

Part 1 About the Planning Scheme

1.1 Introduction

- (1) The Scenic Rim Planning Scheme (planning scheme) has been prepared in accordance with *the Planning Act 2016 (the Act)* as a framework for managing development in a way that advances the purpose of the Act.
- (2) In seeking to achieve this purpose, the planning scheme sets out Scenic Rim Regional Council's intention for the future development in the planning scheme area, over the next 20 years.
- (3) The planning scheme seeks to advance state and regional policies through more detailed local responses, taking into account the local context.
- (4) While the planning scheme has been prepared with a 20 year planning scheme 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) The planning scheme applies to the planning scheme area of Scenic Rim Regional Council including all premises, roads, internal waterways and interrelates with the surrounding local government areas illustrated in Map 1.

Editor's note - State legislation identifies that the planning scheme does not apply to certain areas, e.g. Strategic Port land where there is a land use plan only to the extent of any inconsistency.

Editor's note - Part 10 of the planning scheme identifies areas of the region that are affected by other legislation e.g. Bromelton State Development Area under the State Development and Public Works Organisation Act 1971.

Map 1 – Local Government Planning Scheme Area and Context



1.2 Planning Scheme Components

The planning scheme comprises the following components:

- (1) about the planning scheme;
- (2) state planning provisions;
- (3) the strategic framework;
- (4) the local government infrastructure plan;
- (5) tables of assessment;
- (6) the following zones:

Zone	Precinct
Community Facilities Zone	
Conservation Zone	
District Centre Zone	
Emerging Community Zone	
Industry Zone	
Limited Development Zone	Flood Land Precinct Historical Subdivision Precinct
Local Centre Zone	
Low Density Residential Zone	Mountain Residential Precinct
Low-medium Density Residential Zone	
Major Centre Zone	
Major Tourism Zone	
Minor Tourism Zone	
Mixed Use Zone	Commercial Industrial Precinct
Neighbourhood Centre Zone	
Recreation and Open Space Zone	Passive Recreation Precinct
Rural Residential Zone	Rural Residential A Precinct
Rural Zone	Rural Escarpment Protection Precinct Tamborine Mountain Rural Precinct
Special Purpose Zone	Bromelton State Development Area Bulk Water Storage Precinct
Township Zone	Township Residential Precinct

(7) There are no local plans;

(8) The following overlays:

Mapping Overlays	Overlay Codes
OM-01 Agricultural Land Overlay	Agricultural Land Overlay Code
OM-02 Airport Environs and Defence Land Overlay	Airport Environs and Defence Land Overlay Code
OM-03 Bushfire Hazard Overlay	Bushfire Hazard Overlay Code
OM-04-A Environmental Significance Overlay - Biodiversity	Environmental Significance Overlay Code
OM-04-B Environmental Significance Overlay - Local Biodiversity	
OM-04-C Environmental Significance Overlay - Priority Species	
OM-04-D Environmental Significance Overlay - Wetlands and Waterways	
OM-04-E Environmental Significance Overlay - Local Watercourses	
OM-04-F Environmental Significance Overlay - Vegetation Management Area	
OM-05 Extractive Resources Overlay	Extractive Resources Overlay Code

Mapping Overlays	Overlay Codes
OM-06-A Flood Hazard Overlay - Hazard Area OM-06-B Flood Hazard Overlay - Category Area	Flood Hazard Overlay Code
OM-07-A Landslide Hazard and Steep Slope Overlay - Steep Slope OM-07-B Landslide Hazard and Steep Slope Overlay - Landslide Hazard Area	Landslide Hazard and Steep Slope Overlay Code
OM-08 Local Heritage Overlay	Local Heritage Overlay Code
OM-09-A Regional Infrastructure Overlay - Water and Wastewater Infrastructure OM-09-B Regional Infrastructure Overlay - Major Electricity, Roads and Rail Infrastructure	Regional Infrastructure Overlay Code
OM-10-A Water Resources Catchments Overlay - Catchment Area OM-10-B Water Resources Catchments Overlay - Streams and Dams	Water Resources Catchments Overlay Code
OM-11 Master Plan Areas Overlay	Master Plan Areas Overlay Code
OM-12 Transport Noise Corridor Overlay	NA
OM-13 Minimum Lot Size Overlay	NA
OM-14 Higher Order Road Overlay	NA
OM-15 Road Hierarchy Overlay	NA

(9) The following development codes:

