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Part 1 About the planning scheme

1.1 Introduction

- (1) The Sunshine Coast Planning Scheme 2014 (planning scheme) has been prepared in accordance with the *Sustainable Planning Act 2009* (the SP Act) as a framework for managing development in a way that advances the purpose of the SP Act.
- ~~(2)~~ The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) by the Minister's rules under section 293 of the Act on insert date.
- ~~(2)~~(3) In seeking to achieve this purpose, the planning scheme sets out the Sunshine Coast Council's intention for the future development in the planning scheme area, over the next seventeen years to 2031.
- ~~(3)~~(4) The planning scheme seeks to advance state and regional strategies, including the State Planning Policy, and the South East Queensland Regional Plan 2009-2031 through more detailed local responses taking into account the local context.
- ~~(4)~~(5) While the planning scheme has been prepared with a twenty year horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes of the community at a local, regional and state level.
- ~~(5)~~(6) The planning scheme applies to the planning scheme area of the Sunshine Coast Council including all premises, roads, internal *waterways* and local government tidal areas and interrelates with the surrounding local government areas as illustrated on **Map SCC1 (Local government planning scheme area and context)**.

Editor's note—state legislation may state that the planning scheme does not apply to certain areas (e.g. Priority Development Areas under the *Economic Development Act 2012*), strategic port land under the *Transport Infrastructure Act 1994*).

Map SCC1 Local government planning scheme area and context

1.2 Planning scheme components

- (1) The planning scheme, in respect of:-
- (a) the planning scheme area, other than that part of the planning scheme area referred to in paragraph (b) below, comprises the following components:-
- (i) about the planning scheme (this part);
 - (ii) state planning provisions (Part 2);
 - (iii) the strategic framework (Part 3);
 - (iv) the priority infrastructure plan (Part 4);
 - (v) tables of assessment (Part 5);
 - (vi) the zones and, where applicable zone precincts specified in **Table 1.2.1 (Zones and zone precincts)** below (Part 6);

Table 1.2.1 Zones and zone precincts

Zones and zone precincts	
Residential zones category	
(a)	Low density residential zone, including:-
(i)	Precinct LDR 1 (Protected Housing Area)
(b)	Medium density residential zone
(c)	High density residential zone
(d)	Tourist accommodation zone
Centre zones category	
(e)	Principal centre zone
(f)	Major centre zone
(g)	District centre zone
(h)	Local centre zone
Industry zones category	
(i)	Low impact industry zone
(j)	Medium impact industry zone
(k)	High impact industry zone
(l)	Waterfront and marine industry zone
Recreation zones category	
(m)	Sport and recreation zone
(n)	Open space zone
Environmental zones category	
(o)	Environmental management and conservation zone
Other zones category	
(p)	Community facilities zone
(q)	Emerging community zone
(r)	Limited development (landscape residential) zone
(s)	Rural zone, including:-
(i)	Precinct RUR1 (Meridan Plains Extractive Resource Area)
(t)	Rural residential zone
(u)	Specialised centre zone
(v)	Tourism zone including:-
(i)	Precinct TOU1 (Australia Zoo)
(ii)	Precinct TOU2 (Aussie World)
(iii)	Precinct TOU3 (Big Pineapple)

- (vii) the local plans and, where applicable, local plan precincts specified in **Table 1.2.2 (Local plans and local plan precincts)** below (Part 7);

