

PART 2 - INTERPRETATION

2.1 Definitions

2.1.1 The dictionary at Section 2.11 of this Part defines particular words used throughout the planning scheme as follows—

- a) defined uses and *use classes* (identified by **bold**);
- b) administrative terms (identified by *italics*).

2.1.2 Where administrative terms have a particular meaning for a specific code, they are defined at the commencement of the code (identified by *italics*).

2.2 Terms defined in the Integrated Planning Act (IPA) or subsequent Planning Legislation¹

Terms used in this planning scheme and defined in the *IPA* or subsequent Queensland planning act generally have the same meaning as in the Act.

2.3 Explanatory notes & planning studies assist interpretation of planning scheme

2.3.1 The following is declared to be extrinsic material under the *Statutory Instruments Act 1992, Section 15*, which assist interpretation of provisions of this planning scheme—

- a) The following planning studies published by Noosa Council—
 - i Acid Sulphate Soils in the Noosa River Catchment (1995 & as updated in 2002);
 - ii Budget Visitor Accommodation in Noosa Shire (2002);
 - iii Coastal Area Traffic & Transport to 2016 (2002);
 - iv Demographic Influences in Noosa Shire to 2016 (2002);
 - v Extractive & Clay Mineral Resources of Noosa Shire (1995 & as updated 2002);
 - vi Fauna & Its Associated Biodiversity Values in Noosa Shire (2003);
 - vii Flooding in the Noosa River Catchment (1995 & as updated 2000 & 2001);
 - viii Historical Heritage of Noosa Shire (2002);
 - ix Networks based on Landform, Landscape, Aesthetic and Environmental Values in Noosa Shire (1996);
 - x Noosa Shire Fauna Study (Edition 2- 2002);
 - xi Phase 1 Community Consultation on Vision & Issue Identification (2000);
 - xii Planning for Greenhouse Gas Emission Reduction in Noosa Shire (2002);

¹ The Integrated Planning Act 1997 was repealed in 2009 and replaced by the Sustainable Planning Act 2009 which was subsequently repealed and replaced with the Planning Act 2016. This Planning Scheme was developed under the Integrated Planning Act but remains valid under subsequent legislation.

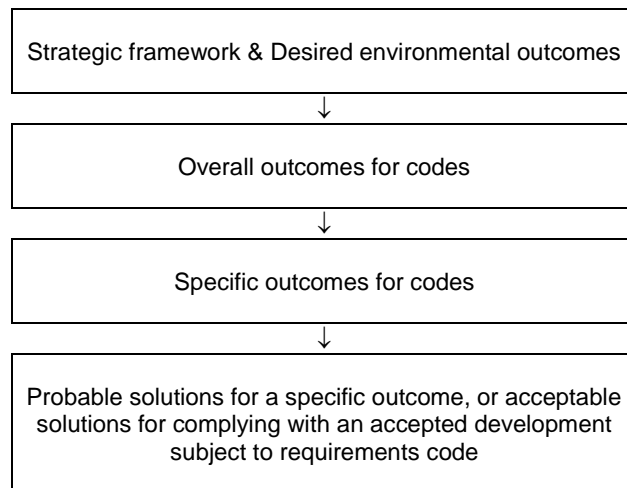
- xiii Population Carrying Capacity in Noosa Shire (2004);
- xiv Report on Submissions on Proposals for the Noosa Plan (2002);
- xv Residential Aged Care and Retirement Housing in Noosa Shire (2006);
- xvi Retail Development in Noosa Shire (2002);
- xvii Shire Business Centre Master Plan Stages 1 & 2 (2001 & 2003 respectively); and
- xviii Vegetation of Noosa Shire (Edition 2- 2003).

2.3.2 *Editor's notes* within The Noosa Plan provide guidance to the reader but are not part of the planning scheme.