Nature of Code	Code
Use Codes	Adult Store Code Animal Keeping Code Caretakers Accommodation Code Dual Occupancy Code Dwelling House Code Extractive Industry Code Home Based Business Code Intensive Animal Industry Code Intensive Horticulture and Wholesale Nursery Code Market Code Medium Density Residential Code Roadside Stall Code Sales Office Code Service Station Code Telecommunications Facilities Code Tourism Use Code Tourist Park Code
Other Development Codes	Advertising Devices Code Earthworks, Construction and Water Quality Code General Development Provisions Code Infrastructure Design Code Landscaping Code Parking and Access Code Reconfiguring a Lot Code

(10) The following other plans:

- a) State Development Areas - *State Development and Public Works Organisation Act 1971*;

b) *Mineral Resources Act 1989*;

(11) Schedules and appendices;

(12) The following planning scheme policies support the planning scheme:

Planning Scheme Policies

Planning Scheme Policy 1 - Infrastructure Design

Planning Scheme Policy 2 - Landscaping Design

Planning Scheme Policy 3 - Preparing Master Plans for Development Applications

Planning Scheme Policy 4 - Bushfire Management Plans

Planning Scheme Policy 5 - Ecological Assessments

1.3 Interpretation

1.3.1 Definitions

(1) A term used in the planning scheme has the meaning assigned to that term by one of the following:

(a) the *Planning Act 2016* (the Act)

(b) the *Planning Regulation 2017* (the Regulation), other than the regulated requirements

(c) the definitions in Schedule 1 of the planning scheme

(d) the *Acts Interpretation Act 1954*

(e) the ordinary meaning where that term is not defined in the Act, the Regulation, Schedule 1 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 sub-section 1.3.1(1), the meaning contained in the instrument highest on the list will prevail.

(3) A reference in the planning scheme to any act includes any regulation or instrument made under it, and where amended or replaced, if the context permits, 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.

(6) A reference to a term listed in the legend of a map in **Schedule 2 Mapping** is a reference to the term and the relevant mapped area for the purpose of the planning scheme.

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) Photographic images, unless specifically referenced, are provided for illustration purposes only and do not represent policy or a desired outcome of the planning scheme.

(3) Maps provide information to support the outcomes and are part of the planning scheme.

(4) Notes are identified by the title 'note' and are part of the planning scheme.

(5) Editor's notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*, and 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.

Footnote¹ - See example at bottom of page.

1.3.3 Punctuation

(1) A word followed by ';' or ', and' is considered to be 'and';

(2) A word followed by '; or' means either or both options can apply.

¹ **Footnote** - this is an example of a footnote.

1.3.4 Zones for Roads, Closed 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;
 - (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;
 - (c) if the road, closed road, waterway or reclaimed land is adjoined on one side only by land in a zone—the entire waterway or reclaimed land is in the same zone as the adjoining land; and
 - (d) if the road, closed road, waterway or reclaimed land is covered by a zone then that zone applies.

Editor's note - The boundaries of the local government area are described by the maps referred to in the Local Government Regulation 2012.

1.4 Categories of Development

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

- (a) accepted development;

Editor's note - A development permit is not required for accepted development.

- (b) assessable development;

- (i) code assessment

- (ii) impact assessment

Editor's note - A development permit is required for assessable development.

- (c) prohibited development.

Editor's note - A development application may not be made for prohibited development.

- (2) The Act and regulation prescribe levels of assessment for certain types of development.

- (3) The planning scheme also states the category of development and category of assessment (where assessable development) in the planning scheme area in **Part 5 Tables of Assessment**.

1.5 Hierarchy of Assessment Benchmarks

- (1) Where there is inconsistency between provisions in the planning scheme, the following rules apply:
 - (a) the relevant assessment benchmarks specified in the Regulation prevail over the planning scheme to the extent of any inconsistency;
 - (b) the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment;
 - (c) overlays prevail over all other components (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency;
 - (d) zone codes prevail over use codes and other development codes to the extent of the inconsistency;
 - (e) notwithstanding (c) and (d), where there is an inconsistency between a provision in a development code, zone code or overlay code, the provision requiring the highest standard prevails (e.g. the furthest setback distance); and
 - (f) provisions of Part 10 may override any of the above.

1.6 Building Work Regulated Under the Planning Scheme

- (1) Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a local planning instrument must not change the effect of to the extent the building work is regulated under the building assessment provisions, unless permitted 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 assessment benchmarks for the carrying out of building assessment work or building work that is accepted development subject to any requirements (see also section 31 of the Building Act 1975).

