

In particular, the waterways layer is being reviewed so it is more accurate and this will have implications for the riparian protection area layer. The Declared Fish Habitat Area layer is out of date and the Planning Scheme can be updated with the latest SPP mapping. The RAMSAR wetlands layer can also be updated; however, the mapping layer is held by the State Government, but is not included in the SPP mapping.

There are new requirements under the SPP and Queensland's Environmental Offsets Framework to map Matters of National Environmental Significance (MNES), Matters of State Environmental Significance (MSES) and Matters of Local Environmental Significance (MLES) in the Planning Scheme. The State government is currently undertaking a review of the framework to critically evaluate its effectiveness. The outcomes of this review will have implications for the mapping in the Planning Scheme for this State interest.

Bushfire Hazard

The current Bushfire Hazard Overlay mapping (medium and high hazard areas and their associated buffer areas) is based on the methodology of a former SPP (version 1/03). Further work is being done using the new SPP methodology and more recent data to create a locally refined bushfire hazard mapping layer to reflect this State interest.

Coastal Protection

The Coastal Protection overlay mapping identifies coastal protection areas and maritime development areas. The Coastal Protection overlay mapping layer includes the extent of the erosion prone area.

The *Coastal Hazard Adaptation Strategy* will create a new locally refined mapping layer to achieve this State interest. The current coastal protection area mapping layer could be removed and replaced with the locally refined mapping layer for the erosion prone area and

the SPP coastal management district mapping layer. The maritime development areas are no longer a concept used in the SPP and could be removed from the Planning Scheme.

Extractive Resources

The Extractive Resources Overlay mapping identifies State and local resource/processing areas, separation areas, transport routes and transport route separation areas. Key resource areas (KRAs) are reflected in the SPP mapping. Local resource areas (including the resource/processing area, separation area, transport route and transport route separation area layers) may need to be reviewed to confirm their status and currency.

Flood Hazard

The Flood Hazard overlay mapping layer identifies the flooding and inundation area. This mapping layer is based on different types of flood and storm tide modelling for each catchment, depending on the time at which they were created. Not all catchments have flood and storm tide modelling/mapping available and are therefore not identified on the map layer.

Further work is being done by council using the new SPP methodology and more recent data, to create a more consistent Sunshine Coast-wide locally refined flood mapping layer to achieve this State interest. This updated mapping would ultimately need to be reflected in the Planning Scheme (either via an amendment or in a new planning scheme).

Height of Buildings and Structures

This overlay identifies the maximum height of buildings and structures as regulated by the Planning Scheme. This mapping layer has been amended since the Planning Scheme took effect, including:

- the building height increment review (to reduce the number of height categories);
- specific sites relating to educational establishments, residential care facilities and retirement facilities;
- reflection of the Caloundra Centre Master Plan;
- specific sites within the Maroochydhore Principal Regional Activity Centre;

- specific sites in the Mooloolaba/Alexandra Headland local plan area; and
- other site specific changes (i.e. to correct anomalies and better reflect approved and/or developed land uses for these sites).

Further changes may be required to this mapping layer, to reflect the outcomes of other State and local government projects such as the Sunshine Coast Mass Transit Project.

Heritage and Character Areas

An amendment to Heritage and Character Areas Overlay mapping (and associated provisions) took effect on 24 August 2020. The amendment included the following mapping layers (including new layers and changes to existing layers to add or delete sites):

- State heritage place (for information purposes only);
- Local heritage place;
- Local heritage place (Shipwreck);
- Land in proximity to a Local heritage place;
- Character area; and
- Character building.

The current overlay mapping does not identify Aboriginal and Torres Strait Islander cultural heritage which is protected under separate State legislation. Further work in this area may need to be considered, having regard to State guidance material and consultation with First Nations representatives.

Landslide Hazard and Steep Land

The landslide hazard layer of this overlay (identifying moderate, high and very high landslide hazard areas) was created during the plan making process for the Planning Scheme and is based on geology, soil type, rainfall intensity, upstream catchment area, slope aspect, slope angle and other historical data.

The steep land layer of this overlay (identifying slopes of 15-20%, 20-25% and greater than 25%) was created by Council using a digital elevation model (DEM) derived from the 2009 aerial laser survey (ALS).

Both of these mapping layers should be revised, based on new data that is available (including the 2018 LiDAR) and to be consistent with the latest requirements of the SPP.

Regional Infrastructure

The Regional Infrastructure Overlay includes the following mapping layers:

- Gas pipeline corridor and buffer;
- High voltage electricity line and buffer (Distribution and Transmission lines);
- Water supply pipeline and buffer;
- Wastewater treatment plant and buffer;
- Major road corridor and buffer;
- Railway corridor and buffer; and
- Dedicated Public Transport Corridor (CAMCOS) and buffer.

These layers were created before the SPP mapping was available and may need to be revised and updated, based on new data and to be consistent with the requirements of the current version of the SPP. The latest SPP mapping also contains additional mapping layers that may need to be included in the Planning Scheme.

The SPP mapping for transport noise corridors is for information purposes only. However, the *Building Act 1975* (section 246ZA) requires local governments to include a record of the designated transport noise corridors in their planning schemes. The major road corridor and buffer mapping layer and the railway corridor and buffer mapping layer do not include the full extent of the transport noise corridors and require updating. These layers also do not depict the noise level categories that should also be identified.

Council could consider including the transport noise corridors for State controlled roads and railways (including the noise level categories), as well as identifying transport noise corridors for local government roads where appropriate.

Scenic Amenity

The Scenic Amenity Overlay includes two mapping layers being scenic routes and the regional inter-urban break. The scenic routes layer identifies scenic routes along major roads and rail corridors, generally outside of urban areas. This layer may require updating and rationalisation to reflect cadastral

changes and to verify the significance and extent of the routes that are currently identified.

In support of the Sunshine Coast Design Strategy, Council is undertaking further studies to investigate and provide strategic direction and implementation guidance for enhancing the region's corridors and gateways. It aims to inform both future capital works programs and future amendments to the Planning Scheme.

The regional inter-urban break mapping layer represents this element at the cadastre scale and was prepared for the Planning Scheme. The Sunshine Coast Council and the Moreton Bay Regional Council have a strong commitment to protect the inter-urban break and a more locally-specific response than that provided in the SEQRP 2017, as documented in the Moreton Bay to Sunshine Coast Regional Inter-Urban Break Project Summary Paper (2014).

The Inter-Urban Break Outdoor Recreation Plan (December 2019) was prepared using a collaborative approach to planning for outdoor recreation by Sunshine Coast Council working in partnership with relevant State agencies and Moreton Bay Regional Council. The purpose of the Plan is to guide outdoor recreation across all public land within the area referred to as the Inter-Urban Break Outdoor Recreation Plan Study Area (IUB). The Plan also identifies five recreation areas (RAs). These areas will need to be considered when updating the regional inter-urban break mapping layer.

The Strategic Framework (Map 6 Community identity, character and social inclusion elements) also identifies the regional inter urban break and the sub-regional inter urban breaks. It could be beneficial to also map the sub-regional inter urban breaks at the cadastre scale for inclusion in an overlay for the protection of these areas and consistency.

To complement these scenic amenity overlay mapping layers, regionally significant views could also be considered for inclusion in the Strategic Framework mapping and/or overlay mapping. Locally significant views are currently identified in the relevant local plan codes (refer to Part 7 Local Plan Elements Figures discussed below) and may also benefit from further review.

Water Resource Catchments

The Water Resource Catchments Overlay includes two mapping layers being 'water supply storage' and 'water resource catchment area'. The water supply storage layer needs to be reviewed against the SPP mapping layer 'urban water supply storage' for consistency.

The name of the planning scheme mapping layer 'water resource catchment area' needs to be changed for consistency with the terminology used in the equivalent SPP mapping layer titled 'water supply buffer area'.

The extent of these layers also needs to be reviewed for consistency. The SPP mapping layer 'water resource catchments' is not currently mapped in the Planning Scheme and should be included (potentially on the relevant Strategic Framework map).

4.4.3 Other Mapping

In addition to the overlay maps, there are other Planning Scheme mapping products which are discussed briefly below.

All of these mapping layers should be updated to reflect the latest State and local government policies and projects. Some of these maps may also need updating to include SPP mapping, particularly the Strategic Framework maps and the transport maps/figures:

- **Part 1 Map SCC1 Local government planning scheme area and context** – identifies the area where the Planning Scheme applies and does not apply (such as the Priority Development Areas at Maroochydore and Caloundra South which are subject to the *Economic Development Act 2012*);
- **Part 3 Strategic Framework** – a series of maps that support each of the Strategic Framework themes;
- **Part 7 Local Plan Elements Figures** – each Local Plan Code contains a supporting figure that identifies the important elements of that local plan area such as significant views, gateway/entry points, character vegetation, local ecological linkages, primary active street frontages, primary streetscape treatment areas, indicative road linkage/access points, intersection upgrades, proposed rail corridor upgrades, transit hubs, through block pedestrian/cycle linkages and key sites;
- **Part 8 Flood Hazard Overlay Code Figure 8.2.7 Drainage Deficient Areas** – these are areas that were identified in the former *Maroochy Plan 2000* and were carried across to the current Planning Scheme. The Flood Hazard Overlay Code has provisions specific to development in the drainage deficient areas;
- **Part 9 Transport and Parking Code Figures** – these figures require alignment with the latest mapping associated with Council's Integrated Transport Strategy:
 - 2031 Functional Transport Hierarchy;
 - 2031 Strategic Network of Pedestrian and Cycle Links (Pathways);
 - 2031 Strategic Network of Pedestrian and Cycle Links (On Road Cycleways);
 - 2031 Strategic Network of Public Transport Links;
- **Part 10 Palmview Structure Plan maps** – these maps form part of the Palmview Structure Plan that provides a framework for development in the Palmview Master Planned Area. Consideration could be given as to whether the Palmview Structure Plan can be incorporated into the Planning Scheme more generally, for example, as a local plan code;
- **Schedule 2 Map SCC2 (Index Map)** – the Planning Scheme maps are based on a tiling system and this map identifies the tile number for each map;
- **Schedule 2 Zone Maps** – the zone maps identify the allocated zone and zone precinct (where applicable) for land in the planning scheme area. The zone maps also identify other elements including the urban growth management boundary, rural residential growth management boundary, local plan area, declared master planned area (i.e. Palmview), the DCP 1 Kawana Waters Area, Priority Development Areas and CAMCOS corridor;
- **Schedule 2 Local Plan Precinct Maps** – these maps identify the precincts for specific local plan areas, with the applicable Local Plan Code containing provisions relevant to these precincts; and

- **Schedule 3 - Local Government Infrastructure Plan (LGIP) Maps** – these maps support Part 4 (Local Government Infrastructure Plan) of the Planning Scheme. These maps are also based on a tiling system and identify the following elements:
 - Priority Infrastructure Area;
 - Stormwater Network;
 - Transport Network (Roads);
 - Transport Network (Active Transport); and
 - Parks and Community Facilities Network.

The LGIP maps may need to be updated to reflect Council's latest network planning. It is important to note that the Priority Infrastructure Area maps also identify the zones and also need updating when the zone mapping layer is amended. Amendments to an LGIP and associated mapping needs to follow a specific process set out in the *Minister's Guidelines and Rules*.

4.4.4 Outcomes of Mapping Review

There are numerous Planning Scheme mapping layers, including overlays that should be updated to reflect:

- State government legislative requirements, current SPP mapping and SEQRP mapping;
- major State projects and policies;
- Council strategies, policies and ongoing studies and projects; and
- more recent data (such as the digital elevation model 2018 LiDAR) and new methodologies and modelling.