2.4 Planning scheme seeks to achieve outcomes

The planning scheme seeks to achieve outcomes that are identified according to the following levels—

- 2.4.1 Strategic framework and desired environmental outcomes²;
- 2.4.2 overall outcomes for a code;
- 2.4.3 specific outcomes for a code; and
- 2.4.4 probable solutions for a specific outcome, or acceptable solutions for complying with a code.



2.5 Determining if development is assessable development or accepted development under the planning scheme

2.5.1 Categories of development

- a) The categories of development under the Planning Act 2016 are:
 - i accepted development;

² Desired environmental outcomes (DEOs) are referred to in *IPA* and cover a broad range of community expectations in relation to issues such as community needs, economic activity and nature conservation.

Editor's note—A development permit approval is not required for development that is accepted development. Under section 44(6)(a) of the Planning Act 2016, if a categorising instrument does not apply a category of development to a particular development, the development is accepted development. Schedule 7 of the Planning Regulation 2017 also prescribes accepted development.

- ii assessable development;
 - a. code assessment
 - b. impact assessment

Editor's note—A development approval is required for assessable development. Schedules 9, 10 and 12 of the Planning Regulation 2017 also prescribe assessable development.

- iii prohibited development

Editor's note—A development application may not be made for prohibited development. Schedule 10 of the Planning Regulation 2017 prescribes prohibited development.

- b) The planning scheme states the category of development for certain types of development, and specifies the category of assessment for assessable development in the planning scheme area in:
 - i. Tables 4.1 to 4.9—Boreen Point, Kin Kin & Cootharaba Locality;
 - ii. Tables 5.1 to 5.6—Cooroibah Locality;
 - iii. Tables 6.1 to 6.11—Cooroy & Lake Macdonald Locality;
 - iv. Tables 7.1 to 7.10 —Eastern Beaches Locality;
 - v. Tables 8.1 to 8.10—Mary River Catchment Locality;
 - vi. Tables 9.1 to 9.10—Noosa Heads Locality;
 - vii. Tables 10.1 to 10.7—Noosa North Shore Locality;
 - viii. Tables 11.1 to 11.12—Noosaville Locality;
 - ix. Tables 12.1 to 12.11—Tewantin & Doonan Locality;
 - x. Table 13.1—Biodiversity Overlay;
 - xi. Tables 13.3 to 13.4—Heritage Overlay; and
 - xii. Tables 13.6 to 13.7—Natural Hazards and Natural Resources Overlays.

Editor's note—Section 43 of the Planning Act 2016 identifies that a categorising instrument categorises development and specifies categories of assessment and may be a regulation or local categorising instrument. A local categorising instrument includes a planning scheme, a TLPI or a variation approval.

2.5.2 Hierarchy of assessment benchmarks

Where there is inconsistency between provisions in the planning scheme, the following rules apply:

- a) the strategic framework and desired environmental outcomes prevail over all other components to the extent of the inconsistency for impact assessment;
- b) relevant codes as specified in schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency;
- c) overlays prevail over all other components (other than the matters mentioned in (a) and (b) to the extent of the inconsistency;

- d) locality codes prevail over use codes, works code and other development codes (other than an overlay code) to the extent of the inconsistency.

2.6 Tables of assessment

The Assessment Tables in Parts 4 –13 identify the category of development, and the category of assessment and assessment benchmarks for assessable development in the planning scheme area.

2.6.1 Reading the tables

The tables identify the following:

- a) the category of development:
 - i. prohibited;
 - ii. accepted, including accepted with requirements; and
 - iii. assessable development, that requires either code or impact assessment;
- b) the category of assessment- code or impact - for assessable development in:
 - i. a zone and, where used, a precinct of a zone;
 - ii. a locality plan where used and, where used, a precinct of a locality plan;
 - iii. an overlay where used;
- c) the assessment benchmarks for assessable development, including:
 - i. if there is a locality plan, whether a locality plan code or specific provisions in the local plan code apply (shown in the 'assessment benchmarks' column);
 - ii. if there is an overlay:
 - a. whether an overlay code applies; or
 - b. whether the assessment benchmarks (noted in the assessment benchmarks' column) applies;
 - iii. any other applicable code(s) (shown in the 'assessment benchmarks' column);
- d) any variation to the category of assessment (shown as an 'if' in the 'category of assessment' column) that applies to the development.

