

VOLUME ONE

Administration & Assessment Requirements

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MAROOCHY PLAN MAPS VOLUME 1

Title	Reference Number	Relevant Scheme Reference
Planning Areas and Precincts Map	Map 1.1	Section 4.1
Nature Conservation Management Areas	Regulatory Map No. 1.1	Section 6
Waterways, Wetlands and Fish Habitat Areas	Regulatory Map No. 1.2 (2 sheets)	Section 6
Steep and Unstable Land	Regulatory Map No. 1.3 (2 sheets)	Section 6
Acid Sulfate Soils Areas	Regulatory Map No. 1.4	Section 6
Flood Prone and Drainage Constraint Areas	Regulatory Map No. 1.5	Section 6
Water Resource Catchment Areas	Regulatory Map No. 1.6	Section 6
Bushfire Prone Areas	Regulatory Map No. 1.7	Section 6
Sunshine Coast Airport	Regulatory Map No. 1.8 (7 sheets)	Section 6
Mineral and Extractive Resources and Buffer Areas	Regulatory Map No.1.9	Section 6

List of abbreviations

AHD	Australian Height Datum	HRV	Heavy rigid vehicle
ANEF/ANEC	Australian Noise Exposure Forecast/ Australian Noise Exposure Concept	IDAS	Integrated Development Assessment System
ANZECC.....	Australia and New Zealand Environment and Conservation Council	IPA.....	Integrated Planning Act
ARI	Average Recurrence Interval	IRTP	Integrated Regional Transport Plan
AS	Australian Standard	JAMBA	Japan-Australia Migratory Bird Agreement
AASS.....	Actual Acid Sulphate Soil	LASP.....	Local Area Structure Plan
AV.....	Articulated vehicle	m ²	square metres
BCA	Building Code of Australia	m ³	cubic metres
CAMBA.....	China-Australia Migratory Bird Agreement	MRV.....	Medium rigid vehicle
CAMCOS	Caboolture to Maroochydhore Corridor Options Study	PI	Performance Indicator
DEO.....	Desired Environmental Outcome	QASSIT.....	Queensland Acid Sulphate Soils Investigation Team (DNR)
DUF	Dwelling unit factor	QUDM.....	Queensland Urban Drainage Manual
EIS	Environmental Impact Statement	QRDG.....	Queensland Residential Design Guidelines
EMP.....	Environmental Management Plan	RCV.....	Refuse collection vehicle
EPP	Environmental Planning Policy (State)	RFGM.....	Regional Framework for Growth Management
ESA.....	Environmentally sensitive area	SBR.....	Standard Building Regulation
FHA.....	Fish Habitat Area	SIM.....	Strategic Implementation Measure
GFA	Gross floor area	SMA.....	Special Management Area
		SRV.....	Small Rigid Vehicle

- (o) No reported impacts from acid sulphate soils, and no measurable increase in the production of acid sulphate soils, as a result of development activities approved under this Planning Scheme;
- (p) No decreases below acceptable standards in air quality or amenity resulting from development and use of premises approved under this Planning Scheme;
- (q) Increase in the proportion of new developments which are well sited and designed in terms of climate, vegetation impacts and topography;
- (r) Substantial progress towards achieving an integrated open space network across the Shire; and
- (s) No, or a reduction in the, reported loss or damage to premises developed under this Planning Scheme from landslips, storm surge and bushfires.

(2) Desired Environmental Outcome No. 2 - Social Equity and Livability

By the year 2005, this Planning Scheme is expected to achieve the following:

- (a) an adequate stock of land suitable and available for on-going development for urban purposes;
- (b) new communities have access to useable open space, public transport and local commercial and community facilities within walking distance;
- (c) majority of approved noise sensitive developments are setback or buffered from major sources of noise generation (such as state controlled roads, extractive industries and the airport);
- (d) the majority of new residential estates and individual buildings are designed to respond to climatic conditions and reduce energy consumption; and
- (e) the majority of new premises in urban areas and villages that abut public spaces (pathways, open space) provide for casual surveillance, and active frontages along main streets of villages and town centres.