The SPP mapping is periodically updated and this is being monitored on an ongoing basis. Importantly, to the extent of any inconsistency, the SPP applies instead of the Planning Scheme.

Some of the SPP mapping layers are mandatory and must be appropriately integrated into planning schemes to achieve the relevant State interest. This mandatory SPP mapping data is readily available. However, there may be an absence of supporting (text) provisions in the Planning Scheme, which was prepared under an earlier

version of the SPP. For example, Matters of State Environmental Significance, coastal management districts and transport, energy and water supply infrastructure mapping layers. Therefore, incorporation of new or updated SPP mapping may also require accompanying amendments to certain Planning Scheme provisions (such as codes).

Some of the SPP mapping layers can be locally refined by a local government in a planning scheme, in a way that achieves the relevant State interest. Where able to do so, and in most cases, council has undertaken this approach to produce locally refined mapping layers or is in the process of updating or creating these layers; for example, bushfire hazard, flood hazard and erosion prone area mapping.

The inclusion of the State mapping layers in the Planning Scheme makes it difficult to readily update this mapping as changes occur (particularly the pdf versions). Alternative approaches to mapping these State layers in the Planning Scheme could allow for them to be referenced/used in the Planning Scheme and updated more readily.

Some of the data to update these mapping layers discussed above (particularly the overlays), is currently being prepared within council and will be available in the future for inclusion in the Planning Scheme. Other layers require further resources (including technical expertise) and budgeting for them to be available for future inclusion in the Planning Scheme. The availability of some data is also reliant on the outcomes and timing of the ongoing State and local government projects and studies, discussed above.

4.5 Peer review

4.5.1 Peer Reviews

Reviews undertaken by external consultants during the plan making process and since the commencement of the Planning Scheme have provided some insights into the operation and effectiveness of the scheme.

Draft Planning Scheme

A review of the Draft Planning Scheme in the concluding stages of the plan making process raised a number of issues, many of which were addressed prior to adoption of the

Planning Scheme. Possibly still relevant are statements that the planning scheme is too complex and a lay person would struggle with the layers of complexity. In addition, there is a need to recognise that the Planning Scheme is a statutory document and broad policy statements should be avoided wherever possible.

Alignment with *Planning Bill*

A peer review was undertaken to identify implications of the then *Planning Bill*, prior to the *Planning Act 2016* taking effect. It found that the clarity and alignment of intentions in the Planning Scheme was better than in many other schemes and that the risks associated with changes in the new Act were likely to be limited.

The following matters were raised at the time for consideration:

- amendment to the relevant codes to ensure that they reflect strategic intentions and have sufficient content to defend a refusal of development that is not desired;
- amendment to the Strategic Framework to ensure/reinforce alignment with codes; and
- increasing levels of assessment from code to impact for development considered to be very high risk.

The types of code assessable development that may be worthy of further consideration were identified as:

- higher density forms of development in residential areas and mixed use elements in the Tourist Accommodation Zone, whose desired scale may not be adequately dealt with in the relevant code;
- shops and shopping centres in centre zones and their associated GFA thresholds for code assessable development;
- operational works (such as large scale clearing or earthworks) that are not desired; and
- code assessable development in an overlay area that is actually not desired.

Whilst an amendment was undertaken to align the Planning Scheme with the *Planning Act 2016*, these are broader matters that remain relevant considerations.

Potential Scope for a New Planning Scheme

In anticipation of a potential decision to prepare a new planning scheme for the Sunshine Coast, a paper was prepared in May 2019 to establish a scope and basic program for this eventuality.

The paper noted that the Planning Scheme compared favourably to other contemporary planning schemes in Queensland. However, while it had been successful in its operation to date, the paper noted that a number of significant influences were emerging which may require the current policy framework to be updated, whilst also noting that state and regional planning horizons have shifted to 2041 and beyond.

In terms of the Planning Scheme's structure, it was noted that:

- it is generally recognised as effective and user friendly;
- the Strategic Framework is clear and concisely drafted and there is strong alignment between it and other parts of the Planning Scheme; and
- the scheme's structure is notable for its organisation around local plans, which has been important to the Sunshine Coast community as a vehicle by which the character and identity of the 'community of communities' has been expressed.

It was suggested that a new planning scheme should retain the strengths of the current Planning Scheme, including:

- retaining the Strategic Framework as the foundation piece;
- zones as the primary basis for spatial expression of land use and built form mix (based on the mandatory suite of zones in the regulated requirements, which largely mirrors current zones);
- local plans to carry recognition of location/community intentions for character or function;
- overlays to reflect various State interests as well as dealing with local government area wide values and constraints; and
- use and other codes to address additional requirements for certain types of development.

It was noted that while the Planning Scheme operates very effectively, there are some duplication and inconsistencies, particularly between zones, local plans and use codes.

It was also noted that the use of local plans has worked well and has avoided the pitfalls of duplication and conflict with other parts of the Planning Scheme which has occurred in other schemes. However, the paper did make recommendations to avoid duplication and complexity.

4.5.2 Outcomes of Peer Reviews

Overall, the peer reviews conducted to date have found that the Planning Scheme is generally well drafted and operating effectively, but have provided a number of matters for consideration, including:

- amending relevant codes to ensure that they reflect strategic intentions and have sufficient content to defend a refusal of development that is not desired;
- amending the Strategic Framework to reinforce alignment with codes;
- increasing levels of assessment from code to impact for development that is considered to be very high risk;
- retaining the strength of the current structure; and
- removal of any duplication or inconsistencies particularly between zones, local plans and use codes.

4.6 Outcomes of Local Planning Review

The *Planning Act 2016* requires that a review of the Planning Scheme must be undertaken within 10 years of it taking effect. The Planning Scheme commenced over 6 years ago and therefore it is timely for a review to be undertaken. In order to remain current, relevant and effective, the Planning Scheme needs to address global and local trends and, in particular, focus on managing growth for an emerging region of 500,000 residents.

The Corporate Plan and vision as well as key Council strategies, plans and projects all guide the growth management strategies for the Sunshine Coast with a focus on sustainable urban development and protection of rural and hinterland areas while seeking to

protect the Sunshine Coast lifestyle, character and environment.

The current Planning Scheme supports the Corporate Plan goals of a strong community, a healthy environment and a smart economy and generally reflects the adopted regional strategies. However, it could be amended to strengthen and update policy positions to align with any changes to the Corporate Plan as a result of the Corporate Plan review.

Key issues being addressed through current projects include:

- mass transit options including the need for high frequency public transport connections between key centres providing opportunities for the creation of urban villages in local community hubs;
- provision of new quality housing choices particularly within the mass transit catchment;
- planning for the airport and environs;
- planning for sustainability; and
- planning for design and placemaking.

Review of these projects has highlighted critical interrelationships and dependencies, in particular, between the Mass Transit Project and the Planning Scheme, and also the CHAS and the Planning Scheme.

Planning Scheme amendments undertaken to date highlight the need for the Planning Scheme to be responsive to particular trends and issues, site-specific issues and to changes in legislation and planning policy. Outstanding requests for amendments can also be considered.

Mapping layers in the Planning Scheme, including overlays, need updating to reflect:

- State government legislative requirements and the current SPP mapping and SEQRP mapping;
- major State projects and policies;
- Council strategies, policies and ongoing studies and projects; and
- more current data (such as the digital elevation model 2018 LiDAR) and new methodologies and modelling.

Peer reviews have found that the Planning Scheme compares favourably to other

contemporary planning schemes in Queensland. While it has been successful in its operation to date, a number of significant influences are emerging which may require the current policy framework to be updated, including that state and regional planning horizons have shifted to 2041 and beyond.

5 Development Audit and Legal Proceedings Review

5.1 Introduction

An audit of development trends, outcomes of development approvals and a review of legal proceedings, including appeals, has been undertaken.

5.2 Development Audit

5.2.1 Purpose

The purpose of the development audit was to:

- examine development trends and outcomes on the ground as a result of development approvals issued under the current Planning Scheme; and
- evaluate the performance and operation of the Planning Scheme, including aspects that are working well and areas which may benefit from improvement.

5.2.2 Scope

The development audit:

- documents and analyses development data – including trends in different types of approvals, investment value, most common applications and categories of development;
- includes an analysis of development outcomes arising from selected development approvals; and
- makes recommendations for potential planning scheme changes to address identified issues.

The audit was undertaken in consultation with Development Services Branch.

5.2.3 Development Data

Development data was obtained from Development Services monitoring systems.

The analysis of development statistics is either taken from the date the Planning Scheme took effect (21 May 2014) to January 2020, or is represented as financial years. It should be noted that the data does not include the COVID-19 or post-COVID-19 periods, which may have had an impact on more recent development activity.

Land supply data is taken from the Land Supply and Development Monitoring Report produced by the State Government.

Building Approvals

Building Approvals are illustrated by a “Heat Map” showing the volume of building activity between September 2014 and September 2019. Refer to **Figure 1 – Building Approvals Heat Map**.

The highest concentrations of residential and commercial building activity over the last 5 years has occurred in Caloundra South (Aura) and Palmview (Harmony). The 2019 building approvals activity has been concentrated in the four main activity areas of Caloundra South, Palmview, Maroochydore and Birtinya. The ‘Sunshine Coast Enterprise Corridor’ continues to contain a significant proportion of the building activity. West of the Bruce Highway, the railway towns continue to record activity, particularly Nambour, Yandina, Palmwoods and Landsborough.

Development Statistics and Trends

Development statistics and trends are described for applications, approved and created lots, types of material change of use applications, dwelling approvals and value of building approvals.

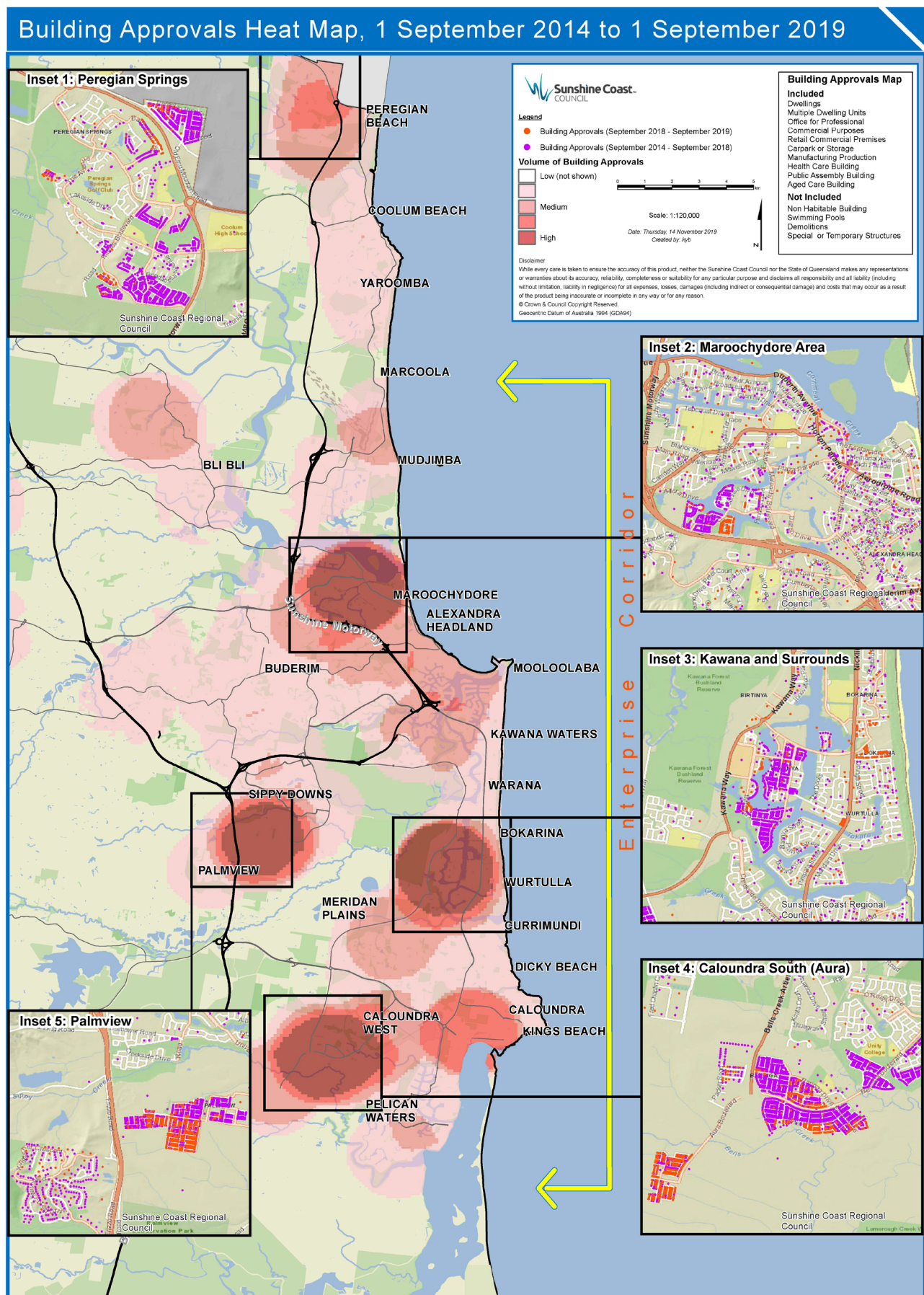
Material change of use applications have increased steadily, reconfiguration applications have remained steady, operational works applications peaked in 2015/16 and then gradually declined and building and plumbing applications have remained fairly steady.