Note—Development will only be taken to be prohibited development under the planning scheme if it is identified as prohibited development in schedule 10 of the Regulation.

Editor's note—Examples of matters that can vary the category of assessment are gross floor area, height, numbers of people or precinct provisions.

2.6.2 Categories of development and assessment

The process for determining a category of development and category of assessment is:

- a) for a material change of use, establish the use by reference to the use definitions in Section 2.11 – Dictionary;
- b) for all development, identify the following:
 - i. the zone or zone precinct that applies to the premises, by reference to the zone map in Parts 4-12 and Schedule 4 Shire Business Centre;

- ii. if an overlay applies to the premises, by reference to the overlay maps in Parts 4-12;
- c) determine if the development is accepted development under schedules 6 of the Regulation;

Editor's note- Schedule 6 of the Regulation prescribes development that a planning scheme cannot state is assessable development where the matters identified in the schedule are met.

- d) determine if the development is assessable development under schedule 10 of the Regulation;
- e) if the development is not listed in the tables under schedule 6 of the Regulation determine the initial category of development and assessment by reference to the tables in:
 - i. Parts 4-12 Categories of development and assessment—Material change of use;
 - ii. Parts 4-12 Categories of development and assessment—Other than a material change of use (reconfiguring a lot, building works and operational works);
- f) if a precinct of a zone changes the category of development or assessment this will be shown in the 'category of development and assessment' column of the tables in Parts 4-12 relating to categories of development and assessment for material change of use, reconfiguring a lot, building work and operational works;
- g) if an overlay applies refer to Category of development and assessment Part 13-Overlays to determine if the overlay further changes the category of development or assessment.

2.6.3 Determining the category of development and categories of assessment

- a) A material change of use is assessable development requiring impact assessment:
 - i. unless the table of assessment states otherwise;
 - ii. if a use is not listed or defined;
 - iii. unless otherwise prescribed in the Act or the Regulation.
- b) Reconfiguring a lot is assessable development requiring code assessment unless the tables of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- c) Building work and operational work are accepted development, unless the tables of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- d) Where an aspect of development is proposed on premises included in more than one zone, locality plan or overlay, the category of development or assessment for that aspect is the highest category under each of the applicable zones, locality plan or overlay.
- e) Where development is proposed on premises partly affected by an overlay, the category of development or assessment for the overlay only relates to the part of the premises affected by the overlay.
- f) If development is identified as having a different category of development or category of assessment under a zone than an overlay the highest category of development or assessment applies as follows:

- i. accepted development subject to requirements prevails over accepted development;
 - ii. code assessment prevails over accepted development where subject to requirements and accepted development;
 - iii. impact assessment prevails over code assessment, accepted development where subject to requirements and accepted development.
- g) The category of development prescribed under schedule 6 of the Regulation, overrides all other categories of development or assessment for that development under the planning scheme to the extent of any inconsistency.

Editor's note- Schedule 7 of the Regulation also identifies development that the state categorises as accepted development. Some development in the schedule may still be made assessable under the planning scheme.

- h) Despite all of the above, if development is listed as prohibited development under schedule 10 of the Regulation, a development application cannot be made.

Note—Development is to be taken to be prohibited development under the planning scheme only if it is identified in schedule 10 the Planning Regulation 2017.