(3) This planning scheme, through Part 5, 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:

- 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, MP 1.2 and MP 1.3 of the QDC such as heights of buildings related to obstruction and overshadowing, siting and design of buildings to provide visual privacy and adequate sight lines, on-site parking and outdoor living spaces. It may also regulate other matters, such as designating land liable to flooding, designating land as bushfire prone areas and transport noise corridors;
- deal with an aspect of, or matter related or incidental to building work prescribed under a regulation under section 32 of the Building Act 1975;
- specify alternative boundary clearances and site cover provisions for Class 1 and 10 structures under section 33 of the Building Act 1975.

Refer to Schedule 9 of the Regulation to determine assessable development, the type of assessment and any referrals applying to the building work.

(4) The building assessment provisions are contained in the following parts of this planning scheme:

Table 1.6.1: Building Assessment Provisions

Description	Planning Scheme Assessment Criteria	Building Act 1975 (BA) and Building Regulation 2006 (BR) Reference
Flood Hazard		
Designation of a natural hazard management area (flood)	Flood Hazard Area of the Flood Hazard Overlay Map - Hazard Area OM-06-A	Section 32(a) BA and section 13(1)(a) BR
Declaration of the defined flood level	Schedule 1 Definitions, administrative definition of 'defined flood level'	Section 32(a) BA and section 13(1)(b)(i) BR
Declaration of a freeboard more than 300mm	8.2.6 Flood Hazard Overlay Code	Section 32(a) BA and section 13(1)(b)(iv) BR
Declaration of a finished floor level of class 1 buildings built in all or part of the Flood Hazard Area	8.2.6 Flood Hazard Overlay Code	Section 32(a) BA and section 13(1)(b)(iv) BR
Bushfire Prone Areas		
Designation of bushfire prone areas for the BCA or QDC	Bushfire Hazard Overlay Map OM-03	Section 32(a) BA and section 12 BR
Queensland Development Code (QDC) Alternative Provisions		
Alternatives to QDC boundary clearance provisions	9.3.5 Dwelling House Code 9.3.4 Dual Occupancy Code 8.2.9 Regional Infrastructure Overlay Code	Section 33(2) BA
Alternative to QDC building height provisions	9.3.5 Dwelling House Code 9.3.4 Dual Occupancy Code	Section 32(b) BA and section 10(2)(b)
Alternative to QDC car parking provisions	9.3.5 Dwelling House Code 9.3.4 Dual Occupancy Code	Section 32(b) BA and section 10(2)(b)
Alternative to QDC site cover provisions	6.2.16 Rural Residential Zone Code	Section 33(2) BA

Editor's note - A decision in relation to building work that is assessable development under the planning scheme should 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 can also be taken to be a referral agency's response under section 56 of the Act, for building work assessable against the Building Act 1975. The decision notice must state this.

Note - The provisions identified in **Table 1.6.1—Building Assessment Provisions** in the planning scheme are limited to those referenced in section 30(1)(f) of the Building Act 1975, being provisions made under sections 32 and 33 of the Building Act 1975. The planning scheme contains other provisions which apply to building work, for example:

- (1) **8.2.8 Local Heritage Overlay Code**, which pursuant to **Part 5—Tables of Assessment**, applies to building work in a Local Heritage Place identified on Local Heritage Overlay Map OM-08. Refer to 5.10 Categories of Development and Assessment - Overlays which identifies when a code assessable development application made to the local government, for assessment against section **8.2.8 Local Heritage Overlay Code**, is required for building work in a Local Heritage Place;
- (2) **Transport Noise Corridor Overlay Map OM-12**, showing land designated under the Building Act 1975 Chapter 8B and referred to in QDC MP4.4.

1.7 Local Government Administrative Matters

1.7.1 Temporary Uses

For the purpose of the definition of 'temporary use' in **Schedule 1**, the uses listed in column 1 of **Table 1.7.1.1—Temporary Uses**, are impermanent if carried out in compliance with the limitations in column 2 of **Table 1.7.1.1—Temporary Uses** and up to the period specified in column 3 of **Table 1.7.1.1—Temporary Uses**.

Editor's Note - Table 1.7.1.1 - Temporary Uses is provided to provide a clear guide to common temporary uses, and it is not intended to be an exhaustive or exclusive list. Uses conducted outside of the limitations prescribed in columns 2 and 3, may still be a temporary use depending upon the circumstances of the activity. Contact Council regarding other activities which may constitute a temporary use.

Editor's Note - Temporary uses may be subject to other requirements, Standards and Approvals specified in local or State laws. Compliance with the requirements of the planning scheme does not, on its own, provide authorisation for a temporary use to be conducted. Potential operators should contact Council for further details.

