

Sunshine Coast Planning Scheme 2014

Frequently asked questions



Contents

1.0	Questions relating to the planning scheme generally	1
2.0	Questions relating to codes generally	3
3.0	Questions related to Part 1 - About the planning scheme	4
4.0	Questions related to Part 2 – State planning provisions	5
5.0	Questions related to Part 3 – Strategic Framework.....	6
6.0	Questions related to Part 4 – Priority infrastructure plan	6
7.0	Questions related to Part 5 – Tables of assessment.....	7
8.0	Questions related to Part 6 – Zones	18
9.0	Questions related to Part 7 – Local Plans	18
10.0	Questions related to Part 8 – Overlays.....	19
11.0	Questions related to Part 9 – Other Development Codes	21
12.0	Questions related to Part 10 – Other Plans.....	23
13.0	Questions related to Schedule 1 – Definitions	23
14.0	Questions related to Schedule 6 – Planning Scheme Policies	23

Disclaimer

This document deals with technical matters in a summary way only and has been prepared to assist users and the broader community to understand the operation of the *Sunshine Coast Planning Scheme 2014*. It is not a legal interpretation on the use of the planning scheme. Some variation to the general guidance provided in this document may occur in some specific situations.

1.0 Questions relating to the planning scheme generally

What is a planning scheme?

A planning scheme is a legal document regulating land use and development. Importantly, a planning scheme only regulates new development. Existing uses can continue to operate indefinitely (even if they are in conflict with the provisions of a new planning scheme), provided they were established lawfully. A change in the nature or scale of an existing use may however require a material change of use application.

What is 'development'?

The planning scheme regulates land use and development. 'Development' is defined under the *Planning Act 2016* (the Act) as:

- Material change of use (MCU) (e.g. establishing a new house, shop or office building);
- Reconfiguring a lot (e.g. subdivision);
- Operational work (e.g. landscaping works, engineering works, placing an advertising device on premises, vegetation clearing);
- Building work; or
- Plumbing and drainage work.

Does the planning scheme affect existing uses?

The planning scheme does not affect existing lawful uses which may continue to operate indefinitely in accordance with their relevant approval (if applicable). However, a proposed change in the scale or intensity of an existing use may need to be assessed against the planning scheme.

How does the planning scheme affect existing development approvals or plans of development?

The planning scheme does not affect existing development approvals and approved plans of development, which continue to run with the land and may be acted upon at any time within their currency period. However, a proposed change to the development approval or plan of development may need to be assessed against the planning scheme, depending on the nature and scale of the change.

What are the implications of the new Planning Act 2016 and Planning Regulation 2017 for the Sunshine Coast Planning Scheme 2014?

On 3 July 2017 the *Planning Act 2016* (the Act) and the *Planning Regulation 2017* (the Regulation) replaced the *Sustainable Planning Act 2009* (SPA) and the *Sustainable Planning Regulation 2009*. The new legislation includes a number of changes which impact upon the operation of the *Sunshine Coast Planning Scheme 2014*, including:

- new terminology relating to new categories of development (i.e. accepted development, assessable development and prohibited development) and categories of assessment (i.e. code assessment and impact assessment);
- other changes in terminology including 'assessment benchmarks' for assessable development (i.e. codes or provisions within codes) and 'requirements for accepted development' (i.e. acceptable outcomes previously applicable to self assessable development);
- new assessment rules for assessable development requiring code assessment. Under the Act, code assessment is a "bounded assessment" meaning that the assessment manager must determine the application solely on the basis of the content of codes (i.e. the 'assessment benchmarks') and other limited considerations allowed for under the Act and Regulation. This differs from the rules under the SPA where the Strategic Framework could be referenced for code assessment;
- new 'regulated requirements' (including zone purpose statements, use definitions and administrative definitions) which replace the Queensland Planning Provisions (QPP) as the basis

for drafting planning schemes. The regulated requirements are optional for transitional planning schemes. Council has determined not to adopt the regulated requirements at this time;

- Statewide codes and prescribed levels of assessment currently contained in the QPP are now addressed/contained within the Regulation; and
- the State Planning Regulatory Provision (Adult Stores), which prescribes that adult stores are to be located an appropriate distance from sensitive uses, has not been carried forward into the Regulation.

Chapter 8 of the Act provides for the legal transition of planning schemes, however because the Act introduces new terminology and assessment rules Council has made amendments to the *Sunshine Coast Planning Scheme 2014* to help ensure a smooth transition to operation under the new legislation. The amendment (referred to as the *Sunshine Coast Planning Scheme (Alignment Amendment) No. 9*) was made in accordance with specific rules (Alignment Amendment Rules) made by the Planning Minister. Amendments made under these rules are operational only and do not contain any policy changes.

The *Sunshine Coast Planning Scheme (Alignment Amendment) No. 9* made several operational and administrative changes to the planning scheme to align with the new Act including:

- changes to the tables of assessment to reflect changes in terminology relating to categories of development and assessment and the matters which development is to be assessed against;
- changes to table and section headings within the planning scheme codes and to the application section of codes to clarify which provisions of the codes comprise the assessment benchmarks for assessable development and the requirements for accepted development;
- the removal of State regulatory content contained in the Regulation;
- changes to various parts of the planning scheme to ensure concepts in the Strategic Framework can be appropriately referenced for code assessment under the new assessment rules;
- new provisions to ensure the State Planning Regulatory Provision (Adult Stores) is effectively transitioned into the planning scheme; and
- various other operational and minor changes to update references to legislation, cross references and correct other minor errors and formatting.

For further information in relation to the new Act and Regulation contact the Department of Infrastructure, Local Government and Planning for more information or visit their website www.dilgp.qld.gov.au/planning-reform.

What are the key differences between the Sunshine Coast Planning Scheme and the former planning schemes (Caloundra City Plan 2004 and Maroochy Plan 2000)?

The former planning schemes applying to the Sunshine Coast Region (Caloundra City Plan 2004 and the Maroochy Plan 2000) were prepared under the *Integrated Planning Act 1997*. This Act was replaced in 2009 by the *Sustainable Planning Act 2009* (SPA). The SPA was replaced on 3 July 2017 by the *Planning Act 2016*.

The *Sunshine Coast Planning Scheme 2014* was drafted in accordance with the SPA and the Queensland Planning Provisions (version 3.0, 25 October 2013) (QPP) and was amended for alignment with the *Planning Act 2016* and *Planning Regulation 2017* on 3 July 2017. This amendment included changes to terminology and other operation and administrative changes to align with the new Act and Regulation. In terms of operation and look and feel, the *Sunshine Coast Planning Scheme 2014* is more similar to the Caloundra City Plan than the Maroochy Plan; however, differs from both these planning schemes in a number of key ways. Some of the key differences between the former IPA planning schemes and the *Sunshine Coast Planning Scheme 2014* are summarised below:

- the inclusion of a comprehensive Strategic Framework which replaces the Desired Environmental Outcomes (DEO's);
- a greater emphasis on zones;
- height of buildings and structures is regulated via an overlay;
- the inclusion of a clear hierarchy of planning scheme provisions, notably a greater degree of power in overlays;
- reflects new terminology, assessment and decision rules as provided for by the *Planning Act 2016*;

- changes to the operation of the tables of assessment whereby local plans and overlays may vary the provisional category of development or category of assessment;
- a different approach to precincts – which sit under a zone and provide more detailed planning for the zone;
- retains a strong focus on local planning; however, local plans only apply to urban areas as well as some rural residential areas which are located close to urban areas (generally land within the South East Queensland Regional Plan Urban Footprint);
- use codes applying to accepted development (e.g. Dwelling house code) are no longer self-contained. For example, all provisions relating to overlays are now contained in the overlay codes;
- the inclusion of new use definitions, as set by the QPP;
- the inclusion of new administrative definitions, most being set by the QPP;
- definitions are contained at the end of the planning scheme in Schedule 1;
- inclusion of provisions relating to vegetation clearing (previously dealt with via local laws); and
- the inclusion of new and updated mapping layers, particularly overlays.