(3) Desired Environmental Outcome No. 3 - Economic Sustainability

By the year 2005, this Planning Scheme is expected to have achieved the following:

- (a) no loss of good quality agricultural land from new development, in accordance with State Planning Policy 1/92;
- (b) sufficient business and industry land available to satisfy demand;
- (c) a Centres hierarchy reflecting the Strategic Plan provisions is maintained;
- (d) an increase in the diversity of the tourism base; and

- (e) all noise sensitive uses are located outside of, or adequately buffered within, identified Extractive Industry Resource Buffer Areas or nominated Haulage Route Buffers.

(4) Desired Environmental Outcome No. 4 - Transport and Accessibility

By the year 2005, this Planning Scheme is expected to have achieved the following:

- (a) a logical public transport, road and cycleway hierarchy in accordance with the staged implementation of the identified Road Hierarchy and Council's Bikeways Plan that meets the transport demands of the land use pattern provided for by the Planning Scheme, and which supports the achievement of the modal split targets of the "Integrated Regional Transport Plan";
- (b) an increase in higher density residential accommodation located within walking distance of rail and/or bus interchanges and major Centres;
- (c) no intensification of development for the purposes of noise-sensitive uses inside the 25 ANEF contour of the Sunshine Coast Airport; and
- (d) all new public facilities and services provide access for people with reduced mobility, such as the very young, the aged, people with permanent or temporary physical and/or intellectual disabilities, and parents with strollers.

(5) Desired Environmental Outcome No. 5 - Community and Cultural Development

By the year 2005, this Planning Scheme is expected to have achieved the following:

- (a) community facilities developed within each urban locality and that serve the needs of the local community;
- (b) an increase in the proportion of dwellings in urban areas within walking distance of useable open space and other local community facilities; and
- (c) a diversity of housing types which reflects socio-economic characteristics of the Shire's residential population.

(6) Desired Environmental Outcome No. 6 - Urban Design, Heritage and Character

By the year 2005, this Planning Scheme is expected to have achieved the following:

- (a) maintenance of the townscape and landscape character of the various localities within the Shire;
- (b) infill in, and expansion of, coastal settlements by development which reflects a subtropical landscape character; and

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- (c) no, or only minimal, loss of any buildings, structures or places identified as having heritage significance.

(7) Desired Environmental Outcome No. 7 - Development Infrastructure

By the year 2005, this Planning Scheme is expected to have achieved the following:

- (a) full costs of "hard" infrastructure provided to serve new communities is recovered;
- (b) development that is consistent with the Priority Infrastructure Plan; and
- (c) all new premises being provided with a reticulated or other reliable potable water supply and a reticulated or other ecologically sustainable effluent treatment and disposal system.

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,

2. USING THE PLANNING SCHEME

- 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 includes²:
 - (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

² 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.

2. USING THE PLANNING SCHEME

- 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.

3. INTERPRETATION

3.1 Overview

- (1) Where any term is not defined in this Planning Scheme but is defined by the Integrated Planning Act³ or other relevant Act, the term has the meaning given it by that Act.
- (2) Where there is any question about the definition of any use, the definition of that use shall be as determined by Council in its role as “assessment manager” having regard to the nature and scale of the activities involved and their actual or potential impacts on the surrounding area.
- (3) Where footnotes appear in the Planning Scheme, they provide explanatory information only and do not form part of the Planning Scheme. Reference should be made to any source document cited in any footnote for further or better details of the information provided.

3.2 Administrative Definitions

To assist the understanding of the use definitions and other provisions of the Shire Plan this Planning Scheme, the following terms are considered to have the meanings set out below.

“**the Act**” means the *Integrated Planning Act* or subsequent equivalent Act;

“**Acceptable measures**” in the Planning Scheme codes, present one means by which the applicable performance criteria can be met. The measures are mandatory for self-assessable development, and preferred by Council for assessable development;

“**Acoustic environment**” has the meaning given to it under the *Environmental Protection (Noise) Policy 1997*.

