

## 2. USING THE PLANNING SCHEME

### 2.1 Contents of the Planning Scheme

#### 2.1.1 Volumes 1 to 6

- (1) This volume (Volume 1) comprises:
- (a) an explanation of the background to the Planning Scheme and the approaches used in the Planning Scheme;
  - (b) Performance indicators by which the effectiveness of the Planning Scheme in achieving the desired environmental outcomes will be measured;
  - (c) guidance in the use of the Planning Scheme;
  - (d) a dictionary of terms used throughout the scheme;
  - (e) Tables of Development Assessment;
  - (f) particular requirements for heritage conservation;
  - (g) the Planning Scheme's administrative provisions;
  - (h) provision for the designation of land for community infrastructure.
- (2) Volume 2 comprises the Strategic Plan which sets out:
- (a) the Vision and desired environmental outcomes (DEOs) for the Shire as a whole; and
  - (b) the broad, Shire-wide measures (including objectives and implementation criteria) by which the desired environmental outcomes are intended to be implemented.
- (3) Volume 3 comprises the statements of desired character and intent for each of the Planning Areas and Precincts, and Precinct Classes, into which the Shire is divided for the purposes of this Planning Scheme.
- (4) Volume 4 comprises the Planning Scheme codes.
- (5) Volume 5 comprises Structure Plans for declared master planned areas identified as requiring more detailed guidance in respect to planning and infrastructure outcomes. Structure Plans provide a largely self contained planning framework for each master planned area and to the extent provided for in Section 2.6 (Structure Plans), prevail over the provisions contained in the other volumes of the planning scheme.
- (6) Volume 6 comprises the Priority Infrastructure Plan

#### 2.1.2 Appendices

- (1) The Planning Scheme is supported by Planning Scheme Policies which Council may adopt from time to time in accordance with the relevant provisions of the Act and are appended to this scheme.

#### 2.1.3 List of Maps

- (1) The maps included in this Planning Scheme are:

in Volume One:

- (a) the **Planning Area and Precinct Map 1.1** showing Planning Areas, Precincts and Precinct Classes;

in Volume Two:

- (b) the **Strategic Plan Map 2.1** showing the preferred dominant land use areas and related elements having Shire-wide significance referenced in Volume 2;
- (c) Cane Tramways;
- (d) the **Road Hierarchy Map** showing the logical system of roads and streets throughout the Shire referenced in Volume 2;

in Volume Three:

- (e) the **Planning Area and Precinct Maps 1-30** referenced in Volume 3;

in Volume Five:

- (f) Maroochydore PAC Master Planned Area Maps 5.1 to 5.17 referenced in Volume 5;

in Volume 6:

- (g) Priority Infrastructure Area Map referenced in Volume 6;
- (f) Plans for Trunk Infrastructure Maps referenced in Volume 6.

- (2) The following **regulatory maps** in this Volume are:

- (a) No. 1.1 showing Nature Conservation Management Areas;
- (b) No. 1.2 showing Waterways, Wetlands and Fish Habitat Areas :
  - 1 of 2 showing Waterways,
  - 2 of 2 showing Wetlands and Fish Habitat Areas;
- (c) No. 1.3 showing Steep and Unstable Land:
  - 1 of 2 showing Landslip Hazard,
  - 2 of 2 showing Steep Land;
- (d) No. 1.4 showing Acid Sulfate Soils Areas;
- (e) No 1.5 showing Flood Prone and Drainage Constraint Areas;
- (f) No 1.6 showing Water Resource Catchment Areas;
- (g) No 1.7 showing Bushfire Prone Areas;
- (h) No 1.8 showing Sunshine Coast Airport:
  - 1 of 7 showing Sunshine Coast Airport Obstacle Limitation Surface,