2.0 Questions relating to codes generally

What is a code?

A code is a section of a planning scheme that sets out the assessment benchmarks for assessable development and, in some cases requirements for accepted development, for a particular subject matter. The *Sunshine Coast Planning Scheme 2014* contains codes, arranged by part, as follows:

- Zone codes (Part 6)
- Local plan codes (Part 7)
- Overlay codes (Part 8)
- Development codes (Part 9), comprising use codes and other development codes
- Structure plan area codes (Part 10)

What are the purpose, overall outcomes, specific outcomes and acceptable outcomes of a code?

These are all components of the codes contained in the *Sunshine Coast Planning Scheme 2014*.

Purpose

The purpose statement outlines broadly what the code seeks to achieve.

Under the assessment rules in Section 5.3.3 of the planning scheme, assessable development requiring code assessment that complies with the purpose and overall outcomes of the code complies with the code.

Overall outcomes

Overall outcomes are statements of the desired outcomes for the subject matter dealt with in a particular code and state how the purpose of the code is to be achieved.

Overall outcomes are relevant to the assessment of assessable development. Under the assessment rules in Section 5.3.3, of the planning scheme assessable development subject to code assessment that complies with the purpose and overall outcomes of the code complies with the code. The exercise of discretion is required to assess whether a proposed development complies with the overall outcomes.

Performance outcomes

Performance outcomes are more specific statements of the desired outcomes for a particular aspect or issue within the subject matter of a code, and contribute to the achievement of the purpose and overall outcomes.

Performance outcomes are relevant to the assessment of assessable development. Under the assessment rules in Section 5.3.3 of the planning scheme, development that complies with the performance outcomes of a code complies with the higher order provisions of the code (purpose and overall outcomes).

The exercise of discretion is required to assess whether a proposed development complies with the performance outcomes.

In the *Sunshine Coast Planning Scheme 2014*, performance outcomes appear in the left-hand column of the table/s in the code.

Acceptable outcomes

Acceptable outcomes are prescriptive requirements or standards that provide a guide for achieving a performance outcome in whole or in part. Acceptable outcomes represent the Council's preferred approach for achieving a performance outcome in the majority of circumstances.

Acceptable outcomes are relevant to the assessment of assessable development, and accepted development where the development is identified as being subject to requirements in the tables of assessment in Part 5.

Under the assessment rules in Section 5.3.3 of the planning scheme, development that complies with the acceptable outcomes of a code complies with the higher order provisions of the code (purpose, overall outcomes and performance outcomes).

A proposed development may put forward an alternative solution to that proposed in the acceptable outcome, but if doing so, should demonstrate how the alternative solution will achieve the corresponding performance outcome.

Furthermore, acceptable outcomes are not always provided. Where no acceptable outcome is provided, a proposed development (being assessable development) should demonstrate compliance with the performance outcome.

Accepted development identified as subject to requirements in the tables of assessment in Part 5 only has to comply with the relevant acceptable outcomes of applicable codes. The 'application' section of the applicable code identifies which provisions of the code (i.e. acceptable outcomes) comprise the requirements for acceptable development. Accepted development that does not comply with one or more of the identified acceptable outcomes becomes assessable development subject to code assessment (unless for the purposes of a dwelling house subject to Schedule 6 of the *Planning Regulation 2016* – refer to the **Dwelling House Guide** for further details).

In the *Sunshine Coast Planning Scheme 2014*, acceptable outcomes appear in the right-hand column of the table/s in the code.

How are conflicts between codes resolved? (i.e. which code prevails?)

Section 1.5 (Hierarchy of provisions within the planning scheme) outlines the rules which apply in the event of an inconsistency between provisions within the planning scheme.

Note—accepted development subject to requirements must comply with all of the relevant acceptable outcomes of all codes identified as applicable to that development. The question of one code prevailing over another is not relevant to accepted development.

3.0 Questions related to Part 1 – About the planning scheme

How are the Caloundra South Priority Development Area and the Maroochydore Priority Development Area dealt with in the Sunshine Coast Planning Scheme?

The *Sunshine Coast Planning Scheme 2014* does not apply to the Caloundra South Priority Development Area or the Maroochydore City Centre Priority Development Area.

Planning for these areas is under the jurisdiction of Economic Development Queensland.

How is the area subject to the Kawana Waters Development Agreement dealt with in the Sunshine Coast Planning Scheme?

Development Control Plan 1 Kawana Waters and the 1996 Caloundra Planning Scheme and planning scheme policies continue to apply to the area covered by the Kawana Waters Development Agreement (refer to section 1.2(1)(b) of the planning scheme). The general location and extent of this area is shown on Map SCC1 (Local government planning scheme area and context) in Part 1 of the planning scheme.

How are the Maroochydore Principal Regional Activity Centre (PRAC) and Palmview declared master planned areas dealt with in the Sunshine Coast Planning Scheme?

The *Sunshine Coast Planning Scheme 2014* applies to development within the Maroochydore PRAC and Palmview declared master planned areas (refer to section 1.2(1)(a)(x) of the planning scheme). The structure plans for these areas are contained in Part 10 (Other Plans) of the planning scheme. Development in these declared master planned areas is regulated in accordance with the applicable structure plan.

Note—the Maroochydore PRAC Structure Plan does not apply to that part of the declared master planned area which has been identified as a priority development area (PDA) under the *Economic Development Act 2012*.

Does the planning scheme apply to development on roads and waterways?

Yes. Sub section 1.1(5) states that the planning scheme applies to the planning scheme area of the Sunshine Coast Council including all premises, roads, closed roads, internal waterways and local government tidal areas as illustrated on Map SCC1 (Local government planning scheme area and context).

Section 1.3.4 details how the relevant zone is to be determined where a road, closed road or waterway is not shown as being included in a zone.

Note—to aid map legibility, roads and waterways are generally not shown as being included in a zone on the zoning maps.

4.0 Questions related to Part 2 – State planning provisions

Does the Sunshine Coast Planning Scheme reflect the single State Planning Policy?

As stated in Section 2.1 of the planning scheme, the Minister has identified that the State Planning Policy (December 2013) is appropriately reflected in the planning scheme.

However, a new State Planning Policy commenced on 3 July 2017. The Department of Infrastructure, Local Government and Planning has confirmed that at this time the Sunshine Coast Planning Scheme does not reflect the new SPP.

Until the aspects of the SPP which are reflected can be confirmed, and appropriate amendments can be made to ensure integration of any aspects that are not reflected, applications must be prepared and assessed against both the planning scheme and the SPP to the extent of any inconsistency. Only those aspects of the SPP relevant to the particular development are required to be addressed.

What are the Regulated Requirements?

The *Planning Act 2016* replaced the Queensland Planning Provisions (QPP) (the standard planning scheme provisions under the *Sustainable Planning Act 2009*) with 'regulated requirements' being standard zones, zone purpose statements, use definitions and administrative definitions, which are similar in content to the QPP. The regulated requirements are contained within the *Planning Regulation 2017*.

The regulated requirements are mandatory for new planning schemes prepared under the Act however are optional for transitional schemes. As stated in section 2.4 of the planning scheme, Council has determined not to apply the regulated requirements to the *Sunshine Coast Planning Scheme 2014* at this time.

5.0 Questions related to Part 3 – Strategic framework

How is the Strategic Framework used in the development assessment process?

The strategic framework sets the policy direction for the planning scheme and represents the highest level of policy intent for the planning scheme area.

The planning scheme codes and other provisions implement the policy directions outlined in the strategic framework. In accordance with section 1.5 of the *Sunshine Coast Planning Scheme 2014*, where there is an inconsistency between the strategic framework and the detailed provisions of the planning scheme, the strategic framework prevails.