“**Ancillary activity**” refers to a subordinate activity which is associated with the main activity on the site;

“**Applicable infrastructure charging instrument**” means a planning instrument or Council resolution specifying a charge for the supply of trunk infrastructure;

“**Best management practice**” refers to the management of any land use activity involving:

- the temporary or ongoing working of land;
- earthworks or other altering of landform;
- disturbance of natural vegetation;
- changes to the quality or quantity of any water resource; or
- the generation of noise or air emissions and waste, so as to avoid or minimise environmental harm through the use of cost-effective measures assessed against those currently used across the State, nationally and internationally for the activity;

“**BCA**” refers to the Building Code of Australia;

“**Bedroom**” means a habitable room designed and constructed or capable of being adapted so as to be suitable for use as a bedroom. This term includes a sewing room, music room, study, computer room or the like;

“**Boundary realignment**” means the adjustment to one or two existing common boundaries between lots without creating any additional lot. The resultant lots must bear a high resemblance to the original lots in terms of shape, size and location. Such changes should involve only a minor alteration to the original lots. A boundary re-alignment is one that seeks to rectify building encroachments and/or the like.

“**Buffer**” refers to an area, structure or physical feature separating a source of environmental impact from an area or use sensitive to such impact. A buffer area may include public park land where the buffer function is incidental to and compatible with the use of that park for other purposes;

“**Building area**” means,

- (a) For determining the slope of a site intended to accommodate a Detached house, Dual occupancy or a Class 10a building of any size, a rectangle measuring 15 metres by 20 metres located on the site outside the required road frontage setbacks;
- (b) For determining slope of a site intended to accommodate any building with external dimensions of generally less than 15 metres by 20 metres, a rectangle measuring 15 metres by 20 metres located on the site outside the required road frontage setbacks;
- (c) For determining the slope of a site intended or likely to accommodate uses or buildings other than as described in (a) and (b) above, the area of the site outside the required road frontage setbacks;

“**Building setback**” refers to a line or lines, fixed by Council, parallel to any boundary of a lot beyond which a building or other structure shall not encroach, and measured as the shortest horizontal distance from the outermost projection of the building or other structure to the vertical projection of the lot boundary;

“**Carport**” refers to a class 10 building providing covered vehicular parking with:

- (a) two sides or more open; and
- (b) not less than one third of its perimeter open.

A side is taken to be open where the roof covering adjacent to that side is not less than 500mm from another building or a side or rear lot boundary;

“**Code assessable development**” means “assessable development requiring code assessment” as referred to in the Act;

“**Core frontage**” in Town Centres, refers to the frontage of any lot to an identified street in which pedestrian activity is, or is intended to be, most highly concentrated;

³ For example, the terms included in Schedule 10 of the Act.

⁴ Under the *Environmental Protection (Noise) Policy 1997*, the “acoustic environment”, of a place, is the part of the environment of the place characterised by the noise that may be experienced there.

3. INTERPRETATION

“**Commencement day**” means the day upon which the adoption of the Planning Scheme, or an amendment to the Planning Scheme, by Council is notified in the Gazette or such later day as may be stated in this Planning Scheme (in Part 1 of this Volume);

“**Council**” means the Council of the Shire of Maroochy;

“**Critical habitat**” has the same meaning as in the *Nature Conservation Act 1992*, and includes habitat that is essential for the conservation of a viable population of protected wildlife or community of native wildlife, whether or not special management considerations and protection are required. A ‘critical habitat’ may include an area of land that is considered essential for the conservation of protected wildlife, even though the area is not presently occupied by the wildlife;

“**Cultural heritage significance**” of a place or object, includes its aesthetic, architectural, historical, spiritual, scientific, social or technological significance to the present generation or past or future generations;

“**Development**” has the meaning given to it in the Act⁵;

“**Dwelling unit**” means habitable rooms and other spaces used or intended for use as one self-contained residential unit, comprising at least bathroom, toilet and kitchen facilities, as well as other living and sleeping space to accommodate one or more persons;

“**Dwelling unit factor**” (DUF) means the hypothetical maximum number of dwelling units that is considered desirable to be developed on a site. The DUF is calculated by dividing the area of the site (in square metres) by the applicable site area (in square metres) per dwelling unit specified for the Precinct in which the site is located.

To determine the unit (or bed) yield, the DUF is multiplied by:

- 0.8 for each dwelling unit with three or more bedrooms;
- 1.0 for each two-bedroom dwelling unit;
- 1.3 for each dwelling unit having one bedroom or less;
- 2.0 for each rooming unit; and
- 4.0 for each nursing or dormitory bed;

“**Environmental harm**” has the meaning given to it under the *Environment Protection Act 1994*⁶;

“**Environmental Impact Statement**” (EIS) means a document which may be required to be prepared to support an application for development approval and which includes, in sufficient detail to allow an adequate assessment of the potential environmental impacts and the suitability of proposed mitigation measures:

⁵ In part 3 of chapter 1 of the Act, “development” is defined as being any of the following: (a) carrying out building work; (b) carrying out plumbing or drainage work; (c) carrying out operational work; (d) reconfiguring a lot; (e) making a material change of use of premises.