The number of lots approved have fluctuated from 2014/15 to 2018/19. The number of lots created slightly declined from 2015/16 to 2018/19.

The highest number of material change of use development applications was for dwelling houses, followed by multiple dwellings and dual occupancies. In terms of other uses, the highest numbers of development applications were for business or industry uses.

The number of approved units/dwellings shows single detached dwellings decreased in recent years, while multiple dwellings increased. The statistics also show that the vast majority of approved dwellings are for single detached houses. In 2016/17 the percentage of all approved dwelling units was 72% for dwelling houses and 22% for multiple dwelling units. In 2018/19, the percentage of all approved dwelling units was 62% for dwelling houses and 33% for multiple dwelling units.

Figure 1: Building Approvals Heat Map



The value of building approvals steadily increased from 2013/14 to 2016/17 and then plateaued to 2018/19.

5.2.4 Development Audit

The Development Audit involved an analysis of selected “on-the-ground” development outcomes. It examined built development outcomes and included a range of development types including material change of use and associated operational works, reconfiguration of a lot and building over the operational period of the Planning Scheme.

The Development Audit highlighted aspects of the Planning Scheme that are working well, aspects that potentially need updating and aspects that could be strengthened or improved.

The outcomes of the Development Audit are summarised below.

Multiple Dwellings

Development Services raised as a key issue the design requirements for multiple dwellings. Specific design requirements are mainly covered in the acceptable outcomes of the applicable codes. These are often not met and the development is justified through overall outcomes and performance outcomes of codes.

In many cases, the development is pushed to the boundaries and the developable area maximised, resulting in design outcomes where buildings are of a bulk and scale greater than intended and have associated amenity impacts. However, building height provisions are considered strong and generally not contested. Density requirements generally appear to be appropriate.

Key issues that could be further addressed or strengthened in the Planning Scheme include:

- adequate setbacks to minimise impacts on neighbours and to promote view lines, air circulation and visual and acoustic privacy, particularly in relation to the tiered approach for upper storeys;
- stronger site cover provisions to reduce the bulk and scale of buildings;
- stronger landscaping provisions that emphasise the need to soften the appearance of buildings, promote comfortable micro-climates, reduce urban

heat island effects, increase privacy and ensure adequate areas for deep planting;

- more specific requirements for private open space and communal open space e.g. shading;
- enhancing subtropical design provisions relating to cross ventilation and access to daylight; and
- ways to reduce amenity impacts on neighbours due to flood freeboard requirements and the resulting height of retaining walls and fences could be examined.

Microbreweries

Microbreweries are difficult to define as they are often a combination of an industrial use, retail use, food and drink, and bar. The scale and intensity of the operation also affects the definition. Definition of the use, location within particular zones and assessment levels should be further examined so as to facilitate the use more appropriately.

Drive-through Restaurants, Service Stations and Car Washes – Active Frontages

A common theme with business activities in centre zones was the difficulty in achieving active frontages, particularly with vehicle dominated uses such as drive-through restaurants, service stations and car washes.

The Planning Scheme provisions call for buildings to be located close to the street frontage and streets to be activated through the provision of clear glazing, footpath landscaping and awnings.

Vehicle dominated uses by the nature of their design need to be set back and require wide vehicle cross overs, often making an attractive and active streetscape difficult.

Consideration should be given to whether uses that are reliant on vehicles such as drive through restaurants, service stations and car washes should be allowed where active frontages are sought in the Principal Centre Zone.

In addition, consideration should be given to whether these uses should be identified as ‘potentially consistent uses’ where located along a designated active frontage in the Principal Centre Zone. In other centre zones,

the conflict between the type of use and the desire to achieve active frontages could also be further addressed.

Height Provisions

The Planning Scheme's height provisions have been demonstrated to operate effectively, particularly in relation to buildings.

The Planning Scheme's table of assessment for overlays and the code relating to height have been previously amended, particularly in relation to structures.

While the Planning Scheme had certain exclusions such as telecommunication facilities in the Low Impact Industry Zone, amendments that have occurred have clarified the provisions, where height is addressed in the use code. In relation to structures in the Rural Zone, such as greenhouses, the Planning scheme was amended to remove the impact assessment trigger where the structure is over height, therefore reducing unnecessary regulation.

Service Stations

The Planning Scheme generally deals with the impacts of service stations such as traffic, noise, lighting and advertising. It generally allows for appropriate conditions to be applied. Amenity provisions, particularly relating to nearby sensitive uses, could be examined and strengthened where appropriate, for example, limiting the hours of operation in certain circumstances. Due to the impacts of service stations and the amount of community interest in development applications, the levels of assessment for service stations in centre zones should be reviewed.

There are a number of existing service stations located in the Local Centre Zone (not full service). Further consideration could be given to service stations being a 'potentially consistent use', if replacing or expanding an existing service station and located in a local (not full service) activity centre. These provisions could allow for existing service stations to expand or be replaced within the Local Centre Zone where not a full service local activity centre and suitable justification is demonstrated. This approach should be considered.

Loss of Industrial Land to Non-Industrial Uses

The loss of industrial land to non-industrial uses was highlighted. Provisions relating to the avoidance of non-industrial uses in the High Impact Industry Zone could be further strengthened and more specifically stated. The location of non-industrial uses in the Medium Impact Industry Zone and the Low Impact Industry Zone could be further examined.

Dwelling Houses within the Floodplain

Development of dwelling houses within the floodplain is potentially problematic for the safety of people and property as well as the cumulative impacts of filling.

The Development Audit highlighted that the requirements of the current version of the SPP (July 2017) are not incorporated into the outcomes of the Flood Hazard Overlay Code applicable to accepted development. The SPP addresses the need to mitigate the risks to people and property and seeks to ensure that development supports and does not hinder disaster management response or recovery capacity and capabilities.

The Planning Scheme should be updated to better align with the latest SPP or the SPP addressed through a new planning scheme. In reviewing the Planning Scheme provisions relating to dwelling houses and associated structures within flood hazard areas (either via an amendment or a new planning scheme), the following matters should be further considered:

- making development applications for dwelling houses code assessable;
- avoiding secondary dwellings within the floodplain;
- provisions to prevent filling that could cumulatively impact on floodplain storage capacity;
- provision of a suitable refuge area above the PMF level and preparation of a flood emergency management plan; and
- alternative solutions, such as through the Blue Heart initiative.

Intensive Horticulture

Large greenhouse structures can cover extensive areas and, as they are typically

located in rural areas, may cover good quality agricultural land. The potential impacts of these uses on visual character and amenity in rural settings and potential loss of arable land could be further considered.

Rear Lot Provisions

The Development Audit highlighted the difficulty in developments achieving the rear lot provisions of the Planning Scheme. Ways to strengthen the provisions relating to rear lots and the minimisation of amenity impacts could be further examined.

Protection of Land with High Environmental Values and Avoidance of Areas Subject to Natural Hazards

A key issue highlighted in the Development Audit was the protection of land with high environmental values and avoidance of areas subject to natural hazards. Consideration could be given to situations where better design and environmental outcomes may be achieved, such as through clustering of lots less than the minimum specified lot size.

Split Zones

Difficulties have arisen with many split zoned parcels of land, particularly where an applicant is seeking to subdivide the lot based on the zone boundary. Examples include land contained partly within the Low Density Residential Zone and partly within the Limited Development (Landscape Residential) Zone. In these cases, applicants have sought to create lots based on the zoning boundaries, leaving a balance lot in the Limited Development (Landscape Residential) Zone, with the possibility of a dwelling house being able to be constructed on the balance lot.

5.2.5 Outcomes of Development Audit

The Development Audit has shown that the highest concentration of residential and commercial building activity is in the 'Sunshine Coast Enterprise Corridor' in the main areas of Caloundra South, Palmview, Maroochydore and Birtinya.

The highest number of approvals is for single detached dwellings followed by multiple dwellings. However, there has been an increasing trend in recent years towards attached forms of housing.

The Sunshine Coast region meets the key policy objective of a minimum of 15 years land supply of zoned and able to be serviced residential and industrial land. However, further planning is required to meet the 2041 land supply benchmarks in SEQRP 2017.

The Development Audit has highlighted aspects of the Planning Scheme that are working well, aspects that need updating and aspects that could be strengthened or improved.

The key issues highlighted in the Development Audit related to the overlays and development codes. A number of specific issues were raised regarding assessment levels and definitions. Generally, the Development Audit found that:

- height provisions in the Planning Scheme are strong;
- definitions generally are appropriate;
- emerging uses such as micro-breweries need to be better accommodated;
- the design requirements for multiple dwellings should be strengthened to achieve better outcomes relating to bulk, scale and amenity;
- car dominated uses in centre zones should be further considered, particularly in locations where active street frontages are desired;
- the potential adverse impacts of service stations are generally addressed in the existing codes; however, further consideration should be given to assessment levels and requirements for existing service stations where they are to be replaced or expanded;
- provisions relating to the avoidance of non-industrial uses in the High Impact Industry Zone (and the Medium Impact Industry Zone and Low Impact Industry Zone) could be further considered;
- development of dwelling houses within the floodplain needs to be further addressed to better align with the latest version of the SPP;
- the reconfiguration of a lot provisions generally work well. Further consideration could be given to ways to promote better design and environmental outcomes; and

- difficulties are arising, particularly where reconfiguration of a lot is sought on lots within split zones.

5.3 Legal Proceedings Review

5.3.1 Introduction

The purpose of the legal proceedings review was to examine legal cases (including appeals) and determine whether there are any implications or learnings for the Planning Scheme.

The review provided an analysis of legal proceedings taken from the date the Planning Scheme took effect until early 2020. Matters decided by trial were updated to September 2020.