In accordance with the *Planning Act 2016* and the *Planning Regulation 2017*, the strategic framework is used in the assessment of assessable development subject to impact assessment.

Although the strategic framework includes a number of separate components, there is no specific hierarchy or order of importance within this part of the planning scheme. As such, all the provisions of the strategic framework are intended to be read together as a whole.

6.0 Questions related to Part 4 – Priority infrastructure plan

What is the Priority infrastructure plan?

A Priority Infrastructure Plan (PIP) shows when and where trunk infrastructure for water, sewerage, stormwater, transport, parks and land for community use is proposed to be rolled out to service communities. The inclusion of a PIP in the planning scheme is a statutory requirement of the *Planning Act 2016* and also the repealed *Sustainable Planning Act 2009*.

What does the PIP contain?

The PIP contains information related to future development and the trunk infrastructure and includes:

- planning assumptions;
- Priority Infrastructure Area (PIA);
- Desired Standards of Service (DSS) for proposed trunk infrastructure; and
- Plans for Trunk Infrastructure (PFTI).

What are the planning assumptions?

The *planning assumptions* (including population, *dwelling*s, jobs and floorspace) state the following:

- (a) the existing and projected population and employment for the planning scheme area; and
- (b) the assumptions about the type, scale, location and timing of residential and non-residential development which are used to derive the demand for a trunk infrastructure network giving a consistent basis for the planning of the trunk infrastructure network and the determination of the priority infrastructure area.

What is the Priority Infrastructure Area (PIA)?

The Priority Infrastructure Area (PIA) identifies the area the council gives priority to provide trunk infrastructure for urban development. The PIA is where suitable and adequate development infrastructure generally exists or where it can be provided most efficiently. The PIA has been determined having regard to that part of the planning scheme area which is suitable for urban development up to 2031 under the planning scheme.

What are Desired Standards of Service (DSS)?

The desired standard of service details the standards that comprise an infrastructure trunk network most suitable for the local context. The desired standard of service is supported by more detailed network design standards in the planning scheme policies (contained in Schedule 6 of the planning scheme).

What are Plans for Trunk Infrastructure (PFTI)?

The Plans for Trunk Infrastructure (PFTI) identify the existing and proposed trunk infrastructure in the Schedule of works which is intended to service, at the desired standard of service, the existing and projected residential development and non-residential development.

The trunk infrastructure includes the following networks:

- Water supply trunk network;
- Sewerage trunk network;
- Stormwater quality trunk network;
- Transport trunk network; and
- Public parks and land for community facilities trunk network.

What are infrastructure charges and how are they applied?

New development is required to pay infrastructure charges for a proportion of the cost of providing the trunk infrastructure required to service the development. Currently, infrastructure charges are not a part of the PIP, but are levied under the provisions of the *Adopted Infrastructure Charges Resolution* and the *Planning Act 2016* and *Planning Regulation 2017*.

What role does the PIP have in relation to development and infrastructure charges?

The PIP has a number of important roles related to infrastructure charges and the development assessment process, including:

- Identifying infrastructure that can be required as a condition of an approval and can be offset against the infrastructure charge;
- To determine if a development is consistent with the PIP's planning assumptions in relation to the location, timing, type or scale of a development. A development that is deemed to be inconsistent with the planning assumptions or is outside the PIA may be required to pay additional infrastructure charges or provide additional trunk infrastructure works;
- The trunk infrastructure that Council has planned to accommodate the demands of growth and that can have infrastructure charges revenue as a funding source.

7.0 Questions related to Part 5 – Tables of assessment

What are the tables of assessment used for and how do they work?

The tables of assessment in Part 5 of the *Sunshine Coast Planning Scheme 2014* are used to:- Identify the category of development and category of assessment (level of assessment) that applies to development (i.e. accepted development or assessable development (subject to code or impact assessment))¹; and

- (a) Identify the assessment benchmarks for assessable development and any requirements for accepted development (generally codes) that are applicable for development.

¹Note the Tables of assessment in Part 5 do not identify prohibited development. Under the *Planning Act 2016*, development will only be taken to be prohibited development if it is identified in Schedule 10 of the *Planning Regulation 2017*.

Part 5 of the *Sunshine Coast Planning Scheme 2014* contains the following types of tables of assessment:

- (a) **Categories of development and categories of assessment for material change of use** in section 5.5. These tables identify the provisional category of development and category of assessment and assessment benchmarks for assessable development and requirements for accepted development for development involving a material change of use, and are arranged by zone.

The provisional category of development and category of assessment may be varied by a local plan or an overlay in certain circumstances (refer subsections (e) and (f) below).

- (b) **Categories of development and categories of assessment for reconfiguring a lot** in section 5.6. This table identifies the provisional category of development and category of assessment and assessment benchmarks for reconfiguring a lot. The provisional category of development and category of assessment may be varied by a local plan or an overlay in certain circumstances (refer subsections (e) and (f) below).
- (c) **Categories of development and categories of assessment for building work** in section 5.7. This table identifies the provisional category of development and category of assessment and assessment benchmarks for assessable development and requirements for accepted development for building work. The provisional category of development and category of assessment may be varied by a local plan or an overlay in certain circumstances (refer subsections (e) and (f) below).
- (d) **Categories of development and categories of assessment for operational work** in section 5.8. This table identifies the provisional category of development and category of assessment and assessment benchmarks for assessable development and requirements for accepted development for operational work. The table is arranged by type of operational work (e.g. landscaping, engineering works, vegetation clearing). The provisional category of development and category of assessment may be varied by a local plan or an overlay in certain circumstances (refer subsections (e) and (f) below).
- (e) **Categories of development and categories of assessment for local plans** in section 5.9. These tables identify variations to the provisional categories of development and categories of assessment and assessment benchmarks for assessable development and requirements for accepted development identified in sections 5.5, 5.6, 5.7 and 5.8. The tables are arranged by local plan area, and within each local plan area by zone and/or precinct. Not all local plan areas contain variations to the provisional category of development or category of assessment, variations are only included where considered necessary to respond to particular local circumstances.

It is also important to note that the local plan tables of assessment only identify situations where the category of development or category of assessment is varied. If the use (or other development type) is not listed the category of development and category of assessment is not varied and the provisional category of development and category of assessment applies.

- (f) **Categories of development and categories of assessment for overlays** in section 5.10. This table identifies the category of development and category of assessment and additional assessment benchmarks for assessable development and requirements for accepted development (generally an overlay code) for development on land affected by an overlay (e.g. Acid sulfate soils overlay). The table is arranged by overlay type (e.g. Airport environs overlay, Biodiversity, waterways and wetlands overlay etc.).

The overlay table of assessment may identify a variation to the provisional category of development or category of assessment for material change of use, reconfiguring a lot, building work, or operational work and this will be indicated in the 'category of development and category of assessment' column (e.g. development exceeding the height limit identified for the site on the relevant height of buildings and structures overlay map is generally made assessable development subject to impact assessment). In most cases however, overlays do not change the category of development or category of assessment, and this is indicated by the statement "no change" in the 'category of development and category of assessment' column. Where the

overlay table of assessment does identify a change in the category of development or category of assessment, this is the final category of development or category of assessment and prevails over all other identified categories of development and categories of assessment, including that for a local plan.

Where a particular site is subject to multiple overlays, the highest category of development or category of assessment applies. For example, where a proposed development is made assessable development subject to code assessment against the Flood hazard overlay but is assessable development subject to impact assessment against the Height of buildings and structures overlay, the proposed development is subject to impact assessment.

The 'if' statements in the "development subject to overlay" column identify whether development on a site included in a mapped overlay is triggered for assessment against the relevant overlay code. Development that is not identified in this column as being subject to an overlay does not require assessment against an overlay code and there is no change to the category of development or category of assessment, even if the site on which the development is to occur is identified as being affected by the overlay on the overlay maps. For example, land may be identified as being subject to the Acid Sulfate Soils Overlay (Area 1) on the overlay maps; however, the proposed development does not involve excavating or otherwise removing 100m³ or more of soil or sediment or filling of land with 500m³ or more of material with an average depth of 0.5 metres or greater. In this case, the overlay code does not apply to the assessment of the development and the category of development and category of assessment is not changed.