Table 1.2.2 Local plans and local plan precincts

Local plans and local plan precincts	
(a)	Beerburrum local plan
(b)	Beerwah local plan
(c)	Blackall Range local plan
(d)	Bli Bli local plan
(e)	Buderim local plan, including:-
(i)	Precinct BUD LPP-1 (Gloucester Road South)
(f)	Caloundra local plan, including:-
(i)	Precinct CAL LPP-1 (Bulcock Street)
(ii)	Precinct CAL LPP-2 (Ormuz Avenue)
(iii)	Precinct CAL LPP-3 (Bowman Road/Oval Avenue)
(iv)	Precinct CAL LPP-4 (Moffat Beach/Shelly Beach)
(v)	Precinct CAL LPP-5 (Events Centre Hospitality Area)
(vi)	Precinct CAL LPP-6 (Bulcock Street Hospitality Area)
(vii)	Precinct CAL LPP-7 (Bulcock Beach Hospitality Area)
(viii)	Precinct CAL LPP-8 (Kings Beach Hospitality Area)
(ix)	Precinct CAL LPP-9 (Omrah Avenue)
(x)	Precinct CAL LPP-10 (Caloundra Aerodrome)
(g)	Caloundra West local plan, including:-
(i)	Precinct CAW LPP-1 (Homestead Drive)
(h)	Coolum local plan, including:-
(i)	Precinct COL LPP-1 (Palmer Coolum Resort and The Coolum Residences)
(i)	Eudlo local plan
(j)	Eumundi local plan, including:-
(i)	Precinct EUM LPP-1 (Eumundi Butter Factory)
(k)	Forest Glen / Kunda Park / Tanawha local plan
(l)	Glass House Mountains local plan
(m)	Golden Beach / Pelican Waters local plan
(n)	Kawana Waters local plan, including:-
(i)	Precinct KAW LPP-1 (South of Point Cartwright Drive)
(ii)	Precinct KAW LPP-2 (North of Point Cartwright Drive)
(iii)	Precinct KAW LPP-3 (Nicklin Way North Minyama)
(iv)	Precinct KAW LPP-4 (Buddina Urban Village)
(v)	Precinct KAW LPP-5 (Nicklin Way Warana)
(vi)	Precinct KAW LPP-6 (Regatta Boulevard Wurtulla)
(o)	Kenilworth local plan
(p)	Landsborough local plan, including:-
(i)	Precinct LAN LPP-1 (Landsborough Town West)
(ii)	Precinct LAN LPP-2 (Landsborough Town East)
(q)	Maleny local plan, including:-
(i)	Precinct MAL LPP-1 (Maleny Community Precinct)
(ii)	Precinct MAL LPP-2 (Maleny West)
(iii)	Precinct MAL LPP-3 (Walkers Creek)
(iv)	Precinct MAP LPP-4 (Maleny North)
(r)	Maroochy North Shore local plan, including:-
(i)	Precinct MNS LPP-1 (Sunshine Coast Airport)
(ii)	Precinct MNS LPP-2 (Town of Seaside)
(iii)	Precinct MNS LPP-3 (Marcoola Tourist Accommodation)
(s)	Maroochydore / Kuluin local plan, including:-
(i)	Precinct MAR LPP-1 (Evans Street)
(ii)	Precinct MAR LPP-2 (Wharf Street)
(iii)	Precinct MAR LPP-3 (Maud Street/Sugar Road)
(t)	Mooloolaba / Alexandra Headland local plan, including:-

Local plans and local plan precincts	
(i)	Precinct MAH LPP-1 (Mooloolaba Hospitality Area)
(ii)	Precinct MAH LPP-2 (Mooloolaba Spit Government Uses)
(u)	Mooloolah local plan
(v)	Nambour local plan, including:-
(i)	Precinct NAM LPP-1 (Nambour Hospitality Area)
(ii)	Precinct NAM LPP-2 (Former Mill Site and Hospitality Area)
(iii)	Precinct NAM LPP-3 (Town Centre Frame)
(iv)	Precinct NAM LPP-4 (Nambour Health Hub)
(w)	Palmwoods local plan
(x)	Peregian South local plan
(y)	Sippy Downs local plan, including:-
(i)	Precinct SID LPP-1 (Sippy Downs Town Centre)
(z)	Woombye local plan
(aa)	Yandina local plan

(viii) the overlays specified in **Table 1.2.3 (Overlays)** below (Part 8);

Table 1.2.3 Overlays

Overlays	
(a)	Acid sulfate soils overlay
(b)	Airport environs overlay
(c)	Biodiversity, waterways and wetlands overlay
(d)	Bushfire hazard overlay
(e)	Coastal protection overlay
(f)	Extractive resources overlay
(g)	Flood hazard overlay
(h)	Height of buildings and structures overlay
(i)	Heritage and character areas overlay
(j)	Landslide hazard and steep land overlay
(k)	Regional infrastructure overlay
(l)	Scenic amenity overlay
(m)	Water resource catchments overlay

(ix) the development codes specified in **Table 1.2.4 (Development codes)** below (Part 9);

Table 1.2.4 Development codes

Development codes	
Statewide codes	
(a)	Community residence code
(b)	Forestry for wood production code
(c)	Reconfiguring a lot (subdividing one lot into two lots) and associated operational work code
Use codes	
(d)	Business uses and centre design code
(e)	Caretaker's accommodation code
(f)	Child care centre code
(g)	Community activities code
(h)	Dual occupancy code
(i)	Dwelling house code
(j)	Extractive industry code
(k)	Home based business code
(l)	Industry uses code