⁶ Under the *Environmental Protection Act 1994*,

“*Environmental harm*” is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

“*Environmental harm*” may be caused by an activity—

(a) whether the harm is a direct or indirect result of the activity; or
(b) whether the harm results from the activity alone or from the combined effects of the activity and other activities or factors.

- (a) a description of the development proposal;
- (b) a description of the existing environment and its values and significance;
- (c) a statement of the likely impacts of the proposal on the existing environment;
- (d) a statement of the measures to be used to avoid or mitigate adverse impacts; and
- (e) a statement of the means to be used to monitor the effectiveness of the mitigation measures and to respond to accidents, emergencies and other non-conformances, and commonly also includes an Environmental Management Plan;

“**Environmentally sensitive areas**” means:

- (a) land within the Special Management Area for nature conservation shown on Regulatory Map No. 1.1 ; or
- (b) any area of critical habitat, or any area containing or likely to contain threatened species (flora or fauna) as defined in the *Nature Conservation Act 1992*; or
- (c) any area containing or likely to contain protected or threatened communities, or species or known habitat of such species as defined by the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*; or
- (d) an area declared to be of high nature conservation value or vulnerable to land degradation under the *Vegetation Management Act 1999*; or
- (e) any area that is part of a linkage/corridor which has importance at the local, district or regional level (eg. linkages between core vegetation remnants of conservation significance); or
- (f) any land which adjoins an area of conservation or biodiversity significance that is identified in the Planning Scheme of another local government;

“**Noise sensitive place**” has the meaning given to it under the *Environment Protection (Noise) Policy 1997*¹⁰. The definition also includes any residential use that may not be covered under the definition given by the *Environment Protection (Noise) Policy 1997*;

“**Performance criteria**” in the Planning Scheme codes, are the prescribed standards which development and use is required to achieve to Council’s satisfaction;

“**Perimeter of a wetland**” is defined as the outer limit of the fluctuating water level of a wetland, characterised by either live or dead wetland vegetation and hydric soil types that are seasonally inundated or seasonally waterlogged.

“**Place**” means site, area, building or other work such as landscapes, a group or groups of buildings or other works, together with any associated contents and surroundings;

“**Plan of development**” means a plan which is referred to in the conditions of a development approval as having been approved by Council and which shows the development approved on the site. The term includes any map, diagram, section, detail, schedule or drawing shown or endorsed on, or attached to the plan which may limit, condition or otherwise describe the development;

“**Planning Scheme area**” includes the whole of the Shire of Maroochy;

“**Plot ratio**” is the ratio between the gross floor area of the building or buildings and the overall area of the lot or lots on which the building is, or the buildings are, sited;

“**Priority Infrastructure Plan**” means the *Priority Infrastructure Plan* contained in Volume 6 of the Planning Scheme;

“**Protected estate**” means any protected area to which the Nature Conservation Act 1992 applies and includes national parks (scientific), national parks (Aboriginal land), national parks (Torres Strait Islander land), conservation parks, resources reserves, nature refuges, coordinated conservation areas, wilderness areas, World Heritage management areas and international agreement areas; as well as any area protected under other State legislation primarily for its conservation significance and any Council owned or managed area of conservation or bushland park managed primarily for its conservation significance;

“**Rail corridor land**” has the meaning given to it under the *Transport Infrastructure Act 1994*¹¹.

“**Reconfiguring a lot**” has the meaning given in the Act¹²;

¹⁰Under the *Environment Protection (Noise) Policy 1997*, “*Noise sensitive place*” means any of the following places— (a) a dwelling; (b) a library, childcare centre, kindergarten, school, college, university or other educational institution; (c) a hospital, surgery or other medical institution; (d) a protected area, or an area identified under a conservation plan as a critical habitat or an area of major interest, under the *Nature Conservation Act 1992*; (e) a marine park under the *Marine Parks Act 1982*; (f) a park or garden that is open to the public (whether or not on payment of money) for use other than for sport or organised entertainment.