For accepted development where the category of development is not changed by the overlay, the relevant acceptable outcomes of the overlay code apply. Where there are no applicable acceptable outcomes provided in the applicable overlay code, accepted development is exempt for the purposes of the overlay.

It is also important to note that the *Planning Regulation 2017* prescribes categories of development and categories of assessment for certain types of development. As such, the tables of assessment in the planning scheme should be read in conjunction with Schedules 6, 7 and 10 of the Regulation.

Note—In some cases, where specifically provided for in the Regulation, development stated in Schedule 7 and 10 may still be made assessable or have its category of assessment determined or varied under the planning scheme. Refer to section 5.3.2(10) for resolving inconsistency in the categories of development and categories of assessment stated in Schedules 6, 7 and 10 of the Regulation and in the planning scheme.

What are the different categories of development and categories of assessment and what do they mean?

The categories of development and categories of assessment are defined in the *Planning Act 2016* and summarised as follows:

Accepted development

- No development application required.
- If an applicable code is identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column in the relevant table/s of assessment in Part 5, the proposed development is assessed against the relevant acceptable outcomes of the applicable code(s) in the planning scheme. In some cases this may be done by a private certifier (e.g. for dwelling houses).
- A development application and approval is required only where the proposed development cannot meet one or more of the relevant acceptable outcomes of any applicable code(s).
- Some types of accepted development are not subject to requirements in the planning scheme and this will be indicated by a statement of "no requirements applicable" in the 'assessment benchmarks for assessable development and requirements for accepted development' column of the relevant table/s of assessment.

Note—approvals or licenses may be still required under other State legislation (e.g. *Standard Building Regulation 2006*) or Council local laws (e.g. Local Law No.2 (Animal Management)).

Assessable development

There are two categories of assessment for assessable development, which are:

Code assessment

- Development application required.
- The development application is assessed against the assessment benchmarks (codes) identified as being applicable to the development.
- Public notification not required.

Impact assessment

- Development application required.
- Development application is assessed against the entire planning scheme, to the extent relevant.
- Public notification required.

Prohibited development

- Schedule 10 of the *Planning Regulation 2016* identifies development that is prohibited development.
- A development application cannot be made for prohibited development.

Why is compliance assessment no longer a category of development?

Compliance assessment is no longer included as a category of development under the *Planning Act 2016*. Development subject to compliance assessment transitions to assessable development requiring code assessment, and an existing valid compliance permit is taken to be a development permit under section 286 of the Act. In addition, transitional provisions preserve the effect of the SPA in relation to compliance assessment processes underway for compliance certificates, or certificates already issued, at the time of commencement of the Act. Contact the Department of Infrastructure, Local Government and Planning for more information or visit their website www.dilgp.qld.gov.au/planning-reform.

How do I determine the category of development and category of assessment and which sections of the planning scheme apply to my development?

The tables of assessment in Part 5 of the planning scheme identify the category of development and category of assessment and assessment benchmarks for assessable development and requirements for accepted development (i.e. the relevant sections of the planning scheme – generally codes) for different types of development. The ‘application’ section of each planning scheme code further clarifies which provisions of the code comprise the requirements for accepted development and the assessment benchmarks for assessable development.

The process for determining the category of development and category of assessment is outlined in section 5.3.1 of the *Sunshine Coast Planning Scheme 2014*. The flow chart overleaf (**Figure 1**) provides a step-by-step process for determining the category of development and category of assessment for development. Further, a detailed step by step process for each type of development is provided in the ***Sunshine Coast Planning Scheme User Guide***.

It is important to note that the tables of assessment for local plans and overlays may change the category of development or category of assessment in certain circumstances, so it is always necessary to check all the relevant tables.

It is also important to note that Schedules 6, 7 and 10 of the Planning Regulation prescribe the category of development and category of assessment for certain types of development. If development has a prescribed category of development or category of assessment, the Regulation may identify applicable assessment benchmarks for assessable development and requirements for accepted development, where applicable.

Note—In some cases, where specifically provided for in the Regulation, development stated in Schedule 7 and 10 may still be made assessable or have its category of assessment determined or varied under the planning scheme. Refer to section 5.3.2(10) for resolving inconsistency in the categories of development and categories of assessment stated in Schedules 6, 7 and 10 of the Regulation and in the planning scheme.

Do the overlay codes apply to dwelling houses and other self assessable uses?

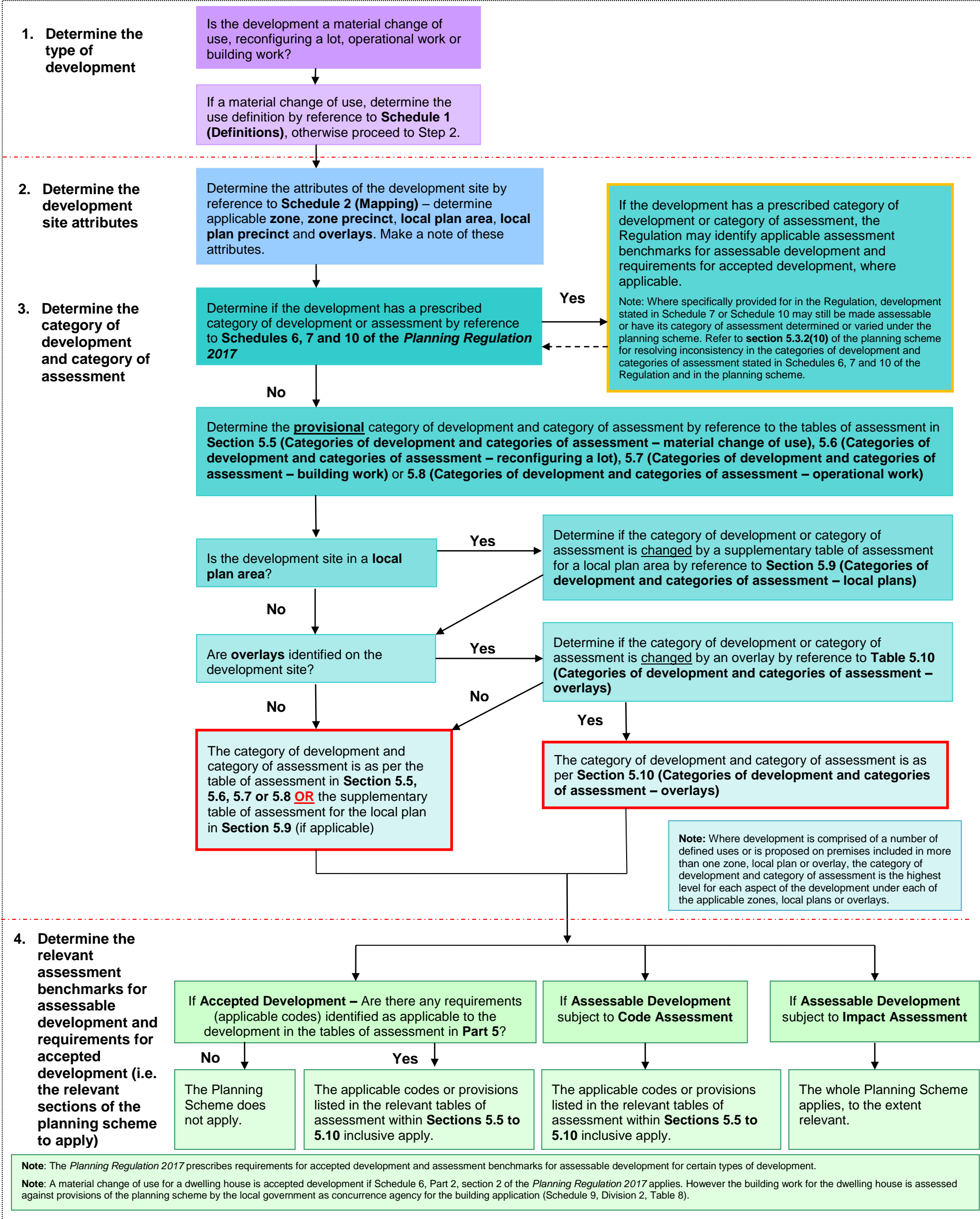
Yes. The table of assessment for overlays in section 5.10 identifies the circumstances in which the overlay codes need to be addressed for a dwelling house or other accepted development proposed on a site affected by an overlay on the overlay maps. For ease of reference, each overlay code which is potentially applicable to accepted development contains a separate table which specifies the relevant acceptable outcomes for accepted development. The 'application' section of the relevant overlay code clarifies which provisions (acceptable outcomes) of the code comprise the requirements for accepted development.