2.6.4 **Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development**

- a) Accepted development does not require a development approval and is not subject to assessment benchmarks. Notwithstanding this, certain requirements may apply to some types of development for it to be accepted development. Where nominated in the tables of assessment, accepted development must comply with the requirements identified as acceptable solutions in the relevant parts of the applicable code(s) as identified in the relevant column.
- b) Accepted development that does not comply with one or more of the nominated acceptable solutions in the relevant parts of the applicable code(s) becomes code assessable development unless otherwise specified.
- c) The following rules apply in determining assessment benchmarks for each category of development and assessment.
- d) Code assessable development:
 - i. is to be assessed against all the assessment benchmarks identified in the assessment benchmarks column;
 - ii. that occurs as a result of development becoming code assessable pursuant to sub-section (b) to this subheading 2.6.4 must:
 - a. be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable solutions that were not complied with or were not capable of being complied with under sub-section (b) to this subheading 2.6.4;
 - b. comply with all required probable solutions identified in sub-section (a) to this subheading 2.6.4 other than those mentioned in sub-section (b) to this subheading 2.6.4;
 - iii. that complies with:
 - a. the overall outcomes of the code complies with the code; and

- b. the probable solutions complies with the overall and specific outcomes of the code;
- iv. is to be assessed against any assessment benchmarks for the development identified in section 26 of the Planning Regulation 2017.

Editor's note—section 27 of the Regulation identifies the matters code assessment must have regard to.

- e) Impact assessable development:
 - i. is to be assessed against the identified assessment benchmarks in the assessment benchmarks column (where relevant);
 - ii. assessment is to have regard to the whole of the planning scheme, to the extent relevant;
 - iii. is to be assessed against any assessment benchmarks for the development identified in section 30 of the Planning Regulation 2017.

Note—The first row of each table of assessment is to be checked to confirm if there are assessment benchmarks that commonly apply to general scenarios in the zone, local plan or overlay.

Editor's note—Section 31 of the Regulation identifies the matters that impact assessment must have regard to.

- 2.6.5 Despite sections 2.5.1 and 2.6.4, where premises are identified with the Notation “**Refer to Schedule 6**” on a Zoning Map ZM1—ZM9, these premises are specified in Column 1 and 2 of Table 6-1 of Schedule 6.
- 2.6.6 A material change of use identified in Column 3 of Table 6-1 of Schedule 6 that complies with the conditions of approval and the approved plan of development for that premises is accepted development subject to requirements; **or**
- 2.6.7 If the approved plan of development contains a supplementary table of development or otherwise identifies levels of assessment, a material change of use identified in Column 3 of Table 6-1 of Schedule 6 has the assessment level nominated by the approved plan of development.
- 2.6.8 A material change of use for a use identified in Column 3 of Table 6-1 of Schedule 6 must comply with any applicable codes identified in Column 4 of Table 6-1 of Schedule 6.
- 2.6.9 Notwithstanding the provisions of this section the Queensland State Planning Policy includes as Part E, interim development assessment requirements to ensure that State Interests are appropriately considered in development assessment. Interim development assessment requirements are contained within the State Planning Policy and address the following State Interests:
 - a) Liveable Communities
 - b) Mining and Extractive Resources
 - c) Biodiversity
 - d) Coastal Environment
 - e) Water Quality
 - f) Emissions and Hazardous Activities
 - g) Natural hazards, risk and resilience

- h) State Transport Infrastructure
- i) Strategic Airports and Aviation Facilities.

2.7 Codes applicable to ongoing use

A code that is applicable to a material change of use is also applicable to the ongoing use that results from that change³.

³ Section 2.1.23 (3) of *IPA* (Local planning instrument have force of law) applies to regulating the use of premises, as well as section 4.3.2 of *IPA* (accepted development subject to requirements must comply with codes) and section 4.3.4 of *IPA* (Compliance with identified code for use of premises) with respect to an offence under the Act.

2.8 Probable solutions for code assessable development

- 2.8.1 A probable solution for a specific outcome provides a guide for achieving that outcome in whole or in part, and does not limit the assessment manager's discretion under the IPA⁴ to impose conditions on a development approval.
- 2.8.2 Probable solutions identified in the Noosa Plan are not exhaustive and alternative solutions that achieve the outcomes and purpose of the applicable codes may be proposed by applicants.