Development codes	
(m)	Market code
(n)	Multi-unit residential uses code
(o)	Nature and rural based tourism code
(p)	Relocatable home park and tourist park code
(q)	Residential care facility and retirement facility code
(r)	Rural industries code
(s)	Rural uses code
(t)	Sales office code
(u)	Service station code
(v)	Sport and recreation uses code
(w)	Telecommunications facility code
(x)	Utility code
Other development codes	
(y)	Advertising devices code
(z)	Landscape code
(aa)	Nuisance code
(bb)	Reconfiguring a lot code
(cc)	Safety and security code
(dd)	Stormwater management code
(ee)	Sustainable design code
(ff)	Transport and parking code
(gg)	Vegetation management code
(hh)	Waste management code
(ii)	Works, services and infrastructure code

- (x) structure plans for the Maroochydore and Palmview declared master plan areas specified on **Map SCC1 (Local government planning scheme area and context)** (Part 10);
- (xi) schedules and appendices;
- (xii) the planning scheme policies specified in **Table 1.2.5 (Planning scheme policies)** below which support the planning scheme (Schedule 6);

Table 1.2.5 Planning scheme policies

Planning scheme policies	
Planning scheme policies relating to Part 7 (Local plans)	
(a)	Planning scheme policy for Landsborough (urban design guidelines)
(b)	Planning scheme policy for Sippy Downs Town Centre
Planning scheme policies relating to Part 8 (Overlays)	
(c)	Planning scheme policy for the acid sulfate soils overlay code
(d)	Planning scheme policy for the airport environs overlay code
(e)	Planning scheme policy for the biodiversity, waterways and wetlands overlay code
(f)	Planning scheme policy for the bushfire hazard overlay code
(g)	Planning scheme policy for the extractive resources overlay code
(h)	Planning scheme policy for the flood hazard overlay code
(i)	Planning scheme policy for the heritage and character areas overlay code
(j)	Planning scheme policy for the landslide hazard and steep land overlay code
(k)	Planning scheme policy for the scenic amenity overlay code
Planning scheme policies relating to Part 9 (Development codes)	
(l)	Planning scheme policy for the utility code
(m)	Planning scheme policy for development works
(n)	Planning scheme policy for the nuisance code

Planning scheme policies	
(o)	Planning scheme policy for the reconfiguring a lot code
(p)	Planning scheme policy for the transport and parking code
(q)	Planning scheme policy for the waste management code
Planning scheme policies relating to Part 10 (Other plans)	
(r)	Planning scheme policy for Maroochydore Principal Regional Activity Centre Structure Plan
(s)	Planning scheme policy for Palmview Structure Plan
Other planning scheme policies	
(t)	Planning scheme policy for biodiversity offsets
(u)	Planning scheme policy for information that local government may require
(v)	Planning scheme policy for performance bonds

- (b) that part of the planning scheme area within *Development Control Plan 1 Kawana Waters* which is the subject of the *Kawana Waters Development Agreement* as shown on **Map SCC1 (Local government planning scheme area and context)**, incorporates *Development Control Plan 1 Kawana Waters*¹.

1.3 Interpretation

1.3.1 Definitions

- (1) A term used in the planning scheme has the meaning assigned to that term by:-
- the Act; or
 - ~~the Sustainable Planning Regulation 2009 (the Regulation)~~ the Planning Regulation 2017 (the Regulation), other than the regulated requirements; or
 - the definitions in **Schedule 1 (Definitions)** of the planning scheme, unless the term is separately defined in another part of the planning scheme where the term is used; or

Editor's note—for example Part 10 (Other plans) includes definitions for terms specific to the structure plans for Maroochydore Principal Activity Centre and Palmview declared master plan areas.

- the *Acts Interpretation Act 1954*; or
 - the ordinary meaning where that term is not defined in the Act, the Regulation, **Schedule 1 (Definitions)** of the planning scheme, another part of the planning scheme or the *Acts Interpretation Act 1954*.
- (2) In the event a term has been assigned a meaning in more than one of the instruments listed in clause 1.3.1(1), the meaning contained in the instrument highest on the list prevails.
- (3) A reference in the planning scheme to any ~~Act~~ includes any regulation or instrument made under it, and where amended or replaced means the amended or replaced ~~Act~~.
- (4) A reference in the planning scheme to a specific resource document or standard means the latest version of the resource document or standard.
- (5) A reference to a part, section, table or schedule is a reference to a part, section, table or schedule of the planning scheme.