If an overlay applies to only part of a lot, does the overlay get triggered if the development site avoids that part of the lot?

For reconfiguring a lot, the overlay code applies if any part of the original lot or lots included in the application is within the mapped area of the relevant overlay. This is because the reconfiguring, by definition, will alter the original lot or lots. For all other development, the overlay code applies only if the development site (i.e. the area within which the proposed development will occur) is within the mapped area of the relevant overlay.

Note—the development site is taken to include the site of any building or structure and any area used for vehicle parking, landscaping, goods storage, effluent disposal or other purpose included in the development application, or required for the proper functioning of the development. The development site also includes any accessway or services corridor required by the proposed development.

Figure 1 - How to determine the category of development and category of assessment and assessment benchmarks for assessable development and requirements for accepted development



¹ Kawana Waters DCP 1 Area – As per **Section 1.2 (Planning Scheme Components)**, land within Development Control Plan 1 - Kawana Waters is subject of the Kawana Waters Development Agreement and DCP 1.

Palmview Declared Master Planned Area – For development in the Palmview Declared Master Planned Area, refer to the Palmview Structure Plan in Part 10 – Other Plans for the category of development and category of assessment and relevant assessment benchmarks for assessable development and requirements for accepted development. Mapping is located in **Schedule 2**.

Maroochydhore Declared Master Planned Area – For development in the Maroochydhore Declared Master Planned Area, refer to the Maroochydhore Principal Activity Centre (PRAC) Structure Plan in Part 10 – Other Plans for the categories of development and categories of assessment and relevant assessment benchmarks for assessable development and requirements for accepted development. Mapping is located in **Schedule 2**.

Maroochydhore Priority Development Area – The Sunshine Coast Planning Scheme does not apply to development in the Maroochydhore City Centre Priority Development Area. Development applications are assessed against the Maroochydhore City Centre Priority Development Area Development Scheme (July 2014) by Economic Development Queensland.

Caloundra South Priority Development Area – The Sunshine Coast Planning Scheme does not apply to development in the Caloundra South Priority Development Area. Development applications are assessed against the Caloundra South UDA Development Scheme (October 2011) by Economic Development Queensland.

If a site is not included within the mapped area of an overlay but is known or suspected to have attributes relevant to the overlay, can the relevant overlay code be applied in the assessment of code assessable development?

Whether an overlay code applies to development is determined by reference to the tables of assessment in Part 5. In general, an overlay code can only be triggered through the overlay mapping; however, each zone code includes overall outcomes relating to natural hazards (including flooding, steep slopes, landslide hazard and bushfire hazard) and ecologically important areas. Assessable development will need to demonstrate compliance with these overall outcomes.

This reflects the fact that it is not possible to have fully resolved overlay mapping (e.g. in the case of the Flood hazard overlay, flood modelling has not been undertaken for all parts of the planning scheme area).

An applicant may be requested to provide additional information to assist in the assessment of these matters through an information request.

What level of assessment applies to undefined uses?

Undefined uses are identified as assessable development subject to impact assessment in the tables of assessment in section 5.5 of the *Sunshine Coast Planning Scheme 2014*, subject to any overriding provision regulating the use in the *Planning Regulation 2017*.

What is accepted development assessed against?

As stated in sections 5.3.3(1) and (2) of the *Sunshine Coast Planning Scheme 2014*, accepted development:-

- (a) must be assessed against all of the relevant acceptable outcomes of any applicable code(s) identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column of the table(s) of assessment in Part 5;
- (b) that complies with the relevant acceptable outcomes of the applicable code(s) complies with the code(s); and
- (c) that does not comply with one or more of the relevant acceptable outcomes of the applicable code(s) becomes assessable development subject to code assessment.

If accepted development becomes assessable development subject to code assessment due to the proposal not complying with one or more of the relevant acceptable outcomes of an applicable code, the assessment benchmarks for the development application are limited to the performance outcomes corresponding to the acceptable outcome/s that were not complied with or not capable of being complied with. The development must still comply with the remainder of the relevant acceptable outcomes.

Some types of accepted development are not subject to requirements in the planning scheme and this will be indicated by a statement of "no requirements applicable" in the 'assessment benchmarks for assessable development and requirements for accepted development' column of the relevant table/s of assessment.

Note—approvals or licenses may be still required under other State legislation (e.g. *Standard Building Regulation 2006*) or Council local laws (e.g. Local Law No.2 (Animal Management)).

What happens if accepted development does not comply with one or more acceptable outcomes?

Accepted development that is identified as being subject to requirements in the tables of assessment in Part 5 and that does not comply with one or more relevant acceptable outcomes of an applicable code, becomes assessable development subject to code assessment and a development application

is required to be made to Council (unless for the purpose of a dwelling house subject to Schedule 6 of the *Planning Regulation 2017* – refer to the ***Dwelling House Guide*** for further details).

For accepted development that becomes assessable development subject to code assessment due to the proposal not complying with one or more of the relevant acceptable outcomes of an applicable code, the assessment benchmarks for the development application are limited to the performance outcomes corresponding to the acceptable outcome/s that were not complied with or not capable of being complied with. The development must still comply with the remainder of the relevant acceptable outcomes.

What is assessable development subject to code assessment assessed against?

Assessable development subject to code assessment must be assessed against all of the assessment benchmarks (applicable code(s)) identified in the 'assessment benchmarks for assessable development and requirements for accepted development' column of the relevant table(s) of assessment in Part 5 (refer to section 5.3.3(3) of the *Sunshine Coast Planning Scheme 2014*).

Assessable development subject to code assessment must also be assessed against any assessment benchmarks for the development identified in section 26 of the *Planning Regulation 2017* and with regard to the matters identified in section 27 of the Regulation.

How is compliance with the code determined for assessable development subject to code assessment?

Section 5.3.3(3)(a)(iii) of the *Sunshine Coast Planning Scheme 2014* provides that assessable development subject to code assessment that complies with:-

- (a) the purpose and overall outcomes of the code complies with the code; and
- (b) the performance outcomes or acceptable outcomes of the code complies with the purpose and overall outcomes of the code.

In practice this means that a development proposal which complies with the relevant acceptable outcomes of the applicable code is automatically taken to comply with the corresponding performance outcomes and all higher order outcomes of the code (overall outcomes and purpose of the code). Similarly, a development proposal which complies with the relevant performance outcomes of the applicable code is automatically taken to comply with the higher order outcomes of the code.

Where a development proposal does not comply with the relevant acceptable outcomes or performance outcomes of an applicable code, development complies with the code where it complies with the purpose and overall outcomes of the code.

What happens if assessable development subject to code assessment does not comply with the assessment benchmarks (applicable codes)?

Assessable development subject to code assessment that does not comply with the purpose and overall outcomes of the applicable codes (i.e the assessment benchmarks) may be refused, unless a condition can be imposed that would achieve compliance.