2.9 Building work regulated under the planning scheme

- 2.9.1 Section 17(b) of the Planning Regulation 2017 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.
- 2.9.2 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).
- 2.9.3 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.

- 2.9.4 The building assessment provisions are contained in the following parts of this planning scheme:
- a) identification of part of the planning scheme area as a flood hazard area — Natural Hazard: Landslide & Flooding Overlay Maps OM1.3 to OM 9.3⁵;
 - b) designation of part of the planning scheme area as a designated bushfire prone area for the BCA and QDC — Natural Hazard Bushfire & Acid Sulfate Soils Overlay Maps OM1.4 to OM9.4;

⁴ IPA, chapter 3 (Integrated Development Assessment System (IDAS), part 5 (Decision stage), division 6 (Conditions)

⁵ Information pertaining to minimum habitable floor levels can be provided by Council upon request.

- c) alternative provisions to the QDC for boundary clearance (setback) and site cover provisions for a detached house or a class 10 building or structure located on the same lot as a detached house — Detached House Code and Building Works Code;
- d) provisions about performance criteria 4 and 8 under parts 1.1 and 1.2 of the QDC for a detached house or a class 10 building or structure located on the same lot as a detached house — Detached House Code and Building Works Code; and
- e) amenity and aesthetics provisions for a detached house or a class 10 building or structure located on the same lot as a detached house — Detached House Code and Building Works Code.

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 a 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.

2.10 Roads, watercourses and reclaimed land

2.10.1 If a road, watercourse or reclaimed land is not shown as being covered by a zone on the zone maps, the following applies—

- a) if the road, watercourse or reclaimed land is adjoined on both sides by land in the same zone—the road, watercourse or reclaimed land has the same zoning as the adjoining land;
- b) if the road, watercourse or reclaimed land is adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the road, watercourse or reclaimed land has the same zoning as the adjoining land and the centreline of the road or watercourse is the boundary between the two zones;
- c) if the road, watercourse or reclaimed land is adjoined on one side only by land in a zone—the entire road, watercourse or reclaimed land has the same zoning as the adjoining zoned land.

2.10.2 To remove any doubt, it is declared that subsection 2.10.1 also applies to a closed road if the road is closed after the commencement of the planning scheme.

2.11 Dictionary

Defined Uses and Use Classes

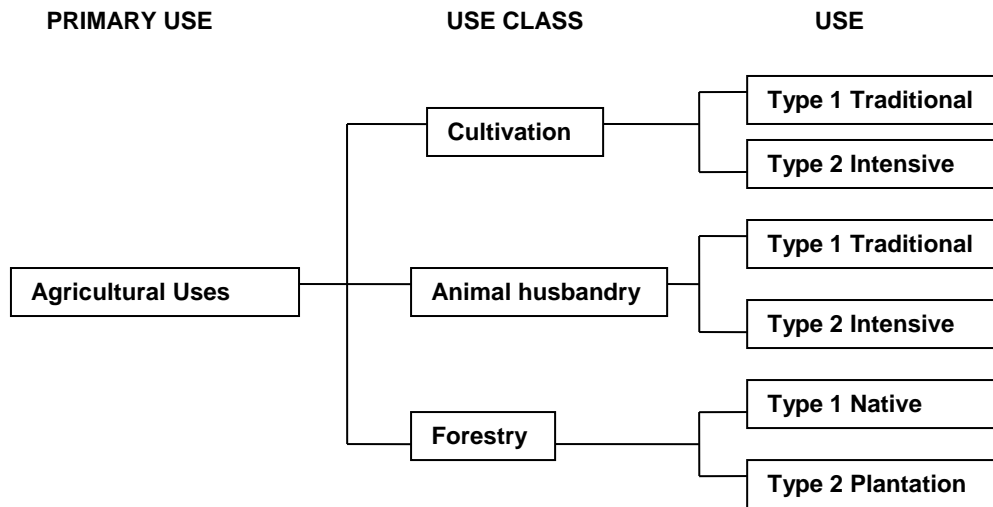
The use and *use class* terms employed by this planning scheme have the meanings described below.