Editor's note—terms defined in **Schedule 1 (Definitions)** appear in *italicised* text throughout the planning scheme, other than in **Part 10 (Other Plans)** and **Schedule 6 (Planning Scheme Policies)**.

Editor's note—the regulated requirements do not apply to this planning scheme.

¹ Editor's note—~~section 316 (Development control plans) of the Act provides that S~~section 86(4) (Planning schemes for particular local governments) and ~~S~~section 857 (Development control plans under repealed LGP&E Act) of the ~~SP Act Sustainable Planning Act 2009 provides that the repealed Act, the transitional planning scheme and any transitional planning scheme policies~~ continue to apply to the extent necessary to administer *Development Control Plan 1 Kawana Waters*.

1.3.2 Standard drawings, maps, notes, editor's notes and footnotes

- (1) Standard drawings contained in codes or schedules are part of the planning scheme.
- (2) Maps provide information to support the outcomes and are part of the planning scheme.
- (3) Notes are identified by the title "note" and are part of the planning scheme.
- (4) Editor's notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*, are identified by the title "editor's note" and "footnote" and are provided to assist in the interpretation of the planning scheme; they do not have the force of law.

Note—this is an example of a note.

Editor's note—this is an example of an editor's note.

Footnote—this is an example of a footnote.

1.3.3 Punctuation

- (1) A word followed by “;” or alternatively “; and” is considered to be “and”; and
- (2) A word followed by “; or” means either or both options can apply.

1.3.4 Zones for roads, waterways and reclaimed land

- (1) The following applies to a road, closed road, *waterway* or reclaimed land in the planning scheme area:-
 - (a) if adjoined on both sides by land in the same zone – the road, closed road, *waterway* or reclaimed land is in the same zone as the adjoining land; or
 - (b) if adjoined on one side by land in a zone and adjoined on the other side by land in another zone – the road, closed road, *waterway* or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries; or
 - (c) if the road, closed road, *waterway* or reclaimed land is adjoined on one side only by land in a zone – the entire road, closed road, *waterway* or reclaimed land is in the same zone as the adjoining land; or
 - (d) if the road, closed road, *waterway* or reclaimed land is covered by a zone then that zone applies.

1.4 Categories of development

- (1) The categories of development under the Act are:-

- (a) ~~exempt accepted~~ development;

Editor's note—a development ~~permit is not required for exempt development approval is not required for development that is accepted development. Under section 44(6)(a) of the Act, if a categorising instrument does not apply a category of development to a particular development, the development is accepted development. Schedule 8 of the Regulation also prescribes accepted development.~~

- ~~(b) self-assessable development;~~

Editor's note—a development permit is not required for self-assessable development.

- ~~(c) development requiring compliance assessment;~~

Editor's note—a compliance permit is required for development requiring compliance assessment.

- ~~(d)(b)~~ assessable development requiring either:-; and

- (i) code assessment; or
- (ii) impact assessment;

Editor's note—a development ~~permit~~approval is required for assessable development. Schedules 9, 10 and 14 of the Regulation also prescribe assessable development.

~~(e)(c)~~ prohibited development.

Editor's note—a development application ~~or a request for compliance assessment cannot be made for prohibited development~~ may not be made for prohibited development. Schedule 10 of the Regulation prescribes prohibited development.

~~(2)~~ The Act and Regulation prescribes levels of assessment for certain types of development

~~(3)(2)~~ The planning scheme ~~also~~ states the level~~category~~ of assessment~~development~~ for certain types of development, and specifies the category of assessment for assessable development in the planning scheme area in **Part 5 (Tables of assessment)**.

Editor's note—section 43 of the Act identifies that a categorising instrument categorises development and specifies categories of assessment and may be a regulation or local categorising instrument. A local categorising instrument includes a planning scheme, a TLPI or a variation approval.

1.5 Hierarchy of assessment criteriaprovisions within the planning scheme

- (1) Where there is inconsistency between provisions within the planning scheme, the following rules apply:-
 - (a) the strategic framework prevails over all other ~~elements~~components to the extent of the inconsistency for assessable development requiring impact assessment;
 - (b) ~~statewide codes prevail over all other elements (other than the strategic framework) to the extent of the inconsistency~~relevant codes as specified in schedule 6, 7 and 10 of the Regulation prevail over all other components to the extent of the inconsistency;
 - (c) overlays prevail over all other ~~elements~~components (other than the ~~strategic framework and statewide codes~~ matters mentioned in (a) and (b)) to the extent of the inconsistency;
 - (d) local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency;
 - (e) zone codes prevail over use codes and other development codes to the extent of the inconsistency;
 - (f) provisions of **Part 10 (Other plans)** may override any of the above.