Under section 60(2)(b) of the *Planning Act 2016* the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks, for example if the decision resolves a conflict between assessment benchmarks, or between an assessment benchmark and a referral agency's response.

What is assessable development subject to impact assessment assessed against?

Assessable development subject to impact assessment is assessed against all elements of the planning scheme which are relevant to the proposed development, including the strategic framework. This may include the relevant zone code, local plan code, use code and any relevant overlay codes and other development codes.

Assessable development subject to impact assessment is also assessed against any assessment benchmarks identified for the development in section 30 of the *Planning Regulation 2017*, and with regard to the matters identified in section 31 of the Regulation.

Under section 45(5) of the *Planning Act 2016*, impact assessment may also be carried out against or have regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise (for example, planning need, or the current relevance of assessment benchmarks in light of changed circumstances).

What happens if assessable development subject to impact assessment does not comply with the Strategic Framework?

Assessable development subject to impact assessment that does not comply with the strategic framework will be refused in the vast majority of cases, unless a condition can be imposed that would achieve compliance.

Under section 45(5) of the *Planning Act 2016*, impact assessment must be carried out against the relevant assessment benchmarks in a categorising instrument and matters prescribed by regulation, and may be carried out against or have regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise (for example, planning need, or the current relevance of assessment benchmarks in light of changed circumstances).

It should be noted that the "sufficient grounds for approval despite the conflict" test under previous legislation has not been carried forward under the *Planning Act 2016*.

How are new dwelling houses and extensions to dwelling houses dealt with under the Sunshine Coast Planning Scheme?

Refer to the ***Dwelling house guide***.

How is home based business dealt with under the Sunshine Coast Planning Scheme?

Refer to the ***Information Sheet – Home based business***.

How is building work dealt with under the Sunshine Coast Planning Scheme?

Certain types of building work are assessable development under the *Sunshine Coast Planning Scheme 2014*. The category of development and category of assessment for building work are set out in Table 5.7.1 of the planning scheme. This does not relate to the structural or other aspects of building work that are assessable under the *Building Regulation 2006*, but to those aspects of building work that are relevant to planning. This includes matters such as building height, setbacks and other aspects connected with the scale of building work and its position on a site.

In particular, the Building work table of assessment (Table 5.7.1) regulates development involving building work at a scale that is:

- more than “minor building work” as defined in Schedule 1 (Definitions) of the planning scheme; but
- less than a “material change of use” as defined in the *Planning Act 2016*.

In accordance with Table 5.7.1, such building work is accepted development, subject to compliance with the relevant acceptable outcomes of the applicable use code (if the applicable use code identifies acceptable outcomes applicable to accepted development) and the Transport and parking code. If the relevant use code does not contain acceptable outcomes specifically identified as relevant to accepted development, or if the proposed building work cannot meet one or more of the relevant acceptable outcomes in the applicable use code or the Transport and parking code, then the building work will be assessable development subject to code assessment and a development application is required to be made to Council (unless for the purpose of a dwelling house subject to Schedule 6 of the *Planning Regulation 2017* – refer to the ***Dwelling House Guide*** for further details).

It is important to remember that the category of development and category of assessment for building work specified in Table 5.7.1 may be varied by a local plan or the presence of an overlay so it is important to always refer to the local plan and overlays tables of assessment to check whether the category of development or category of assessment is changed, or whether additional assessment benchmarks for assessable development or requirements for acceptable development (local plan and/or overlay code/s) apply. For example, building work, including minor building work, that exceeds the height limit specified for the site on the relevant height of buildings and structures overlay map is made assessable development subject to impact assessment by the overlays table of assessment (Table 5.10.1).

It is also important to note that building work that is not subject to assessment under the *Sunshine Coast Planning Scheme 2014* may be assessable under the *Building Regulation 2006* or other State legislation.

How is operational work dealt with under the Sunshine Coast Planning Scheme?

Operational work is defined in the *Planning Act 2016* as “work, other than building work or plumbing and drainage work, in, on, over or under premises that materially affects premises or the use of premises.” The Explanatory Notes for the Bill specify that although the definition of operational work is different to that under the former *Sustainable Planning Act 2009*, the intended meaning and scope of the term is unchanged. As such, “operational work” refers to actions such as excavating or filling land (other than where for or incidental to building work), vegetation clearing, landscaping works, placing an advertising device on premises and engineering work such as constructing roads, driveways, footpaths, drainage and other civil works.

The categories of development and categories of assessment for operational work are set out in Table 5.8.1 of the planning scheme. For operational work associated with a material change of use, the category of development ranges from acceptable development to assessable development subject to code assessment and, depending on the nature of the works, generally aligns with the category of development and category of assessment for the associated material change of use. For a material change of use which is identified as accepted development subject to requirements, acceptable outcomes addressing operational works matters are generally included in the relevant use code (e.g. Dwelling house code, Dual occupancy code), or another code called up for assessment (e.g. Transport and parking code). No application is required to Council provided these acceptable outcomes are complied with. Where the relevant code/s contain no relevant acceptable outcomes related to operational work, the operational work component does not require assessment against the planning scheme unless otherwise specified in Table 5.8.1.

For a material change of use that is assessable development subject to code or impact assessment, an operational work approval (code assessment) will be required even where a development approval for material change of use has been granted that includes conditions addressing operational work matters. If an applicant wishes to avoid the need to make a subsequent application for operational work, it is possible to make a single (combined) application covering both the material change of use and operational work aspects of the proposed development. However, this option requires that a

sufficient level of design detail has been resolved at an early stage to support an application for operational work. This is likely to be possible for smaller or more straightforward projects only.

Operational work associated with reconfiguring a lot is generally assessable development subject to code assessment (refer Table 5.8.1 in Part 5 of the planning scheme). This means an application will generally be required even where a reconfiguring a lot approval has been granted that includes conditions of approval addressing operational work matters. Again, it is possible to make a single (combined) application for both the reconfiguring a lot and operational work aspects if a sufficient level of design detail is available.

Operational work which is NOT associated with a material change of use or reconfiguring a lot is generally accepted development or assessable development subject to code assessment depending on the nature of the work. A specific exception includes placing a third party advertising device on premises which is generally assessable development subject to impact assessment.

It is important to remember that the category of development and category of assessment for operational work specified in Table 5.8.1 may be varied by a local plan or the presence of an overlay so it is important to always check the local plan and overlays tables of assessment to check whether the category of development or category of assessment is changed, or whether additional assessment benchmarks or requirements for acceptable development (local plan and/or overlay code/s) apply.

How is operational work (vegetation clearing) dealt with under the Sunshine Coast Planning Scheme?

Refer to the ***Information Sheet – Vegetation Management***.

How is operational work (placing an advertising device on premises) dealt with under the Sunshine Coast Planning Scheme?

The *Sunshine Coast Planning Scheme 2014* defines advertising device as “Any permanent structure, device, sign or the like intended for advertising purposes. It includes any framework, supporting structure or building feature that is provided exclusively or mainly as part of the advertisement.” Temporary signs (e.g. construction site signs and portable signs) are not regulated by the *Sunshine Coast Planning Scheme 2014*. Temporary signs are regulated under Council’s Local Laws.

The table of assessment for operational work (Table 5.8.1) in Part 5 of the *Sunshine Coast Planning Scheme 2014*, outlines the category of development and category of assessment for placing an advertising device on premises. The assessment benchmarks for assessable development and requirements for accepted development for advertising devices are outlined in the Advertising devices code in Part 9 of the planning scheme.

Most advertising devices are accepted development (do not require a development application), if complying with the relevant requirements for accepted development in the Advertising device code for . Where compliance is not achieved, the advertising device is assessable development subject to code assessment and therefore requires the lodgement of a development application to Council. Some of the larger sign types (e.g. pylon identification signs) are assessable development subject to code assessment under Table 5.8.1.