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- 2 of 7 showing Sunshine Coast Airport Obstacle Limitation Surface (detail),
  - 3 of 7 showing Sunshine Coast Airport Runway Separation Distances,
  - 4 of 7 showing Sunshine Coast Airport Aviation Facility Sensitive Areas,
  - 5 of 7 showing Sunshine Coast Airport Existing Noise Affected Areas,
  - 6 of 7 showing Sunshine Coast Airport Possible Future Noise Affected Areas,
  - 7 of 7 showing Sunshine Coast Airport Safety Areas; and
- (i) No. 1.9 showing Extractive and Mineral Resource and Buffer Areas.
- (j) and the **Designated Bushfire Prone Land in Building Areas** (Figure 2.1.6) in Volume 4 – Planning Scheme Codes;
- (4) Several of the codes and other Planning Scheme provisions also include various figures and diagrams which illustrate, explain or present intended development outcomes.
- (5) While every care is taken to ensure the accuracy of this product, neither the Maroochy Shire Council nor the State of Queensland makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the product being inaccurate or incomplete in any way or for any reason. All maps, regulatory maps, figures and diagrams contained in this Planning Scheme are Crown Copyright Reserved and Council Copyright Reserved.
- ### 2.2 Explanation of the Way the Shire is Divided for the Purposes of this Planning Scheme
- (1) This Planning Scheme is intended to recognise and be responsive to the individual character and needs of the many different localities which exist across the Shire. Accordingly, the Shire has been divided geographically into Planning Areas, each of which is further divided into Precincts.
- (2) The Shire is divided into Planning Areas as shown on the Planning Area and Precinct Map (refer Map 1.1 in Volume 1). The Planning Areas have been defined on the basis of previously undertaken local area planning, the dominant established and preferred future land use pattern, broad landscape character, and major physiographical and biological systems. These Planning Areas provide a link to the Strategic Plan through setting each area's context and role within the Shire.
- (3) Each Planning Area is further divided into Precincts, also shown on the Planning Area and Precinct Maps (Maps 1 - 30 in Volume 3). The Precincts have been defined on the basis of previously undertaken local area planning, the distribution of existing and preferred future land uses, landscape/townscape character considerations, transport networks, community views and values and environmental systems and values.
- These Precincts establish each locality's context and role within the Planning Area, and the desired future local character.
- (4) Proposals for impact assessable development will be assessed against the statements of desired local character (made up of the Location and Role, Vision Statement and Key Character Elements) for the Planning Area and the Statement of Desired Precinct Character for the individual Precinct in which the development site is situated which are set out in Volume 3.
- (5) Proposals for impact assessable development will also be assessed against the Strategic Plan (Volume 2). The detailed local planning provisions in Volume 3, are intended to be based upon and reflective of the general principles in the Strategic Plan. However, it is the Planning Area Provisions in Volume 3 which represent Council's specific planning intent for the relevant localities.
- (6) Where there is no direct inconsistency between Volumes 2 and 3, but merely different or additional outcomes or requirements indicated, Volume 3 constitutes the primary basis for assessment, but all elements of the policy or intent in both Volumes are expected to be satisfied in order that development does not conflict with the Planning Scheme. If the different statements in Volumes 2 and 3 are inconsistent, statements in Volume 3 prevail over inconsistent statements in Volume 2. This reflects the fact that Volume 2 provisions are either broad strategic statements or statements of general principle, whereas Volume 3 provisions state specific and considered planning intents for identified localities. It is an incorrect use of the Strategic Plan, and an incorrect interpretation of this Planning Scheme, to rely on anything in the Strategic Plan to support or justify as being consistent with the Planning Scheme, an outcome which is contrary to the Planning Area provisions.
- (7) In formulating the local character statements in Volume 3, it was found that while there were many area-specific considerations, there were also considerations that apply to all Precincts of a similar type (eg. the protection of assigned canelands throughout all the cane growing areas of the Shire, or the provision of urban infrastructure services to all of the Shire's urban residential neighbourhoods).