Development Services Branch provided the statistical data and input to the review.

The analysis broke down the legal proceedings into appeals and originating applications filed with the Planning and Environment (P&E) Court and tribunals. The legal proceedings were analysed in terms of numbers that went to trial as well as those that were settled or discontinued and the types of applications, uses and issues.

5.3.2 Number of Appeals and Originating Applications

Since the Planning Scheme took effect in 2014, over 170 legal proceedings have been filed in the P&E Court and tribunals. Legal proceedings also include originating applications to the P&E Court for changes or extensions to Court approvals.

In the P&E Court, 44 appeals were against refusals by Council, 29 appeals were against conditions and 10 appeals were filed by submitters. The large majority of appeals were settled, with a smaller number being discontinued or still active.

There were 58 appeals related to development applications for material change of use, 19 to reconfiguration of a lot and 8 to operational works.

There were 62 appeals to the tribunals.

5.3.3 Matters decided by Trial

The vast majority of matters are settled out of Court. However, the matters which were heard

at trial and for which judgment was received, as at September 2020, are summarised below.

Unlike previous years, there has been a significant increase in the number of matters set down for trial, with several matters set down for the latter half of 2020.

The Barro trial (1257/19) was conducted in late August 2020. This appeal was against Council's refusal of an extension to an extractive industry at Beerburrum. Judgment has not yet been received.

Trials which have been finalised and judgment received are discussed below.

Silk Properties Australia Pty Ltd vs Sunshine Coast Regional Council and Anor (90/2019)

This was an applicant appeal against Council's refusal of a development application seeking a development permit for a reconfiguration of a lot. The matter went to trial. Judgment was received on 29 July 2020 dismissing the appeal.

The application sought permission to reconfigure the land from one lot into eight residential lots (varying in size between 600m² to 683m²), serviced by a single road from Bella Street, Landsborough.

The land was within the rural residential growth management boundary and was included in the Rural Residential Zone. The land was within the Urban Footprint as defined in SEQRP 2017 and was also located within Urban Footprint under the former SEQRP 2009-2031.

The appellant conceded that the proposed subdivision did not comply with provisions of relevant planning schemes. The non-compliance stemmed from the fact that what was proposed was urban development in an area identified for rural residential development. However, the appellant alleged that the Planning Scheme had not been amended to incorporate the goals, elements, strategies and sub-regional outcomes within the current SEQRP 2017. This was said by the appellant to have created an inconsistency in which SEQRP 2017 must prevail.

The central issues in the appeal related to strategic planning, amenity and character and public interest/community benefit.

The appeal was dismissed and His Honour reasoned that:

- that the Planning Scheme may be taken to be an expression of the public interest in terms of land use;
- the proposed development does not comply with the Planning Scheme in that it represents urban development in an area reserved for rural residential development; and
- the proposed development will have an unacceptable impact on the character and amenity of the area.

In summary, it was found that the Strategic Framework, local plan, zone and other codes supported Council's case. The provisions and codes were consistent, related well with each other and could be read as a whole with purpose.

It was highlighted during the case that the Planning Scheme had not been updated to incorporate the goals, elements, strategies and sub-regional outcomes within the SEQRP 2017. However, in this case it was found that there was no shift in policy or intent that was of any significance. However, his Honour did warn that there is also an obligation on local authorities to review their planning schemes in light of the SEQRP 2017. In some cases, the failure to do so may be a matter tending to reduce the significance of non-compliance with a local planning scheme.

The implications arising from this case indicate a need to update the Planning Scheme to reflect the SEQRP 2017 and undertake local investigation studies in areas where there is an 'inconsistency' between the Urban Footprint and the zoning. It is noted that Council has progressed, or is currently progressing amendments to the Planning Scheme to reflect changes to the Urban Footprint as a result of the SEQRP. However, further scheme amendments, particularly to the Strategic Framework are likely to be necessary to reflect the broader policies and intent of the SEQRP 2017.

Development Watch and Sunshine Coast Environment Council vs Sunshine Coast Regional Council and Sekisui House (D166/18)

Two joined appeals, by Development Watch and Sunshine Coast Environment Council

against Council and the applicant Sekisui House (D166/18) went to trial in November/December 2019 and judgment dismissing the appeal was delivered on 25 May 2020. Development Watch has appealed the decision in the Court of Appeal. The trial is scheduled to be heard in early 2021.

Council approved a preliminary approval for a material change of use (Yaroomba Beach Master Plan), a development permit for a material change of use (resort complex, multiple dwellings, short term accommodation, shopping centre, educational establishment, community use and utility installation) and a development permit for reconfiguration of a lot.

During the notification period of the application, approximately 12,000 submissions were received with approximately 9,000 against and 3,000 in support of the application, indicating the volume of community interest.

Key issues in the appeal related to whether the proposal was consistent with the planning provisions, particularly relating to height, bulk, scale, intensity, character, commercial activity network, visual impact and impact on sea turtles due to light spill.

Until the outcome of the Court of Appeal proceedings is known, the implications cannot be deduced with any certainty. However, the following comments can be made from the P&E Court judgment:

- where particular outcomes are sought, these should be clearly articulated in the overall outcomes. These provisions may relate to the intended character of an area, density and built form;
- while the proposal was seen by the P&E Court to be to be compliant with the Height of Buildings and Structures Overlay Code, this code was later amended to strengthen the overall outcomes;
- provisions for protection of sea turtles, particularly in relation to height of buildings and light spill, may need to be reviewed; and
- provisions relating to retail and commercial limits and tenancy size limits could be further examined, particularly in the Emerging Community Zone.

Benfer vs Sunshine Coast Regional Council (BD3967-17)

This was an appeal against Council's enforcement notice for filling (operational works) within the Maroochy River floodplain which Council was unsuccessful in defending. While the main issue with this appeal related to deficiencies in the *Planning Act 2016*, there was also an issue with the term 'topsoil' and the table of assessment for operational work.

Dwyer v Sunshine Coast Regional Council D166 of 2019

This appeal was heard in May 2020 and judgment was handed down on 9 September 2020. The appeal was against Council's refusal of an application seeking a development permit for a material change of use (extension to existing dwelling house – roof top deck).

The development application which was the subject of the appeal sought to regularise existing building work, which was the subject of separate enforcement proceedings initiated by Council in the P&Et Court. In deciding the appeal, His Honour considered the following issues:

- (a) visual and residential amenity: views and vistas, character and streetscape;
- (b) height, massing and scale;
- (c) compliance with the Low Density Residential Zone Code;
- (d) compliance with the Dwelling House Code;
- (e) light, glare and noise; and
- (f) reasonable community expectations.

His Honour concluded that the proposed development would not achieve the identified outcomes sought by the Planning Scheme having due regard to the consideration that the planning scheme remains the embodiment of the public interest as to planning decisions, and the nature and extent of the impacts presented by it. The Planning Scheme provisions therefore had sufficient strength by which to defend the appeal.

5.3.4 Other Legal Proceedings

The legal proceedings that were not subject to a trial indicate the most common types of development subject to legal proceedings, issues in dispute and the potential implications for the Planning Scheme. These are summarised below.

Material Change of Use Applications

- Telecommunications facilities - the key issues related to amenity, visual and perceived health impacts. The Telecommunications Facility Code could be reviewed to clarify what the key amenity issues are. Visual amenity and landscaping is addressed. Health and safety provisions are subject to federal government regulation and could be deleted from the Planning Scheme as these provisions create confusion in the community as to whose role it is to regulate health and safety issues.
- Multiple dwellings – the key issues related to appropriateness of location and design. Design issues such as density, plot ratio, setbacks and landscaping highlighted difficulties in achieving the intent of the code provisions. Location issues related to character and proposals in the Low Density Residential Zone.
- Multiple dwellings potential impact on sea turtle nesting – a specific issue arose in relation to building height and potential light spill affecting sea turtle nesting at Buddina. This matter was the subject of a declaration sought by Friends of Buddina Ltd. The application was code assessable and the declaration sought requests that the Court find that the Council approval is invalid. This also raises an issue with respect to levels of assessment where there is high community interest, but no ability for formal submissions or appeal rights. This matter is yet to be determined.
- Service stations – the key issues related primarily to impacts on sensitive receivers particularly residents. The Planning Scheme codes generally address nuisance and amenity provisions. Further consideration could be given to zoning and levels of assessment relating to service stations where located adjacent to sensitive receivers.
- Extractive industries - by their nature, extractive industries often involve impacts and a common issue in the appeals is a lack of information as to how the impacts will be addressed. The impacts once known can be addressed through the codes. The requirements for the upgrade of haul routes to a suitable standard could

be strengthened. Information requirements in the Planning Scheme Policy for the Extractive Resources Overlay Code, including assessment and analysis of the haul route, could be strengthened.

- Extractive industry versus operational works for excavation – a particular issue arose with regard to the difference between excavation as part of operational works and a material change of use for extractive industry. The definitions of excavation and extractive industry could be further examined to clarify the difference.
- Function facilities – the key issue related to acoustic amenity provisions relating to function centres, for example, weddings in either purpose built buildings or open marquees, particularly in rural areas or where close to residences. The Rural Zone Code, Nuisance Code and Planning Scheme Policy for the Nuisance Code could be further reviewed so as to clarify what noise levels and measures are acceptable.
- Hotel – this appeal relates to the redevelopment of a restaurant in the Rural Residential Zone as a hotel. The key issues relate to the town planning issues of the appropriateness of the location, filling in the floodplain, emergency evacuation and on-site effluent disposal. This appeal is yet to be determined.
- Shopping centre and other uses in the centre zones – the key issue relates to the difficulty of undergrounding of electricity for small developments in centre zones and whether the desired visual amenity benefits outweigh the cost and practicality of undergrounding. The acceptable outcome in the Works, Services and Infrastructure Code with regard to undergrounding of electricity in centre zones could clarify circumstances where it is or is not appropriate.

Reconfiguration of a Lot Applications

Key issues and implications for the Planning Scheme arising from reconfiguration of a lot applications, include:

- Filling in the floodplain – the overall outcomes and performance outcomes of

the Flood Hazard Overlay Code provide a strong basis to prevent development that will impact upon the performance and function of the floodplain.

- Stormwater implications and lawful point of discharge – should further intensification of land use be proposed, consideration should be given to whether stormwater can be appropriately dealt with and a lawful point of discharge achieved.
- Steep land – where larger lot sizes are sought on steep land, the provisions could be strengthened to achieve this outcome.
- Landslide hazard – the Planning Scheme effectively deals with geotechnical stability and the need to minimise or avoid development on land subject to landslide hazard.
- Site contamination – the Planning Scheme generally deals with site contamination provisions. However, issues have arisen with regard to the relationship of the Environmental Management Register (EMR), Contaminated Land Register (CLR), the *Planning Regulation 2017* and the Planning Scheme that could be further examined.
- Retention of native vegetation – the relationship between retention of native vegetation, minimum lot sizes and protective measures, such as covenants, could be further considered.

Operational Work Applications

Most appeals relating to operational work were for engineering works, vegetation clearing, landscaping and advertising. In most cases, the operational work was related to other applications for material change of use or reconfiguration of a lot. Council's current policy position is that third party advertising devices are generally not preferred and this position is well supported in the Planning Scheme.

Building Applications

Tribunal appeals were mostly related to Council's concurrence agency power to refuse development applications. Most of the refusals related to carports, garages and sheds. The Dwelling House Code seeks to maintain the visual continuity and pattern of buildings and elements within the street. The

decisions resulting from these appeals reflect the individual circumstances of each case. These provisions could be reviewed in terms of strength and clarity.