Third party advertising devices, which is an advertising device used for the purpose of advertising matter not associated with the primary purpose of the premises, are generally assessable development subject to impact assessment under the planning scheme.

It is important to remember that the category of development or category of assessment for operational work specified in Table 5.8.1 may be varied by a local plan or the presence of an overlay so it is important to always check the local plan and overlays tables of assessment to check whether the category of development or category of assessment is changed, or whether additional assessment benchmarks for assessable development or requirements for accepted development (local plan and/or overlay code/s) apply.

8.0 Questions related to Part 6 – Zones

What is a zone code?

Zone codes are contained in Part 6 of the planning scheme and outline the overall intent for development in the zone. Zone codes contain a purpose statement and overall outcomes only. In most instances zone codes also include a table of consistent uses and potentially consistent uses in the zone.

What are ‘consistent’ and ‘potentially consistent’ uses?

The zone codes identify the nature of development intended for each zone by including a table which identifies uses that are suitably located in each zone (termed ‘consistent uses’) and uses that may be suitably located in the zone. Uses in this second category require further assessment to determine their suitability in the zone having regard to such matters as location, nature, scale and intensity. These uses are assessable development requiring impact assessment and will be assessed on their merits against the relevant provisions of the planning scheme, having regard to the potential impacts and benefits of the use establishing in the zone.

It is important to note that a local plan contained in Part 7 may provide for variations to the consistent and potentially consistent uses listed in the zone codes (generally in the form of a supplementary table of consistent and potentially consistent uses for a certain local plan precinct). Where a local plan provides a supplementary table of consistent and potentially consistent uses for a zone or precinct, the table in the local plan prevails over that in the zone code.

What does it mean if a proposed development involves a use that is not listed in a zone code as a ‘consistent use’ or a ‘potentially consistent use’?

Uses that are not listed in a zone code (or supplementary table in a local plan code) as either consistent or potentially consistent are deemed to be inconsistent uses which means they are not considered appropriate in the zone. Proposals for such uses are assessable development subject to impact assessment and will not comply with the applicable zone code and, as such, will need to be assessed having regard to the Strategic Framework.

9.0 Questions related to Part 7 – Local plans

What is a local plan?

Local plans organise the planning scheme area at the local level and provide more detailed planning for the zones. Assessment benchmarks for local plans are contained in the local plan codes in Part 7. In the *Sunshine Coast Planning Scheme 2014*, local plans only apply to assessable development.

The local plan codes provide a description of the existing or desired character of a particular town, village, suburb or group of suburbs and include provisions which seek to preserve or promote this character. The local plan codes also contain provisions which add to and in some cases vary the general provisions contained within the remainder of the planning scheme in a manner which is responsive to local conditions.

Are all parts of the Sunshine Coast covered by a local plan?

No. The local plan areas cover all urban areas within the Sunshine Coast, as well as some rural residential areas which are located close to urban areas (generally encompassing land within the South East Queensland Regional Plan 2009-2031 Urban Footprint). The *Sunshine Coast Planning Scheme 2014* has 27 local plans.

This does not mean the areas outside the local plan areas are any less special or unique but is simply reflective of the fact that very little development and change is expected to occur in these (mostly

rural) areas. Development proposals in these areas are still assessed against the applicable zone code and development codes as identified in the tables of assessment; however, they do not require assessment against a local plan code.

What happens if a local plan includes a different requirement to a development code or other planning scheme code?

The local plan codes contain provisions which add to and in some cases vary the general provisions contained within the remainder of the planning scheme in a manner which is responsive to local conditions.

In the event of inconsistency between a local plan code and another planning scheme code (other than an overlay code), the local plan code prevails to the extent of the inconsistency.

For example, the Reconfiguring a lot code contained in Part 9 sets minimum lot sizes for certain zones. A local plan code may specify a larger or smaller minimum lot size for reconfiguring a lot within certain zones in a particular local plan area. Similarly, a local plan code may specify a variation to the maximum dwelling densities contained within the development codes.

10.0 Questions related to Part 8 – Overlays

What is an overlay?

The *Sunshine Coast Planning Scheme 2014* includes a number of overlays that provide a means of identifying physical constraints and other features that may affect the use of land and development. Overlays generally identify areas that are subject to biophysical constraints, contain natural economic resources or have valuable features (e.g. bushfire hazard, extractive resources, flood, landslide and steep land, biodiversity, waterways and wetlands). Height of buildings and structures is also identified as an overlay in the *Sunshine Coast Planning Scheme 2014*.

A particular site may be affected by no overlays, one overlay or a number of overlays depending on its location and the nature, form, scale and intensity of the development.

The overlays are represented on a series of maps (contained in Schedule 2 of the planning scheme) which display the overlay elements. The overlay maps are complemented by:-

- a **table of assessment for overlays** (contained in section 5.10 of the planning scheme) that specifies the circumstances in which an overlay code applies to a particular type of development (not all development is subject to overlay provisions even though within a mapped overlay area); and
- an **overlay code** (contained in Part 8 of the planning scheme) which provides the assessment benchmarks for assessable development and, in some cases, requirements for accepted development, for development that is identified as being subject to overlay provisions.

It is important to note that overlay mapping is generally undertaken on a regional level (as opposed to a site by site basis) and, for this reason, in most circumstances overlays are considered to provide a trigger for consideration of an overlay issue through the development process rather than an absolute delineation of a constraint or feature.

As with all parts of the planning scheme, the overlays are only relevant if certain types of development are proposed on a site, and have no impact on existing lawful uses conducted on the site. However, a change in the scale or intensity of an existing use may require assessment against any relevant overlay provisions in the planning scheme.

Are overlay codes applicable to all types of development?

No. The presence of an overlay affecting a particular site or area does not necessarily mean that the overlay is a consideration in the development process. It is the correlation between the overlay and

the development type that determines whether that overlay applies. For example, overlays generally do not apply to development occurring in an existing building and many rural uses conducted in rural areas are exempt from overlays.

The table of assessment for overlays in section 5.10 of the *Sunshine Coast Planning Scheme 2014* identifies:

- the circumstances in which an overlay applies to a development;
- whether the overlay changes the provisional category of development or category of assessment for a development; and
- the assessment benchmarks for assessable development and requirements for accepted development (overlay code or part thereof) that is relevant to a development.

Refer to Section 7 (Questions related to Part 5 – Tables of assessment) above for further detail.

How are proposals that exceed the height limit specified on the Height of buildings and structures overlay maps dealt with?

Maximum height limits are mapped for all properties on the Height of buildings and structures overlay maps in Schedule 2 (Mapping) of the planning scheme.

Proposed development which exceeds these height limits will be impact assessable in accordance with Table 5.10.1 (Overlays), unless subject to a specific exception in this table.

Do the overlay codes apply to dwelling houses and other accepted development?

Yes, the overlay codes may apply to accepted development. The table of assessment for overlays in section 5.10 identifies the circumstances in which the overlay codes need to be addressed for a dwelling house or other accepted development proposed on a site affected by an overlay on the overlay maps.

Refer to Section 7 (Questions related to Part 5 – Tables of assessment) above for further detail.

If an overlay applies to only part of a lot, does the overlay get triggered if the development site avoids that part of the lot?

For reconfiguring a lot, the overlay code applies if any part of the original lot or lots included in the application is within the mapped area of the relevant overlay. This is because the reconfiguring, by definition, will alter the original lot or lots.

For all other development, the overlay code applies only if the development site (i.e. the area within which the proposed development will occur) is within the mapped area of the relevant overlay.

Note—the development site is taken to include the site of any building or structure and any area used for vehicle parking, landscaping, goods storage, effluent disposal or other purpose included in the development application, or required for the proper functioning of the development. The development site also includes any accessway or services corridor required by the proposed development.