This planning scheme employs the nesting of land uses so that—

- a primary use includes use classes;
- a use class in turn is defined and includes uses based on performance and potential level of impact;
- a use in turn is defined; and

- a diagram for each primary use is included to assist explanation of the nesting construction.

2.11.1 Agricultural Uses & Use Classes



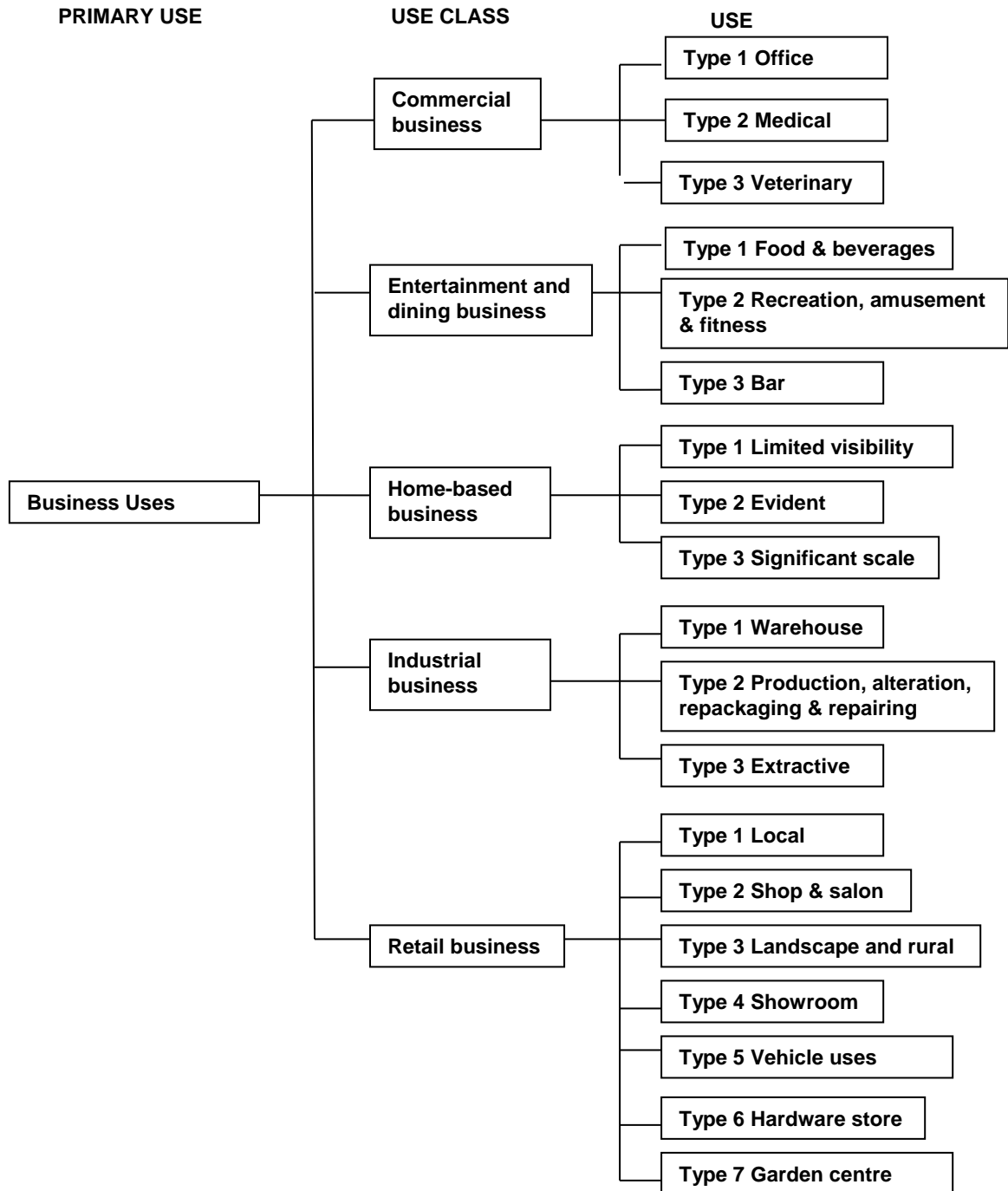
Agricultural Uses means any use or use class described below.