Table 1.7.1.1 - Temporary Uses

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
Air service	If: (1) in the Rural Zone; or (2) conducted in association with a lawful tourism activity or recreational activity.	12 days per calendar year and limited to one landing and one take-off on each day.
	If not listed above	2 days per calendar year.
Car wash	If a manual car wash	1 day per week
Community use	If in a <i>Dwelling house</i> , an art gallery for the display and sale of art produced by a resident of that dwelling	14 days per calendar year

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
<i>Food and drink outlet</i>	If: (1) footpath dining; and (2) on a paved footpath; and (3) operating from adjoining premises lawfully operating as a <i>Food and drink outlet</i> ; and (4) tables, chairs and other furniture for the footpath dining: (a) are not fixed to the footpath; and (b) are removed from the footpath each day at the close of the hours of operation of the adjoining <i>Food and drink outlet</i> . Editor's Note - Local Law Approvals may be required.	Unlimited
<i>Hotel</i>	If: (1) footpath dining; and (2) on a paved footpath; and (3) operating from adjoining premises lawfully operating as a <i>Hotel</i> ; and (4) tables, chairs and other furniture for the footpath dining: (a) are not fixed to the footpath; and (b) are removed from the footpath each day at the close of the hours of operation of the adjoining <i>Hotel</i> . Editor's Note - Local Law Approvals may be required.	Unlimited
<i>Indoor sport and recreation</i>	If: (1) located on premises in the: (a) Community Facilities Zone; or (b) Recreation and Open Space Zone; (2) located on premises lawfully operating as a: (a) <i>Club</i> ; (b) <i>Community care centre</i> ; (c) <i>Community use</i> ; or (d) <i>Place of worship</i> .	14 days per calendar year
<i>Motor sport facility</i>	Where conducted on a lot in the Rural Zone (Where no precinct applies) where exceeding 100 hectares.	Not more than 2 days per calendar year
<i>Outdoor sales</i>	If located on premises in the: (1) District Centre Zone; (2) Industry Zone; (3) Local Centre Zone; (4) Major Centre Zone; (5) Neighbourhood Centre Zone; or (6) Township Zone (Where no precinct applies).	14 days per calendar year

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
<i>Outdoor sport and recreation</i>	If: (1) conducted on a site in the Rural Zone (Where no precinct applies) where exceeding 50 hectares; and (2) involving hang gliding or mountain biking	Not more than 4 days per calendar year
	If involving the outdoor cinemas and located on premises in the: (1) Community Facilities Zone; or (2) Recreation and Open Space Zone.	14 days per calendar year
<i>Place of worship</i>	If; (1) in the: (a) District Centre Zone; (b) Industry Zone; (c) Local Centre Zone; (d) Major Centre Zone; (e) Neighbourhood Centre Zone; or (f) Township Zone (Where no precinct applies); or (2) located on premises lawfully operating as a: (a) <i>Child care centre</i> ; or (b) <i>Community care centre</i> ; or (c) <i>Educational establishment</i> ; or (d) <i>recreational activity</i> .	14 days per calendar year
<i>Sales office</i>	If a prize home conducted by a charity or not-for-profit organisation	Open to the public for a period not exceeding 8 weeks
<i>Shop</i>	If: (1) at a fete; and (2) located on premises lawfully operating as a: (a) <i>Child care centre</i> ; (b) <i>Community care centre</i> ; (c) <i>Educational establishment</i> ; or (d) <i>recreational activity</i> .	4 days per calendar year
	If: (1) an itinerant vendor; and (2) operating from premises lawfully operating as a: (a) <i>Hotel</i> ; or (b) <i>Service station</i> ; or (c) <i>Shop</i> ; or (d) <i>Shopping centre</i> ; or (e) <i>Community use</i> .	1 day per week per site
<i>Theatre</i>	If for film production conducted on location.	90 days per calendar year
<i>Tourist park</i>	If in the Rural Zone; (1) for no more than 7 camp sites to a maximum of 20 persons; and (2) the camp sites are located not less than 200 metres from a dwelling not on the development site.	20 days per calendar year
	If in conjunction with a: (1) <i>Educational establishment</i> ; or (2) <i>Place of worship</i> ; or (3) <i>recreational activity</i> .	14 days per calendar year

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
<i>Transport depot</i>	If: (1) in the Rural Zone or Rural Residential Zone; and (2) located on a lot of one hectare or more; and (3) for a maximum of 6 heavy vehicles.	12 days per calendar year