To minimise repetition, it was decided to group into classes the various individual Precincts by broad land use type and intensity for the purposes of:

- (a) determining development assessment requirements for material change of use (Tables 4.1 to 4.8 in this Volume of the Planning Scheme); and
- (b) identifying common elements of desired character (part 1 of Volume 3 of this Planning Scheme refers).
- (8) Each Precinct falls within one of the following classes:

Rural	Sustainable Cane Lands Sustainable Horticultural Lands Sustainable Pastoral Lands Water Resource Catchment Area General Rural Lands
Residential	Hillslope Residential Neighbourhood Residential Mixed Housing Multi-storey Residential Sustainable Rural Residential
Centre	Town Centre Core Town Centre Frame Village Centre Local Centre
Industry	Core Industry Business and Industry
Other	Special Purpose Master Planned Community

- (9) (a) Additionally, it was recognised that the Shire contains a wide range of environmental values that cross Planning Area and Precinct boundaries.. These features of the Shire’s environment have been identified through Special Management Areas (SMAs). The types of SMAs are defined in section 6 of this Volume.
- (b) The SMAs also provide the basis of determining development assessment requirements.
- (c) Proposals for impact assessable development in a SMA will be also assessed in terms of the likely impacts of the proposed development on the values associated with the particular SMA, including cumulative impacts, how these values will be protected or otherwise managed and any other relevant issues.

**2.3 Roads, Waterways and Reclaimed Land**

- (1) If a road, waterway or reclaimed land in the local government area is not shown as being covered by a Precinct on the Planning Area maps, the following applies:

- (a) If the road, waterway or reclaimed land is adjoined on both sides by land in the same Precinct, the road, waterway or reclaimed land has the same Precinct allocation as the adjoining land;
- (b) if the road, waterway or reclaimed land is adjoined on one side by land in a Precinct and adjoined on the other side by land in another Precinct, the road, waterway or reclaimed land has the same Precinct allocation as the adjoining land and the centre line of the road or waterway is the boundary between the two Precincts;
- (c) if the road, waterway or reclaimed land is adjoined on one side only by land in a Precinct, the entire road, waterway or reclaimed land has the same Precinct allocation as the adjoining land that has the Precinct allocation.

- (2) To remove any doubt, it is declared that subsection (1) also applies to a closed road if the road is closed after the commencement of Planning Scheme.

**2.4 Assessment Levels**

- (1) The Planning Scheme identifies self assessable, code assessable and impact assessable development through:
  - (a) Tables of Development Assessment for material change of use in Precinct Classes and Supplementary Tables of Development Assessment for individual Precincts (section 4 of this Volume);
  - (b) Tables of Development Assessment for other development (section 5 of this Volume); and
  - (c) Tables of Development Assessment for material change of use and other development in Special Management Areas (section 6 of this Volume).
- (2) If a development proposal is identified as having a different assessment level under any of the Tables mentioned above, the higher assessment level applies.
- (3) Where the site of a development proposal is included within two or more Precincts, the higher level of assessment applies to the whole of the proposal.
- (4) Where the site of a development proposal is included partly within a SMA, the higher level of assessment applies to the whole of the proposal.

**2.5 Exempt Development**

- (1) For the purposes of this Planning Scheme, exempt development includes<sup>2</sup>:
  - (a) Development that is not identified as self assessable or assessable in the Tables of Development Assessment for other development in section 5 or section 6 of this Volume;
  - (b) Development in a Special Purpose Precinct for which there is no Supplementary Table of Development Assessment for the purpose stated

<sup>2</sup> Exempt development also includes that identified as exempt in Schedule 9 of the Integrated Planning Act and that which is made exempt under the Telecommunications Act 1997.