5.3.5 Outcomes of Legal Proceedings Review

The outcomes of the legal proceedings have highlighted that, in most cases, the provisions of the Planning Scheme are clear and defensible from a legal perspective.

Generally, the provisions in the Strategic Framework, zones, local plans, overlays, development codes, definitions and mapping work well.

In some cases, amendments to the Planning Scheme have been undertaken to provide updated information, increased clarity or greater strength.

However, there are particular aspects of the Planning Scheme that could be further reviewed, including:

- greater alignment with the SEQRP 2017;
- strengthening overall outcomes, particularly where an intended character, density and built form is sought;
- enhanced provisions to protect native flora and fauna, such as significant vegetation and sea turtles
- zoning and levels of assessment for service stations, particularly where located adjacent to sensitive receivers;
- retail and commercial thresholds and tenancy size limits, particularly in the Emerging Community Zone;
- the amenity provisions of the Telecommunications Facility Code, and potential deletion of health and safety provisions that are subject to Federal Government regulation;
- design requirements for multiple dwellings;
- measures to reduce reliance on emergency evacuation where development is located in the floodplain and should be avoided
- the requirement to underground electricity for smaller-scale developments in centre zones;
- lot sizes, particularly in relation steep land;
- stormwater implications and lawful point of discharge, particularly where development rights are given to land through up-zoning;
- the Dwelling House Code provisions relating to visual continuity and pattern of buildings and elements within the street;
- the definitions of excavation and extractive industry; and
- planning scheme policies relating to extractive resources and nuisance.

6 Technological Platforms

6.1 Introduction

This review examines technological considerations for the delivery of the Planning Scheme.

With changing user expectations and continued advancement in technology, there are opportunities to move to a more accessible, interactive and user friendly online planning scheme.

6.2 Technological Considerations

6.2.1 Introduction

Should Council consider preparing a new planning scheme, technological considerations such as electronic delivery platforms, mapping/GIS publication and analysis, and other engagement platforms may impact upon drafting directions/efficiencies, consultation and implementation of a new planning scheme.

Each of these aspects of the current Planning Scheme will be reviewed to identify opportunities for improvement and begin the project planning needed to ensure that key project deliverables are appropriately timed and resourced.

6.2.2 Electronic Planning Scheme Platforms

The Planning Scheme is currently accessible in PDF format on Council's website and in a limited number of hard copies available for public viewing and internal use.

The preparation of a new planning scheme would present an opportunity for Council to finalise the transition away from hard copy publication to an exclusively electronic format.

The current PDF approach is generally well received by planning scheme users (both internally and externally) and is delivered effectively through widely used and well understood processes and products (i.e. Microsoft Word, Adobe and the corporate website and records management database).

That being said, opportunities to address inefficiencies associated with 'manual' administrative processes have been identified. The use of HTML publication also potentially

offers numerous accessibility and usability benefits both in the short and long term.

Recognising this, current approaches and available technologies will need to be reviewed to determine the best electronic publication solution for planning scheme documents moving forward.

The expectations and needs of planning scheme users will be key considerations when reviewing alternative approaches. Expected benefits will need to be weighed against the anticipated costs of implementing these approaches over the long term.

Whichever approach is taken, the publication of a new planning scheme should build on the high-quality publishing standard of the current scheme whilst providing a more accessible and intuitive experience for users.

In terms of project management, there is a need to coordinate the investigation, procurement and delivery stages of an electronic planning scheme sub-project (e-plan) to align with the broader planning scheme project as well as the work programs of key project stakeholders outside of the Strategic Planning Branch, including the Business Planning and IT Solutions Branch.

6.2.3 Mapping and GIS

The mapping approach currently utilised for the Planning Scheme divides the region into 55 map "tiles", including 28 rural map tiles and 27 local plan map tiles.

Each map tile provides a consistent spatial framework for zone, overlay and LGIP spatial elements, as well as local plan area precinct and element mapping (where relevant). Regional scale mapping is also provided to display Strategic Framework elements and concepts. A number of other maps at various scales are also included to support some planning scheme codes. Each of the maps must be individually published to PDF and, when subject to amendment, updated.

Along with the PDF files, planning scheme maps are available for viewing in interactive mapping formats, both internally (GeoHub) and externally (MyMaps).

Planning Scheme data layers are also being utilised for an increasingly broad range of internal and external web-based tools and websites including interactive mapping, site

reports and development information and open-data portals.

The current mapping approach meets legislative requirements and is generally well received by planning scheme users.

The number of mapping tiles allows for maps to be displayed on a website or printed at a scale that can be interrogated by users. This approach is, in part, a consequence of the desire for printable maps and easily downloadable document files (e.g. <20MB). Unfortunately, the number of mapping tiles creates a significant resourcing demand in terms of map preparation and quality assurance processes.

The preparation of a new planning scheme would allow for a review of mapping components to identify improvements and efficiencies in the presentation and maintenance of planning scheme maps.

Alternative mapping approaches may include greater utilisation of the interactive mapping formats and/or an increase in the scale of final map documents (e.g. to A0 size scalable PDF's) to reduce the number of published maps.

The delivery of mapping products is a highly specialised undertaking involving the creation, procurement and management of large volumes of spatial data. This data may be owned by various internal and external stakeholders and may need to be periodically updated.

As well as the maps that form part of the planning scheme document, the preparation of a new planning scheme includes the creation of a significant amount of mapping resources for analytical and communication purposes.

As with the e-plan project, the investigation and delivery of mapping products will necessarily align with the broader planning scheme project as well as specialist resource availability outside of the Strategic Planning Branch.

6.2.4 Other Engagement and Information Platforms

Along with the Planning Scheme web-pages on the Council website, other web-based platforms are currently utilised to engage with

the community on planning and development issues.

An external website (Engagement HQ) is currently utilised to engage with the community on proposed planning scheme amendments. This is a consistent approach with other Council projects that utilise this tool for consultation activities.

Development.i and the Development.i Site Report are both existing (and well-utilised) web-based tools that present planning scheme and development information in accessible formats and offer opportunities for greater utilisation of consultation capabilities.

There are other opportunities to utilise interesting and engaging tools to encourage involvement and build knowledge in the community around planning and development issues. Potential tools and techniques for engagement could be further considered.

7 Consultation

7.1 Purpose

This Planning Scheme Review examines the operational efficiency and effectiveness of the Planning Scheme, and whether it accords with community expectations, current legislation and Council's adopted vision and strategies.

Any major planning scheme amendment or preparation of a new planning scheme arising from this Review will involve a consultation strategy to more fully engage with the community.

The purpose of consultation for the Planning Scheme Review was to:

- gain insights into the perceived strengths and weaknesses of the Planning Scheme, and any areas for improvement, from key planning scheme users, both within Council and externally; and
- obtain an indication of community sentiment in relation to the operation of the Planning Scheme in terms of development outcomes on the ground and key land use planning issues that are important to the community.

7.2 Scope

Consultation informing the Planning Scheme Review has been targeted, with the primary focus on key planning scheme users, being Council's Development Services Branch and feedback from planning practitioners.

Feedback has also been sought from Branches within Council that interact with the Planning Scheme.

In order to provide an indication of broader community sentiment in relation to planning and development outcomes on the Sunshine Coast and the operation of the Planning Scheme to date, community feedback or responses have been examined in relation to:

- recent council strategies and projects;
- responses to development applications;
- planning scheme amendments; and
- media interest.

This has assisted in identifying key issues and potential information gaps.

7.2.1 Objectives

The objectives of the consultation for the Planning Scheme Review were to:

- provide key planning scheme users with opportunities to provide meaningful feedback on the operation of the Planning Scheme;
- build shared knowledge/understanding of the strengths and weaknesses of the current Planning Scheme and any implications for the development of a new planning scheme;
- gain an understanding of previous consultation undertaken on key planning and infrastructure projects; and
- understand views expressed from the broader community through community/industry feedback already received.

7.3 Consultation Outcomes

7.3.1 Internal Feedback

Development Services Branch

As part of the Review, feedback was sought from the Development Services (DS) Branch on the performance and operation of the Planning Scheme through workshops and surveys.

DS Branch comprises a broad range of professionals each with their own experiences and areas of focus and this is reflected in the diverse nature of the feedback received.

A key finding from the consultation was that the majority of participants supported moderate change to the Planning Scheme, and not a major change. On the whole, DS Branch participants rated the current Planning Scheme as either "good" or "about average".

The following ten key messages have been distilled from the feedback received:

- provide more opportunities for detailed DS Branch input on specific planning scheme issues;
- prioritise the improvement of Part 9 (Development codes) and related planning scheme policies;
- focus particular attention on how to improve the Planning Scheme in relation to multiple dwellings and infill

development, building envelope controls, building design and landscape, minimum lot size and small lot housing, vegetation clearing and dwelling houses;

- keep the Planning Scheme performance-based but improve the clarity and strength of performance outcomes and their relationship to acceptable outcomes. Utilise mandatory requirements in some circumstances;
- reduce the complexity of dwelling house regulation, vegetation clearing requirements and the tables of assessment as a priority;
- consider providing greater detail in local plan codes, including incorporation of place making outcomes;
- improve community understanding of how the planning scheme works and give thought as to how more community consultation can occur;
- improve the accessibility and clarity of the Planning Scheme through plain language and more illustrations;
- investigate emerging uses and consider more generally how the Planning Scheme could appropriately deal with these issues in the future; and
- continue to emphasise the protection of the natural environment, landscaping, streetscaping and public realm, improved public transport, climate resilience and adaptation and strong growth management boundaries as important elements for achieving the vision for the Sunshine Coast.

Feedback from other Branches in Council

As part of the Review, key internal stakeholders outside of the DS Branch were invited to participate in an on-line survey on the Planning Scheme. Branches invited to participate included:

- Environment and Sustainability Branch;
- Transport and Infrastructure Planning Branch;
- Urban Growth Projects Branch;
- Design and Placemaking Services Branch;
- Economic Development Branch; and
- Community Planning and Development Branch.

The vision and strategic directions were identified as strengths of the Planning Scheme. The LGIP and clarity around the urban footprint were also identified as strengths.

When asked how the Planning Scheme could perform better, a number of responses suggested a need for greater simplicity and clarity in the document. The importance of industrial land to meet diverse business needs also came through strongly as did the need to update the Planning Scheme with the latest adopted strategies. A range of other issues were noted reflecting a diverse range of interests.

The top three priorities for improvement were identified as:

- adopt emerging uses and trends;
- improve usability; and
- improve relevance to the community.

Nearly half of the participants felt that the Planning Scheme still reflects the expectations of the community generally. Only 13% felt it did not, with the rest being unsure.

The top three planning issues identified as most important to achieving the future vision for the Sunshine Coast were: strong growth management boundaries, urban landscaping, streetscaping and public realm, and improved public transport.

Most participants felt that the current Planning Scheme supports the work that they do but also recognised that there are particular aspects relevant to their work that could be improved.

Most participants expressed an interest in being further involved at the appropriate time, particularly if Council formally decides to prepare a new planning scheme.

7.3.2 Industry Feedback

Feedback was sought from the main consultants using the Planning Scheme on a day to day basis. The key points were:

- the Planning Scheme generally works very well in terms of clarity, usability and structure;
- updated and more accurate mapping would be beneficial;

- there were mixed responses on the usability of other e-plans;
- Development.i is a very helpful tool;
- difficulties can occur with the implementation at the assessment stage;
- levels of assessment are 'are about right' with a preference for code assessment rather than impact assessment;
- zones generally work well, specific issues include split zones, the Limited development zone and complexity of industry zones;
- local area planning generally works well, some areas would benefit from further local planning and review of character provisions;
- definitions generally work well, noting that industry definitions and thresholds are difficult to use;
- specific issues were raised in relation to dwelling houses, dual occupancies and multiple dwellings;
- the operation of some codes could be improved;
- emerging uses and trends need to be taken into account;
- mass transit needs to be understood prior to drafting a new planning scheme;
- the next phase of planning is infill development and linked to this is how great urban spaces are created;
- smaller mid-tier developments are occurring less;
- for a new planning scheme the views from a broad range of the community should be sought; and
- assistance was offered for the preparation of a new planning scheme.