¹¹ Under the *Transport Infrastructure Act 1994*, “**Rail corridor land**” means existing rail corridor land or new rail corridor land.⁹⁵

“**Relocatable home**” means a habitable structure, that is factory assembled or built in components and assembled on-site and capable of being transported by trailer or other vehicle, for which building approval has been granted on an approved site for accommodation purposes. Such structures may be fitted with wheels at the point of manufacture but only for the purpose of transport to the site on which it is to be located;

“**Riparian vegetation**” or “**Waterway vegetation**” refers to the vegetation along a waterway which has species and a character dependent on a close location to and interaction with the waterway system. Typical species of riparian vegetation in Maroochy Shire may include but not be limited to:

- Eucalyptus tereticornis Queensland Blue Gum,
- Eucalyptus grandis Flooded Gum,
- Waterhousea floribunda Creek Lilly Pilly,
- Flindersia schottiana Bumpy Ash,
- Backhousia myrtifolia Carrol,
- Araucaria bidwilli Bunya Pine,
- Archontophoenix cunninghamana Piccabeen Palm;

“**Roof top terrace**” means space, on the roof of a building, used or intended for use for recreational purposes where such space:

- contains no habitable rooms;
- is open to the sky for at least 50% of its area;
- has no structure, including balustrading and railings, within 3 metres of the perimeter of the building edge at that level;
- other than for any bathroom, shower room, toilet or storage room facility, is not enclosed by any wall having a height of more than 1.5m;

¹² Under part 3 of chapter 1 of the Act, “**reconfiguring a lot**” means: “(a) creating lots by subdividing another lot; or (b) amalgamating 2 or more lots; or (c) rearranging the boundaries of a lot by registering a plan of subdivision; or (d) dividing land into parts by agreement (other than a lease for a term, including renewal options, not exceeding 10 years) rendering different parts of a lot immediately available for separate disposition or separate occupation; or (e) creating an easement giving access to a lot from a constructed road.

3. INTERPRETATION

“**Rooming unit**” means any part of a building used or intended for use to accommodate one or more persons, but which does not include a kitchen;

“**Shopping Complex Master Plan**” means a schematic plan approved by Council showing a conceptual layout of future retail and other associated land uses of a shopping complex and the co-ordination of pedestrian and vehicular access, carparking, drainage facilities and landscaping. The Master Plan is intended to provide the site planning and design framework for the shopping complex and is intended to be a component of a preliminary approval for development in such an area;

“**Significant Vegetation**” means one or both of the following:

- (a) vegetation within “Environmentally sensitive areas”; and/or
- (b) vegetation which contains or is likely to contain species noteworthy in terms of geographic distribution and vegetation with historic or cultural association, recreational, scientific or educational value, habitat importance, land protection functions or structural and visual buffer qualities;

“**Site**” means any land on which development is carried out or is proposed to be carried out whether such land comprises:

- (a) the whole of any one lot, or parcel of land;
- (b) only part of one lot;
- (c) more than one lot where each lot is contiguous with the other or another lot; or
- (d) conjointly used lands which are not adjoining lands;

and which, in rural areas, may be a farm holding, operated by the same land holder, comprising one lot or more than one lot (whether or not contiguous) which is or are for Council’s rating purposes treated as a single property;

“**Site cover**” means the proportion of the site covered by buildings, fixed structures or outdoor storage areas, but does not include unroofed car parking areas; where the area covered by buildings or other structures is measured to coincide with the outer limits of the building or structure that is above the level of the adjoining ground;

“**Slope**” means the slope of the *building area*, determined as follows:

- (i) where the *building area* has one predominant slope, that slope,
- (ii) where the *building area* has more than one predominant slope, the average of all predominant slopes, provided that:
 - the slope shall be determined to the nearest whole number; and
 - the predominant slope shall be measured perpendicular to the contours of the *building area* and calculated as follows:

Predominant Slope (%) = $(x \div y) \times 100$

where:

‘x’ is the change in elevation, in metres, (highest point - lowest point) of the building area,
‘y’ is the distance, in metres, in a straight line between the highest point and the lowest point of the building area.

Refer to the ‘Instructions for determining slope’ for an explanation.