1.6 Building work regulated under the planning scheme

- (1) Section ~~78A of the Act~~8(5) of the Act provides that a planning scheme must not include provisions about building work to the extent the building work is regulated under the building assessment provisions, unless ~~permitted~~allowed under the *Building Act 1975*.
- (2) The building assessment provisions are listed in section 30 of the *Building Act 1975*.

Editor's note – the building assessment provisions are stated in section 30 of the *Building Act 1975* and are ~~a code for the integrated development assessment system~~assessment benchmarks for the carrying out of building assessment work or ~~self-assessable~~requirements for building work that is accepted development subject to requirements (see also section 31 of the *Building Act 1975*).

- (3) This planning scheme, through **Part 5 (Tables of assessment)**, regulates building work in accordance with sections 32 and 33 of the *Building Act 1975*.

Editor's note—the *Building Act 1975* permits planning schemes to:-

- (a) regulate, for the Building Code of Australia (BCA) or the Queensland Development Code (QDC), matters prescribed under a regulation under the *Building Act 1975* (section 32). These include variations to provisions contained in parts MP1.1, MP1.2 and MP1.3 of the QDC such as height of buildings related to obstruction and overshadowing, siting and design of buildings to provide visual privacy and adequate site lines, on-site parking and outdoor living spaces. It may also regulate other

matters such as land liable to flooding, designating lands as bushfire prone areas and transport noise corridors;

- (b) deal with an aspect of, or matter related to or incidental to building work prescribed under a regulation under section 32 of the *Building Act 1975*; and
- (c) specify alternative planning scheme provisions under section 33 of the *Building Act 1975*. This relates to alternative design solutions for boundary clearance and *site cover* provisions MP 1.1, 1.2 and 1.3 of the QDC.

Refer to Schedule 39 of the Regulation to determine assessable development, ~~and~~ the type of assessment and any referrals applying to the building work.

- (4) The building assessment provisions are contained in the following parts of the planning scheme specified in **Table 1.6.1 (Building assessment provisions)** below:-

Table 1.6.1 Building assessment provisions

Column 1 Building assessment matter addressed in the planning scheme	Column 2 Relevant section of the planning scheme
Flood hazard	
Identification of part of the planning scheme area as a natural hazard management area (flood).	Schedule 2 Flood hazard overlay maps (flooding and inundation area)
Identification of the level to which floor levels of habitable rooms of a building must be built.	Section 8.2.7 Flood hazard overlay code
Bushfire hazard	
Designation of part of the planning scheme area as a designated bushfire prone area for the BCA and the QDC.	Schedule 2 Bushfire hazard overlay maps (medium or high bushfire hazard areas or bushfire hazard area buffers)
QDC alternative provisions	
Alternative provisions to the QDC for boundary clearance (<i>setback</i>) and <i>site cover</i> provisions for a <i>dwelling house</i> or a class 10 building or structure located on the same lot as a <i>dwelling house</i> .	Section 9.3.6 Dwelling house code
Provisions about performance criteria 4 and 8 under parts 1.1 and 1.2 of the QDC for a <i>dwelling house</i> or a class 10 building or structure located on the same lot as a <i>dwelling house</i> .	Section 9.3.6 Dwelling house code
Additional water saving targets for a <i>dwelling house</i> located on a lot in a <i>non-urban zone</i> and reticulated water supply is not available.	Section 9.3.6 Dwelling house code
Amenity and aesthetics provisions	
Amenity and aesthetics provisions for a <i>dwelling house</i> or a class 10 building or structure located on the same lot as a <i>dwelling house</i> .	Section 9.3.6 Dwelling house code

~~Editor's note—a decision in relation to building work that is assessable development under the planning scheme can only be issued as a preliminary approval. See section 83(b) of the *Building Act 1975*.~~

Editor's note—in a development application, the applicant may request preliminary approval for building work. The decision on that development application is taken to be a referral agency's response under section 27457(1) of the Act, for building work assessable against the *Building Act 1975*.

1.7 Local government administrative matters

There are no local government administrative matters.