Council also maintains ongoing communication with the development industry which provides an opportunity for feedback about the operation and performance of the Planning Scheme.

DS Branch hosts a quarterly meeting with local representatives from the Urban Development Institute of Australia (UDIA) and the Property Council of Australia (PCA).

These meetings allow for discussion and clarification on development matters and are largely focused on operational issues.

The DS Branch also held Industry Forums in mid-2018 and mid-2019.

Issues raised in recent years in relation to the Planning Scheme include:

- issues relating to multi-unit residential development and infill;
- building height flexibility;
- availability of greenfield land for smaller developers;
- opportunities for development in the High Impact Industry Zone;
- options to pay contributions for street trees instead of provision; and
- issues with Plans of Development and dwelling house regulation.

It is noted that most development industry issues relating to the Planning Scheme were directed to the Strategic Planning Branch for noting and further consideration.

7.3.3 Feedback from Recent Council Community Engagement

Over the past several years, Council has undertaken extensive community engagement activities on the key regional strategies, major projects and policy documents.

While the feedback from these consultations is generally not focused on the Planning Scheme specifically, it none-the-less provides useful insights relevant to the policy direction and implementation of the Planning Scheme or the preparation of a new planning scheme.

The outcomes of consultation on the key regional strategies, major projects and policy documents are summarised below.

Coast Hazard Adaptation Strategy (CHAS)

From May to September in 2019, Council began discussions with the community about the CHAS and, in particular, the values of the coastline. The engagement saw over 2,600 people visiting the website, over 650 survey responses and face-to-face discussions with over 2,500 people.

Important elements of a future resilient coast identified by the community in the first round of engagement included: balance, co-

operation, sustainability, working with nature, healthy and functional, accessible, smart planning and protecting key ecosystems and species.

The preparation of the CHAS is ongoing with the second round of community consultation recently completed and further engagement activities planned alongside the public release of the Draft CHAS document in late 2020.

Environment and Liveability Strategy (ELS)

Council formally engaged with the community on the Draft Environment and Liveability Strategy (ELS) over 5 weeks from April to June, 2017. Over 3,500 people participated in the engagement.

The majority of respondents strongly supported the overall aims of the Draft ELS. Comments identified specific issues in regard to managing continued population growth, retaining the positive aspects of the Sunshine Coast lifestyle, and ensuring infrastructure keeps pace with growth and change.

Comments also related to the challenge of implementing and achieving the desired aspirations articulated in the ELS when confronted with the reality of balancing the pressures of development while retaining the Sunshine Coast lifestyle. The top five themes were: retaining the distinct character; protecting natural assets; finding the balance; being sustainable and community involvement.

ELS consultation feedback emphasised the importance of maintaining the integrity of the Planning Scheme and the value placed on community involvement in decision-making around major issues.

The need to better understand the relationship of the ELS with other council strategic documents, such as the Planning Scheme, Social (Community) Strategy and the Regional Economic Development Strategy was also identified.

UNESCO Biosphere

Following the adoption of the ELS, in 2019, Council undertook extensive community engagement on the UNESCO Biosphere Nomination Project. In this engagement, Council connected with over 3,000 people.

A key finding from this consultation was that people are passionate about the natural

values and liveability of the Sunshine Coast and are keen to see these values protected and enhanced for future generations.

Survey results indicated that 84% of participants agreed that achieving planning principles of urban consolidation and sustainable design is necessary to deliver inclusive and vibrant communities.

Representatives from the local environment sector raised concerns about Council's actions in relation to development and expressed concern that the pressures of an increasing population and the required development would compromise the natural values of the region.

Some participants hoped that the Biosphere Nomination could be used to inform the Planning Scheme to support sustainable development.

In contrast, some representatives from the development industry did not wish the Biosphere Nomination to influence a Planning Scheme review. In particular, there were concerns raised that the Biosphere credential may be used as a tool to restrict growth and impede the delivery of affordable housing.

Community Strategy 2019-2041

Also in 2019, approximately 1,600 people participated in the engagement program for the draft Community Strategy 2019-2041.

During this engagement program, Council heard that a strong community is a community that is connected with people, places and spaces and is about inclusion, diversity and equity. Participants wanted a supportive, helpful and caring community that is safe and where there are opportunities for participation.

Feedback identified housing affordability and homelessness, transport infrastructure, employment and education, and safe communities as areas of greatest concern.

Social infrastructure, social equity and inclusion, community recovery from disaster, health and wellbeing, and community engagement were identified as areas improving or staying the same.

Sunshine Coast Design Strategy

From September 2018 to February 2019, the community and stakeholders were invited to participate in the development of the Sunshine Coast Design Strategy.

The consultation process identified four characteristics that the community value most about the Sunshine Coast. These were love for our climate, living in and cherishing landscape, treasuring our ocean, beaches and waterways and being a community of communities. These values formed the basis for the design principles identified in the Design Strategy and the Sunshine Coast Design Book.

Sunshine Coast Integrated Transport Strategy (ITS)

Community consultation for the Draft Sunshine Coast Integrated Transport Strategy (ITS) occurred in June and July 2018 following market research in late 2017.

Consultation feedback provided a strong community endorsement of the Draft ITS and helped refine the final Strategy.

Consultation identified that 88% of participants supported the ITS vision to deliver a connected and integrated transport system for the region over the next 20 plus years. 72% of respondents believed that population growth would “very negatively affect” the Sunshine Coast lifestyle. 77% of respondents supported investment in light rail to help manage the growth impacts and maintain lifestyle.

Mass Transit

Prior to the ITS, Council has been engaging with the community, business and stakeholders since 2012 on growth management and transport policy and, in particular, mass transit proposals.

As part of the ‘A Line in the Sand Pre-feasibility Report’ (2012), a broadly representative community taskforce, supported by expert advisors from Council, canvassed six technology options for a mass transit system for the Sunshine Coast. An online consultation hub attracted more than 2,900 visits and 228 poll participants. The recommended proposal for light rail on the Sunshine Coast was supported by 82% of those who completed the poll.

As part of the Sunshine Coast Light Rail route options consultation (2014), Council undertook community consultation in late 2014 based on a detailed Route Options and Impact Assessment Report which covered both transport needs and city-shaping opportunities. More than 700 people

responded, with the vast majority (87%) supporting Council’s investigations into light rail, and their feedback contributed to a preferred route for further study.

Community engagement on an Options Assessment for the Sunshine Coast Urban Corridor is planned for early 2021.

Regional Economic Development Strategy (REDS)

The formal broad-scale community engagement process for the Regional Economic Development Strategy (REDS) occurred in 2013 before the adoption of the Planning Scheme. The policy positions in the REDS are reflected in the Planning Scheme.

7.3.4 Community Responses to Development Applications

An indicator of broader community sentiment can be gained from a review of submissions or feedback on development applications and by inference, the Planning Scheme.

To preface this review, it is important to note that while the submission process can help Council understand community concerns or objections to a proposal, the process does not necessarily provide a clear indicator of broader community sentiment. It is understood that people are less compelled to make a submission in support of a development they would like to see, particularly if they believe the application will be approved.

Impact assessable development applications under the Planning Scheme which have attracted the largest number of submissions include:

- a resort complex, multiple dwellings, short term accommodation and shopping centre at Yaroomba (12,306 submissions);
- a showroom, garden centre and restaurant and service station at Coolumb (982 submissions);
- an extractive industry (sand mine) at Forest Glen (1,139 submissions);
- a multiple dwelling, short term accommodation and shopping complex at Mooloolaba (414 submissions);
- a proposed residential development in the Sport and Recreation Zone at Peregrine Springs (409 submissions);

- a residential care facility at Buderim (455 submissions); and
- a recent animal keeping application at Landsborough (over 400,000 submissions). As of August 2020, these submissions are being processed and the number of properly made submissions is unclear.

One of the key messages communicated from groups opposing the development at Yaroomba was “stick to the Town Plan”.

It is understood that some people within the community view the Planning Scheme as a contract between Council and the community and that an approval in conflict with the Planning Scheme is viewed by some as a breach of contract.

Since the commencement of the Planning Scheme, a small number of development applications that were assessed under a superseded planning scheme have also attracted considerable submissions. These include an application for an integrated tourism facility at Buderim (363 submissions) and a supermarket at Buderim (1,178 submissions).

A number of code assessable development applications have also attracted community interest in recent years. An application for multiple dwellings and shop in Buddina, resulted in 84 pieces of correspondence being received by council prior to deciding the application, despite there being no formal public notification process. In relation to a code assessable telecommunications facility at Moffat Beach, a petition was received objecting to the application and containing 170 signatures as well as other correspondence.

Perhaps as a consequence of some contentious code assessable developments in recent years, it is understood that some members of the community believe there are too many code assessable developments and/or that the community should be given greater involvement in these types of applications. Another issue can be the difficulty that the community experiences in interpreting Queensland planning legislation and the Planning Scheme. For example, the performance-based nature of the Planning Scheme and the fact that the acceptable

outcomes in the scheme represent only one way of demonstrating compliance.

7.3.5 Community Responses to Planning Scheme Amendments

Section 4.3 of this Report provides a review of amendments to the Planning Scheme since it took effect in 2014. The feedback Council receives in response to planning scheme amendments is also an indicator of community sentiment, albeit generally limited to specific topics/sites.

In accordance with the legislated process under the Minister’s Guidelines and Rules (MGR), all major amendments proposed to the Planning Scheme were released for public consultation, with the community invited to make a submission.

Since 2014, there has been a total of 16 public consultation periods for proposed planning scheme amendments with each ranging from 20 business days to 30 business days (in accordance with statutory requirements for each process).

A total of 4,036 submissions have been received during the 16 consultations with a small number of proposed amendments attracting a larger proportion of these submissions.

The amendment processes which prompted the largest number of submission responses were:-

- the Mooloolaba Masterplan and Key Site Review amendment (1,929 submissions);
- the Twin Waters West amendment (628 submissions, including 3 petitions with a total of 614 signatories);
- the Historic Cultural Heritage amendment (386 submissions);
- the SEQRP Bring Forward Sites amendment (267 submissions); and
- the Site Specific and Operational Matters amendment, which included numerous changes relating to building heights (207 submissions).

Generally, Council has received more submissions in objection to proposed amendments than in support. As is the case for development applications, it is understood that people are less compelled to make a

submission in support of a change they agree with, particularly if they believe the change will likely be adopted without their involvement.

A review of all the submissions made in relation to proposed amendments suggests that residents are most concerned with proposed changes to the Planning Scheme which may have a real or perceived impact on:

- private property values;
- the character of neighbourhoods and local centres;
- height limits;
- traffic and parking conditions;
- local business interests;
- the transition of rural and natural landscapes to residential purposes; and
- natural, lifestyle and character values of the Sunshine Coast.

Other feedback has indicated some opposition to planning scheme amendments in general. For those that view the Planning Scheme as a contract with the community, changes (via amendments) are generally not supported, even when these changes are subject to their own consultation process.

7.3.6 Media Interest

Within the last year, media attention relating to the planning and development matters has largely been centred around controversial development applications, most notably, developments at Yaroomba and Buddina and a resort development at Buderim.