Cultivation means the growing of any plant for produce for commercial purposes, but does not include trees to be harvested for timber or <i>roadside stall</i> . The use includes harvesting and the storage and packing of produce and plants grown on the site and the ancillary repair and servicing of machinery used on the site. The term includes the following types:																			
Type 1 Traditional	The growing of plants or plant material where dependent on the cultivation of soil and at a scale exceeding 20 fruit or nut trees or more than 100m ² of any other crop.																		
Type 2 Intensive	The growing of any plants or plant material on an imported media or requiring multiple applications of fertilisers, pesticides, fungicides or herbicides each season or where artificial lights or containers are used. The use includes greenhouse and shadehouse plant production, hydroponic farms, wholesale plant supply, sugar cane farming, turf farming and mushroom farming. The term does not include Forestry Type 2 Plantation as separately defined.																		
Animal husbandry means the keeping, depasturing or, stabling of any animal, including birds, fish, crustaceans, insects or reptiles ⁶ . The term includes the following types:																			
Type 1 Traditional	The use of premises for dairying, cattle grazing, animal breeding establishments, holding yards, free-range poultry or hatcheries. The term includes nil discharge aquaculture with a combined surface area of all ponds or tanks of 200m ² or less but does not include uses defined as Animal husbandry Type 2 Intensive . The term includes keeping animals at or above the following rate: <table border="0" style="margin-left: 40px;"> <tr> <td>Bee Hives</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Caged Birds (excluding poultry)</td> <td style="text-align: right;">19</td> </tr> <tr> <td>Cats</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Cattle, camels, goats, sheep, and the like</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Dogs</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Horses</td> <td style="text-align: right;">4</td> </tr> <tr> <td>Pigs</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Poultry (including chickens, ducks, geese, guineafowl and turkeys but excluding roosters)</td> <td style="text-align: right;">10</td> </tr> <tr> <td>Roosters</td> <td style="text-align: right;">2</td> </tr> </table>	Bee Hives	4	Caged Birds (excluding poultry)	19	Cats	4	Cattle, camels, goats, sheep, and the like	2	Dogs	4	Horses	4	Pigs	2	Poultry (including chickens, ducks, geese, guineafowl and turkeys but excluding roosters)	10	Roosters	2
Bee Hives	4																		
Caged Birds (excluding poultry)	19																		
Cats	4																		
Cattle, camels, goats, sheep, and the like	2																		
Dogs	4																		
Horses	4																		
Pigs	2																		
Poultry (including chickens, ducks, geese, guineafowl and turkeys but excluding roosters)	10																		
Roosters	2																		

⁶ Notwithstanding this land use definition Council's Local Laws also apply to the keeping of animals in urban areas.