If a site is not included within the mapped area of an overlay but is known or suspected to have attributes relevant to the overlay, can the relevant overlay code be applied in the assessment of assessable development subject to code assessment?

Whether an overlay code applies to development is determined by reference to the tables of assessment in Part 5. In general, an overlay code can only be triggered through the overlay mapping; however, each of the zone codes include overall outcomes relating to natural hazards (including flood, steep slopes, landslide hazard and bushfire hazard) and ecologically important areas. Assessable development subject to code assessment will need to demonstrate compliance with these overall outcomes.

This reflects the fact that it is not possible to have fully resolved overlay mapping (e.g. in the case of the Flood hazard overlay, flood modelling has not been undertaken for all parts of the planning scheme area).

An applicant may be requested to provide additional information to assist in the assessment of these matters through an information request.

11.0 Questions related to Part 9 – Other development codes

What are the ‘Use codes’ and what are they used for?

Section 9.3 of the *Sunshine Coast Planning Scheme 2014* contains 21 use codes, each of which identifies the requirements that apply to development for a particular purpose (e.g. Dual occupancy code). Use codes may apply to accepted development and assessable development.

Use codes that apply to accepted development (e.g. Dwelling house code) contain acceptable outcomes relevant to some types of accepted development which are prescriptive requirements or standards that must be complied with in order for the development to remain accepted development.

What are the ‘Other development codes’ and what are they used for?

Section 9.4 of the *Sunshine Coast Planning Scheme 2014* contains 11 other development codes which identify requirements that apply to development of a particular stated type. This includes the Reconfiguring a lot code that sets out the requirements for subdivision of land, the Advertising devices code that sets out requirements for operational work involving placing an advertising device on premises, and the Vegetation management code that applies to assessable operational work for vegetation clearing. It also contains codes such as the Landscape code, Transport and parking code and Works, services and infrastructure code which are likely to be relevant to a large number of developments.

Some of the other development codes (e.g. Transport and parking code) include acceptable outcomes relevant to some types of accepted development which are prescriptive requirements or standards that must be met where the type of development addressed by the code is accepted development.

For reconfiguring a lot applications, how are lots below the minimum lot size dealt with?

Minimum lot sizes are specified in Table 9.4.4.3.2 (Minimum lot sizes and dimensions) of the Reconfiguring a lot code, unless varied by a local plan code in Part 7. In accordance with the Reconfiguring a lot table of assessment in Part 5, development for reconfiguring a lot in the Low density residential zone, Rural residential zone, and Rural zone is assessable development subject to impact assessment if not complying with the minimum lot size identified in column 2A of Table 9.4.4.3.2 (Minimum lot sizes and dimensions) as varied by a local plan code.

Development for reconfiguring a lot below the minimum lot size in other zones (e.g. medium and high density residential zones, centre zones and industry zones) remains assessable development subject to code assessment as specified in the Reconfiguring a lot table of assessment in Part 5; however, such proposals will need to demonstrate compliance with the relevant performance outcome/s of the applicable codes.

Proposals for subdivision below the minimum lot sizes specified in columns 2B and 2C (minimum lot sizes relating to steep land) of Table 9.4.4.3.2 will not trigger impact assessment; however, such proposals will need to demonstrate compliance with the relevant performance outcome/s of the applicable codes.

For some zones (e.g. Community facilities zone), a minimum lot size is not specified. Proposals for reconfiguring a lot in these zones will be assessable development subject to code assessment in accordance with the Reconfiguring a lot table of assessment in Part 5 and will need to demonstrate compliance with the relevant performance outcome/s of the applicable codes.

Development involving the creation of one or more lots in the Limited development (landscape residential) zone is assessable development subject to impact assessment. Similarly, development involving the creation of one or more lots in the Emerging community zone is assessable development subject to impact assessment, unless in accordance with a current approved plan of development or other development approval (refer to the Reconfiguring a lot table of assessment in Part 5).

Where the concept applies, how is the 'equivalent residential density' determined?

Some residential use codes (including the Multi-unit residential uses code and Residential care facility and retirement facility code) and local plan codes include minimum and maximum residential densities expressed as "equivalent dwellings per hectare". The term 'equivalent dwelling' is defined in Schedule 1 (Definitions) of the planning scheme as follows:

"The equivalence factor used to calculate residential density where:-

- (a) a rooming unit equals 0.35 equivalent dwellings;*
- (b) a one bedroom dwelling equals 0.7 equivalent dwellings;*
- (c) a two bedroom dwelling equals 1 equivalent dwelling;*
- (d) a three bedroom dwelling equals 1.35 equivalent dwellings; and*
- (e) a dwelling with four or more bedrooms equals 1.7 equivalent dwellings."*

By way of example, a multi-unit residential development proposal on a 1,000m² site, comprising 4 x 1 bedroom units and 4 x 2 bedroom units, would have an equivalent residential density of 68 equivalent dwellings per hectare, calculated as follows:-

4 x 1 bedroom unit = 4 x 0.7 equivalent dwellings = 2.8 equivalent dwellings

4 x 2 bedroom unit = 4 x 1.0 equivalent dwellings = 4 equivalent dwellings

Total equivalent dwellings = 6.8

Therefore, on a 1,000m² site, 6.8 equivalent dwellings x 10,000m² divided by the site area (1,000m²) = 68 equivalent dwellings per hectare.

Note—the ability of a development to achieve the calculated density yield may be constrained by the need for a proposal to also comply with other applicable requirements such as building height and site cover.

Where the concept applies, how is the 'minimum average lot size' determined?

In some instances, the Reconfiguring a lot code or a local plan code may specify a 'minimum average lot size' as well as a 'minimum lot size'. The minimum average lot size is a tool intended to provide an incentive to retain environmentally sensitive or otherwise constrained land, by allowing areas which may not be subdivided to be included in the total area of a development site for the purposes of determining lot yield.

For a development proposal subject to a minimum average lot size requirement, lot yield is calculated by dividing the total area of the development site, including any part of the site that may be included in the Environmental management and conservation zone or Limited development (landscape residential) zone, by the specified minimum average lot size.

Note—the ability of a development to achieve the calculated lot yield may be constrained by the need for each lot to also comply with the applicable minimum lot size requirements.

12.0 Questions related to Part 10 – Other plans

How are the Maroochydore Principal Regional Activity Centre (PRAC) and Palmview declared master planned areas dealt with in the Sunshine Coast Planning Scheme?

The structure plans for the Maroochydore PRAC and Palmview declared master planned areas are contained within Part 10 (Other plans) of the *Sunshine Coast Planning Scheme 2014*. Development in these areas is regulated in accordance with the applicable structure plan, and any of the planning scheme codes called up by the structure plan. Refer also to section 3.0 above.

13.0 Questions related to Schedule 1 – Definitions

What happens if a proposed use is not listed in Schedule 1?

If a proposed use is not listed in Table SC1.1.2 (Use definitions), Schedule 1 (Definitions) of the planning scheme, it is an undefined use.

Undefined uses are identified as assessable development subject to impact assessment in the tables of assessment in section 5.5 of the *Sunshine Coast Planning Scheme 2014*, subject to any overriding provision regulating the use in Schedules 6, 7 or 10 of the *Planning Regulation 2017*.

14.0 Questions related to Schedule 6 – Planning scheme policies

What are planning scheme policies and what is their role?

A planning scheme policy is a planning instrument made under the *Planning Act 2016* or the former *Sustainable Planning Act 2009* that supports the local dimensions of a planning scheme and may apply to all or only part of a planning scheme area.

Planning scheme policies support the implementation of the planning scheme, including specifying information that the Council may require for a development application, specifying the standards called up in a code or providing guidance or advice about satisfying assessment benchmarks or requirements in the planning scheme.

What if a planning scheme policy is inconsistent with the planning scheme?

To the extent a planning scheme policy is inconsistent with the provisions of the *Sunshine Coast Planning Scheme 2014*, the planning scheme provisions will prevail.