Other proposed developments that have not been subject to a planning application but have gained media attention include proposed residential and tourism development in the Maroochy River floodplain and a development proposal on the Mooloolaba Spit.

Other planning issues discussed in the media included carport regulation, proposed mobile phone towers, and a house extension in Minyama.

Significant media attention was given to the proposed Historic Cultural Heritage amendment and, to a lesser extent, recent amendments to the Planning Scheme which

identified a Special Entertainment Precinct in Nambour.

More generally, there has been recent media attention on the transparency of Council's decision making, particularly in relation to planning matters.

8 Findings and Recommendations

8.1 Key Findings

It is timely for a review of the Planning Scheme to be undertaken. Legislative requirements under the *Planning Act 2016* require Council to review its Planning Scheme within 10 years of it being made and the Corporate Plan recognises the need to prepare a new planning scheme by 2024. This review of the current Planning Scheme has resulted in a number of key findings.

In order to remain current, relevant and effective, the Planning Scheme needs to address global and local trends and, in particular, focus on managing growth for an emerging region of 500,000 residents. Key trends that will affect land use outcomes include population growth, urban consolidation, housing affordability, economic growth, technological change, environmental challenges (including climate change) and a need for increased mobility and transport solutions.

Whilst the current Planning Scheme compares favourably to other contemporary planning schemes in Queensland, and has been generally successful in its operation to date, a number of significant influences are emerging which require the current policy framework to be updated, including that state and regional planning horizons have shifted to 2041 and beyond.

State Planning

Since the commencement of the Planning Scheme in 2014, new State planning legislation, the *Planning Act 2016*, has come into effect. The current Planning Scheme has been amended to align with the *Planning Act 2016* for workability purposes. A new planning scheme can be drafted with specific reference to this Act, including without most of the drafting constraints and complexity imposed by former planning legislation.

The Planning Scheme should be aligned with the current State Planning Policy (July 2017) and the SEQRP 2017.

There has also been significant investment in infrastructure at a Federal and State level that can now be reflected. Whilst these changes

could be made via amendments, a new planning scheme would enable a more holistic approach.

Local Planning

Council's vision of a strong community, a healthy environment and a smart economy, and key strategies of Council can guide the growth management strategies in a new planning scheme. The current Council elected in March 2020 will prepare and endorse a new Corporate Plan which will confirm their vision for the future and broadly set the direction for a strategy to manage growth and the Planning Scheme.

Critical to any strategy to manage growth are the outcomes of the Mass Transit Project. If mass transit is endorsed, the accompanying urban renewal could occur over several decades. The extent to which urban renewal can be incorporated in the planning scheme will depend on the progress of the Mass Transit Project and a future project funding commitment.

While some initial planning specific to particular areas could be accommodated through a planning scheme amendment, due to the extent of change, this is likely to be best dealt with through a new planning scheme. A new planning scheme could accommodate renewal in stages, with the first stage being a planning scheme that is transit ready, while subsequent planning schemes or planning scheme amendments could realise the full potential of urban renewal.

A new planning scheme would also better enable and position the Sunshine Coast, to ensure the best possible outcomes from the State and local policy shift from expansion towards consolidation, particularly through the SEQRP 2017.

Another project that will influence land use planning is the CHAS which, when completed, will inform the coastal hazard risk. As the focus on future development is likely to be within the urban corridor from Maroochydore to Caloundra, the CHAS will help inform the preferred location and type of land use along the coast.

Mapping in the Planning Scheme requires updating to reflect the current SPP and SEQRP mapping, major projects and current data.

Development Audit

The Development Audit has shown that the highest concentration of residential and commercial building activity is in the 'Sunshine Coast Enterprise Corridor' in the main areas of Caloundra South, Palmview, Maroochydore and Birtinya.

The highest number of approvals is for single detached dwellings followed by multiple dwellings. However, there has been an increasing trend in recent years towards attached forms of housing.

The Development Audit has highlighted:

- height provisions in the planning are strong;
- definitions generally are appropriate;
- the reconfiguration of a lot provisions generally work well;
- the design requirements for multiple dwellings should be strengthened;
- specific use codes should be reviewed;
- emerging uses, such as micro-breweries, need to be better accommodated; and
- zoning is generally appropriate, except for split zones which should be reviewed.

Legal Proceedings

The outcomes of the legal proceedings have highlighted that, in most cases, the provisions of the Planning Scheme are clear and defensible.

Generally, the provisions in the Strategic Framework, zones, local plans, overlays, development codes, definitions and mapping have worked well.

In some cases, issues raised in appeals have been addressed through subsequent amendments to the Planning Scheme.

There are particular aspects of the Planning Scheme that should be reviewed, including updating provisions and mapping, specific codes, levels of assessment, definitions and planning scheme policies.

Technological Platforms

In relation to accessibility and usability of the Planning Scheme, a new planning scheme presents the opportunity for Council to finalise the transition away from hard copy publication

to an exclusively electronic format. This would also result in greater efficiency in ongoing maintenance and administration of the document.

Community Consultation

Extensive consultation and engagement with the community has occurred over the last several years on key council strategies and other projects. Key messages can be derived and the outcomes can inform the preparation of a new planning scheme. These include:

- continue to manage population growth by retaining the positive aspects of the Sunshine Coast lifestyle and ensuring infrastructure keeps pace with growth and change;
- protect the natural values and liveability for future generations;
- promote a strong community that is connected with people, places and spaces and is about inclusion, diversity and equity;
- recognise that what people value most is a love for our climate, living in and cherishing the landscape, treasuring our ocean, beaches and waterways, being a community of communities and ensuring planning supports these values; and
- support a connected and integrated transport system for the region over the next 20 plus years.

Feedback from consultants using the Planning Scheme was that the Planning Scheme generally works very well and is one of the best planning schemes to use. In addition, Development.i is a very helpful tool. Any change to an e-plan should seek to maintain or improve usability.

The broader development industry raised specific issues related to development provisions and processes including multiple dwellings, building height, dwelling houses and greenfield land supply.

Internal Council feedback focussed on the following:

- prioritise improvement of the Development codes, improve the clarity and strength of provisions, reduce complexity, provide greater detail in local plan codes;

- improve community understanding of how the planning scheme works;
- be responsive to emerging issues and trends;
- continue to emphasise protection of the environment, integrated transport solutions, climate resilience and adaptation, growth management boundaries.

8.2 Information Gaps

The policy positions in the SPP, SEQRP 2017 and Council's regional strategies provide a substantive framework for guiding land use and development on the Sunshine Coast.

However, it is noted that the following projects are currently underway that will further guide land use planning and/or help to fill current information gaps:

- urban planning strategy (part of the Mass Transit Project) examining urban renewal, housing density, built form typologies and infrastructure within the Caloundra to Maroochydore corridor;
- coastal hazard adaptation (part of the CHAS);
- planning for the Blue Heart;
- structure planning for Beerwah East Further Investigation Area;
- planning for the future development of the area surrounding the Maroochydore City Centre PDA;
- planning for the future development of the area surrounding the Sunshine Coast Airport;
- bushfire mapping to produce a locally refined layer, based on the current SPP mapping;
- flood mapping using the new SPP methodology and more recent data, to create a more consistent Sunshine Coast-wide locally refined flood mapping layer; and
- biodiversity, waterways and wetlands mapping updates.

In addition to the above, further investigation is required regarding the following:

- housing needs assessment;

- emerging issues such as micro-breweries, secondary dwellings, short-term accommodation;
- further refinement of the planning for Palmview;
- centres network, industrial land provision and planning for central and hinterland towns and land use opportunities;
- scenic amenity, regionally significant views, landscape and character elements, greenspace, urban breaks, gateways and corridors;
- transport and mobility trends, including examining how changes in vehicle types and ownership, active transport, parking and road planning will affect land use planning;
- local extractive resources and processing areas;
- identification of Aboriginal and Torres Strait Islander cultural heritage interests;
- requirements for an e-plan based system;
- planning for strategic greenspaces;
- closer alignment with the SEQRP 2017;
- natural hazard risk assessments (as required by the SPP);
- landslide hazard and steep land mapping based on new data that is available (including the 2018 LiDAR) so as to be consistent with the latest requirements of the SPP for landslide hazard;
- gas pipeline corridor, high voltage electricity lines, water supply pipeline, waste water treatment plant, major transport corridors, water supply infrastructure and associated buffers based on the latest SPP mapping; and
- important agricultural areas provisions and associated mapping.

8.3 Recommendations

On balance, it is recommended that a new planning scheme be prepared based on the key findings of this Planning Scheme Review. In summary, preparation of a new planning scheme provides an opportunity to:

- adapt to emerging global and local trends;

- better reflect current State and regional policy including the SPP and SEQRP 2017;
- reflect the Corporate Plan of the current Council when adopted;
- transition towards a growth strategy that is transit ready taking into account the outcomes of the Mass Transit Project and the associated shift towards urban renewal. The ultimate shift in urban renewal may occur in subsequent planning schemes or planning scheme amendments depending upon the timing of the infrastructure delivery;
- ensure that coastal hazard adaptation, as identified in the CHAS is integral to making development resilient and sustainable, particularly for any land use changes in the coastal corridor; and
- take into account major infrastructure upgrades being undertaken or planned for the Sunshine Coast.

Should Council formally resolve to prepare a new planning scheme, a community consultation and engagement strategy will need to be developed in accordance with relevant legislation and guidelines. As the preparation of a new planning scheme is dependent on the Mass Transit Project and the strategy for growth, consultation on this project should occur before formal consultation on a new planning scheme. The CHAS should also be completed prior to any major land use changes being undertaken along the coastal corridor.

If Council decides to prepare a new planning scheme, it is recommended that an interactive e-planning system be considered. Advanced technologies in this area can assist the navigation and user friendliness of planning schemes. There are advantages not only to the users of the planning scheme, but also to the ongoing maintenance and administration of the planning scheme document.

It is recommended that the preparation of a new planning scheme be primarily resourced through the Strategic Planning Branch as the lead agency. This will be facilitated by a core project team. The project team would be supported, on an as needed basis, by external consultant resources in a combination of task-based and advisory roles that:

- provide best practice experience and insight;
- undertake specialist studies and investigations to inform policy development and scheme drafting; and
- address identified information gaps.

There are some discrete issues that could be progressed in a more timely way through amendments to the current Planning Scheme (e.g. revised and updated mapping layers to better reflect the SPP).

8.4 Preliminary Drafting Instructions for New Planning Scheme

8.4.1 Introduction

Based on the review of the current Planning Scheme, preliminary drafting instructions for a new planning scheme can be formulated, comprising planning principles and drafting principles.

8.4.2 Preliminary Planning Principles

Preliminary planning principles could be founded in the Strategic Framework of a new planning scheme, based on the key principles contained in State and regional planning instruments, the Corporate Plan and adopted strategies of Council.

Strategic Framework themes could be based around:

- shaping sustainable growth;
- a smart economy;
- a healthy and resilient region;
- a creative community of communities; and
- connected people and places.