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- in the name of that particular Precinct, if involving no building work or only minor building work;
- (c) Local utilities (other than on land which abuts a State Controlled Road);
  - (d) Park;
  - (e) State forestry;
  - (f) the removal of extractive materials authorised by the Local Government Act;
  - (g) maintenance or interim emergency repair work on a place listed in the schedule to section 7 of Volume 1 of the Planning Scheme.
- (viii) Section 4.8 (Code for Bed and Breakfast Accommodation);
  - (ix) Section 5.1 (Code for Town and Village Centres);
  - (x) Section 5.2 (Code for Local Centres and General Stores);
  - (xi) Section 6.1 (Code for Industries in Urban Areas);
  - (xii) Section 6.3 (Code for Extractive Industry); and
  - (xiii) Section 7 (Local Area Codes).

### 2.6 Structure Plans

#### 2.6.1 Maroochydore Principal Activity Structure Plan

- (1) The Maroochydore Principal Activity Structure Plan (Maroochydore PAC Structure Plan) applies to land identified on the Maroochydore Planning Area and Precincts Map (Planning Area No.1 – Maroochydore) as the Maroochydore PAC Master Planned Area.
- (2) In addition to Volume 5 (Structure Plans), the following provisions of the Planning Scheme apply to the Maroochydore PAC Master Planned Area:-
  - (a) this Volume (Administration and Assessment Requirements) except for:-
    - (i) the administration definitions in Section 3.2 (Administrative Definitions) for the terms defined in the Maroochydore PAC Structure Plan;
    - (ii) the assessment tables and related provisions contained in Section 4 (Assessment of Material Change of Use in Precinct Classes), Section 5 (Assessment of Other Forms of Development) and Section 6 (Assessment of Development in Special Management Areas); and
    - (iii) Section 7 (Particular Requirements for Places Having Cultural Heritage Significance);
  - (b) Volume 2 (Strategic Plan);
  - (c) Volume 4 (Planning Scheme Codes) except for:-
    - (i) Section 2.1.1 (Code for Nature Conservation and Biodiversity);
    - (ii) Section 2.1.4 (Code for Development on Steep or Unstable Land);
    - (iii) Section 2.1.5 (Code for Development in Water Resource Catchment Areas);
    - (iv) Section 2.1.6 (Code for Development in Bushfire Prone Areas);
    - (v) Section 2.1.8 (Code for the Protection of Extractive Resources);
    - (vi) Section 3 (Codes for Rural Development and Use);
    - (vii) Section 4.5 (Code for the Development and Use of Caravan and Relocatable Home Parks);
  - (d) the Planning Scheme Policies in the Appendices.
- (3) The provisions of the Maroochydore PAC Structure Plan prevail over other provisions of the planning scheme to the extent of any inconsistency.
- (4) While the remaining part of the Maroochydore Planning Area is generally not intended to be subject to the provisions of the Maroochydore PAC Structure Plan, the Maroochydore PAC Structure Plan does identify some infrastructure corridors and connections on land adjoining the Maroochydore PAC Master Planned Area that are required to provide for the integrated development of the Maroochydore Planning Area and the Maroochydore PAC Master Planned Area. In such cases, the provisions of the Maroochydore PAC Structure Plan are applicable to the assessment of development in the remaining part of the Maroochydore Planning Area.

### 2.7 Priority Infrastructure Plan

#### 2.7.1 Preliminary

- (1) The *Sustainable Planning Act 2009* seeks to ensure infrastructure is supplied in a coordinated, efficient and orderly manner, encouraging urban development in areas where adequate infrastructure exists or can be provided efficiently.
- (2) The integration of land use planning and infrastructure planning is achieved through the priority infrastructure plan.

#### 2.7.2 Purpose of the priority infrastructure plan

The purpose of the priority infrastructure plan is to:

- (a) integrate and coordinate land use planning and infrastructure planning; and
- (b) ensure that trunk infrastructure is planned and provided in an efficient and orderly manner.

#### 2.7.3 Application of the priority infrastructure plan

The priority infrastructure plan applies to a development application made to the Council after the commencement of the priority infrastructure plan.