Preliminary planning principles could include:

- retain strong and clearly defined growth management boundaries;
- promote a compact, transit supportive and sustainable pattern of settlement;
- promote vibrant, compact centres as a focus for economic and social activity and protection of the activity centres network;
- encourage economic diversification and leverage investments in key infrastructure and region shaping projects;

- maintain a strong position on building height;
 - promote Sunshine Coast Design principles;
 - prioritise high quality urban landscaping, deep planting and walkable, leafy streets;
 - increase focus on design of multi-unit and mixed use development;
 - recognise the distinct character and identity of individual communities;
 - continue to focus on local planning;
 - protect biodiversity, landscape character and scenic amenity;
 - protect the ongoing viability of natural economic resources (e.g. agricultural land, forestry, fisheries, extractive resources);
 - encourage appropriate value adding rural enterprises;
 - avoid constrained or high hazard areas and improve resilience in existing areas; and
 - adapt to a changing climate.
- elevate important policy positions to provide strong heads of power;
 - ensure clear line of sight from vision through strategic outcomes to code provisions;
 - clear and concise strategic outcomes;
 - address emerging trends, uses and issues;
 - risk tolerant and risk aware:
 - avoid unnecessary regulation;
 - use lowest level of assessment for low risk development;
 - improve alignment with community expectations for higher risk development;
 - balanced approach to certainty and flexibility:
 - provide certainty where outcomes are non-negotiable or where it assists efficiency;
 - being fair and practical and avoid undue rigidity;
 - allow for changing social and economic circumstances which may lead to new types of development;
 - consider the potential for unintended consequences;
 - effective and defensible:
 - ensure clear and objective outcomes;
 - ensuring internal consistency;
 - minimise complexity, duplication, and layers;
 - pre-empt likely development related risks and challenges; and
 - ensure vertical and horizontal alignment.

8.4.3 Preliminary Drafting Principles

Planning schemes can be large and complex documents. It is therefore important to identify a set of drafting principles to help guide the drafting process for a new planning scheme.

The State Planning Department has released a number of guidance documents for drafting and amending planning schemes that should be referred to, in particular, *'Drafting a planning scheme – Guidance for local governments'* dated June 2020 and the Fact Sheet *'Good planning scheme drafting'*. Technical guidance is also provided, including:

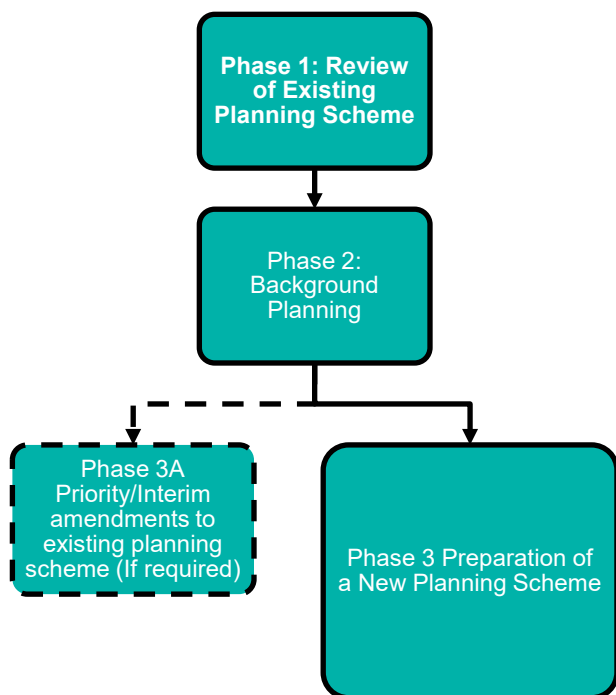
- *'Integrating building work in planning schemes – Guidance for local governments'*; and
- *'Advancing Aboriginal and Torres Strait Islander interests in land use planning'*.

The plan-drafting principles contained in these guidance documents are reflected in the following preliminary drafting principles for a new planning scheme:

- strong and clear policy framework:

8.5 Next Steps

Should Council decide to formally resolve to prepare a new planning scheme, the next steps in the process are to undertake necessary background planning work and to commence the formal plan-making process.



Phase 2 (Background planning) of the project is intended to coordinate the outcomes of a number of background studies and projects which will inform future land use planning for the Sunshine Coast and identify key directions to inform the preparation of the new planning scheme. The timing and policy direction of a new planning scheme is heavily dependent on the timing and outcomes of these projects.

Phase 3 (Preparation of a new planning scheme) comprises the formal process for the preparation of a new planning scheme for the Sunshine Coast. As identified, there are some technical aspects of the planning scheme that need updating and these could potentially be done as amendments to the current Planning Scheme.

A resolution of Council will be required, prior to the formal commencement of the plan-making process.

Preparation of a new planning scheme will need to be undertaken in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules*.

Appendix 1 – Review of alignment with *State Planning Policy 2017 (SPP)*

The SPP is divided into themes. Each theme sets out State Interests and associated policies.

The Themes, State Interests and policies that require further alignment or review in the context of the current Planning Scheme are listed below:

- Planning for liveable communities and planning - Housing supply and diversity:
 - access for emergency vehicles needs to apply to all areas (not just to areas subject to the Bushfire Hazard Overlay);
- Planning for economic growth – Agriculture:
 - declared fish habitat area mapping needs to be updated to align with the latest SPP mapping;
- Planning for environment and heritage - Biodiversity:
 - matters of state environmental significance (MSES) need to be reflected. A rationalisation of MSES values and mapping against council's environmental data, and definition of matters of local environmental significance (MLES), together with the establishment of a revised and updated policy framework;
 - incorporation of new offsets framework provided for by the *Environmental Offsets Act 2014*;
 - review of koala conservation measures to ensure the South East Queensland Koala Conservation Strategy 2020-2025 (and associated mapping) is appropriately reflected;
- Planning for environment and heritage - Coastal environment:
 - the Coastal protection overlay map could be amended to include the SPP Coastal management district mapping layer;
 - amendments are required to the Coastal protection overlay code and Stormwater management code to specifically ensure canals, dry land marinas, artificial waterways or marine infrastructure avoid adverse impacts on coastal resources and processes. Part 8 Overlays - Coastal protection overlay code seeks to protect coastal resources and processes generally but does not specifically reference these types of infrastructure. Part 9 Development Codes – Stormwater management code seeks to avoid development of constructed waterbodies in general but in cases where they may be acceptable does not specifically address impacts on coastal resources and processes;
- more specific address of reclamation of land;
- Maritime development areas are no longer mapped or mentioned in the SPP. This current mapping layer in the Planning Scheme could be removed;
- Planning for environment and heritage - Water quality:
 - better alignment of the Planning Scheme and Planning scheme policy for development works with this state interest policy;
 - potential better alignment with the Seqwater Development Guidelines;
- Planning for safety and resilience to hazards - Natural hazards, risk and resilience:
 - updating of the Bushfire hazard overlay layers/data to use the new SPP methodology and mapping (with local refinements as appropriate). A model code has also been released by the state government and should be considered in the drafting of revised bushfire hazard provisions;
 - Council is currently undertaking updated flood modelling and compliance with this State interest policy will need to be further reviewed;

- the Coastal protection overlay map could be removed and replaced with the SPP mapping layers: Coastal management district or Erosion prone area. The Sunshine Coast Coastal Hazard Adaptation Strategy is currently being prepared and will produce a locally-refined Erosion Prone Area mapping layer;
- reinforce that coastal protection works in an erosion prone area are provided as a last resort only;
- natural hazard risk assessments are required to be prepared in accordance with the SPP Guidance material;
- Planning for infrastructure - Energy and water supply:
 - Part 8 Regional infrastructure overlay identifies major electricity infrastructure and bulk water supply infrastructure (note mapping requires updating) and the specific outcomes require development to not adversely affect this infrastructure;
 - zoning allocations seek to protect major infrastructure from encroachment by new sensitive land uses;
- Planning for infrastructure - Transport infrastructure:
 - reflect the SPP change in focus from mitigating impacts on sensitive uses to mitigating impacts on development in general and update the Regional infrastructure overlay to reflect the latest transport road corridors for the purposes of the Building Code of Australia; and
- Planning for infrastructure - Strategic airports and aviation facilities:
 - the SPP interactive mapping will need to be updated to reflect the new Sunshine Coast Airport runway and the decommissioning of the former runway. Better alignment of the Planning Scheme with this state interest policy, including updated mapping and terminology.

Appendix 2 – Review of alignment with *South East Queensland Regional Plan 2017 (SEQRP)*

The SEQRP is divided into goals, elements and strategies. In the context of the current Planning Scheme, further alignment or review of the following aspects has been identified as being required (Note: not all elements are listed, only those where further alignment is required):

Goal 1: Grow

- Element 1 - Efficient land use:
 - In the Strategic Framework Part 3.3 (3) – change the focus from just centres to *corridors* and centres;
 - Identify the potential densification of development in the Sunshine Coast Enterprise Corridor, including around critical high-frequency public transport being considered in the Sunshine Coast Mass Transit Project. Such planning scheme changes would contribute to addressing the identified shortfall in planned dwelling supply compared to the 2041 dwelling supply benchmark;
 - Address the link between infrastructure capacity and cost effective augmentation of existing infrastructure associated with urban infill;
- Element 2 - Focusing residential density:
 - Minimum residential densities are set out as a guide and should be taken into account in a review of densities in the Principal Regional Activity Centre and Major Regional Activity Centres;
 - To further align with the SEQRP, the State Government and Council are undertaking investigations into mass transit. Council is also addressing urban renewal along the mass transit corridor. Fundamentally, the planning scheme will need to address mass transit and urban renewal;
- Element 3 - New communities:
 - Review net residential densities in new communities;

- Review references for the Caloundra South (Halls Creek) Potential Future Growth Area;
- Element 5 - Growing rural towns and villages:
 - Review Strategic Framework provisions to refer to provision of sufficient land and infrastructure for rural towns and villages;

Goal 2: Prosper

- Element 1 - High performing outward focussed economy:
 - Review Strategic Framework provisions to refer to export-oriented activity, the airport as a gateway, the protection of transport and freight systems, identifying and leveraging major health and education facilities;
- Element 2 - Regional economic clusters:
 - Review Strategic Framework provisions to reference regional economic clusters;
- Element 4 - Knowledge and technology precincts:
 - Review Strategic Framework provisions to reference knowledge and technology precincts;
- Element 5 - Major enterprise and industrial areas:
 - Review Strategic Framework provisions to reference major enterprise and industrial areas;

Goal 3: Connect

- Element 1 - An efficient movement system:
 - Review Strategic Framework provisions to reference maximising use of existing transport infrastructure and improving the capacity of public transport systems and freight systems;
- Element 2 - Active transport:
 - Review provisions to ensure alignment with Model Code for Neighbourhood Design relating to street patterns and

- facilitation of active and public transport;
- Element 3 - Integrated planning:
 - Review Strategic Framework provisions to reference regional economic clusters, updated public transport system mapping and reference other transport modes such as autonomous vehicles and shared vehicle usage;
- Element 6 - Digital infrastructure
 - Review Strategic Framework provisions to reference the international broadband submarine cable;
- Promote opportunities to enable communities to be more resilient and self-sufficient by embedding opportunities for food to be home-grown and water and energy to be locally sourced.

Goal 4: Sustain

- Element 1 - Aboriginal and Torres Strait Islander peoples:
 - Ensure provisions reflect the cultural knowledge and connection to the land and seascapes of Traditional Owners;
- Element 9 - Climate Change:
 - Incorporate affordable renewable energy, low emissions technology and energy efficiency measures into the planning and development of communities, buildings and transport systems;
- Element 11 - Affordable Living:
 - Review Strategic Framework provisions to address affordable living options which take into account cost of housing, transport and associated infrastructure;

Goal 5: Live

- Element 1 - Valuing good design:
 - Promote subtropical and temperate design;
- Element 4 - Working with natural systems
 - Promote ways for the region's landscapes and waterways to deal with water management and urban heat island effects sustainably, provide urban-scale recreational resources and support small-scale urban food production by residents; and
- Element 6 - Embedding opportunities for adaptation and change:



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