Type 2 Intensive	The use of premises for the keeping of animals at a density which ordinarily requires supplementary feeding or containment in feed lots, sheds, pens or the like. The use includes the use of premises for aquaculture where the combined surface area of all ponds or tanks exceeds 200m ² ; pigs (exceeding 20 or at a density of more than 2 per hectare); poultry or egg production (exceeding 1,000 birds or a density of 250 birds per hectare), emu or ostrich farming (exceeding 20 birds), boarding kennels, cattery, dog pound.
Forestry means planting trees or managing, felling and removing trees for commercial forestry production, including in a plantation or native forest. The term includes limited secondary processing such as portable saw milling and air drying. The term does not include clearing native vegetation for the initial establishment of a plantation. The term includes the following types:	
Type 1 Native	Use of premises for the active sustainable management, silviculture and selective harvesting of native forest, for the primary purpose of producing and extracting wood and non-wood forest products. The term includes the initial processing of trees grown on the premise to produce products such as poles, posts, firewood and saw logs, as well as limited secondary processing such as portable sawmilling and air-drying. The term does not include milling, kiln-drying, chemical treatment or pulp production.
Type 2 Plantation	The use of premises for the establishment, silviculture and harvesting of either native or exotic tree species for the primary purpose of producing and extracting wood and non-wood forest products. The term includes the initial processing of trees grown on the land to produce products such as poles, posts, firewood and saw logs, as well as limited secondary processing such as portable sawmilling and air-drying. The term does not include milling, kiln-drying, chemical treatment or pulp production.

2.11.2 Business Uses and Use Classes



Business Uses means any use or use class described below.

Commercial business means the conduct of a business activity, where a service is offered or provided and that service is not more clearly defined by other business or community uses. The term includes the following types:	
Type 1 Office	The use of premises for a commercial business conducted in an office environment. The use includes a bank, <i>professional office</i> , travel agent, and <i>estate sales office</i> .
Type 2 Medical	The use of premises for the practice of human medicine and therapies. The use class does not include Wellbeing Type 1 Health uses as separately defined.

Type 3 Veterinary	The use of premises for the treatment of sick or injured animals. The use may involve the necessary short-term accommodation of animals but does not include Animal husbandry Type 2 Intensive as separately defined.
Entertainment and dining business means the conduct of a business activity, where entertainment, amusement, recreation or meals are afforded. The term includes the following types:	
Type 1 Food & beverages	The use of premises involving the sale of food and beverages for consumption on the premises. The use class includes a function room or restaurant or café with dining facilities for 10 or more people.
Type 2 Recreation, amusement & fitness	The use of premises involving recreation or amusement activities, including cinema, health & fitness club, gym, sport activity or brothel.
Type 3 Bar	The use of premises primarily for the serving of liquor for consumption on the premises. The use may include ancillary sale of food for consumption on the premises and may include amplified music, live entertainment and a dance floor. The use includes a hotel, tavern, bar or nightclub but does not include a restaurant.
Home-based business means the conduct of a business from a <i>dwelling unit</i> where residents operate the business and the use is secondary to the residential use of the premise. The term includes the following types:	
Type 1 Limited visibility	The business is carried out in or below the <i>dwelling unit</i> or any associated <i>building</i> ; There is limited visible evidence of the business by way of advertising devices, traffic generation and off-street parking provision; The business does not include noise generating activities; Only residents of the dwelling unit operate the business, without employees; and Customers or clients may attend the site. ⁷
Type 2 Evident	The business is carried out in or below the <i>dwelling unit</i> or any associated <i>building</i> ; There is visible evidence of the business by way of advertising devices, traffic generation and off-street parking provision; The business does not include noise generating activities; In addition to residents, not more than two employees operate or are engaged in the business; Customers or clients may attend the site; and The use class includes a business similar to Home-based business Type 1 however the scale and potential impact of the business is greater due to the presence of employees. ⁸
Type 3 Significant scale	The business is carried out either in or below the <i>dwelling unit</i> or any associated <i>building</i> or outdoors on the <i>lot</i> on which the dwelling is placed; There is visible evidence of the business by way of advertising devices, traffic generation and off street parking provision; and There may be a significant sales component associated with the business use.
Industrial business means the conduct of an industrial business activity, where goods or products are produced, manufactured, dismantled, altered, repackaged, repaired or stored at a scale of greater than that defined by retail business. The use includes the sale of goods, resulting from such operations, provided that sales space does not exceed 20% of the <i>use area</i> . Any space dedicated for administration or accounting work in connection with such operations does not exceed 20% of the <i>use area</i> . The term includes the following types ⁹ :	

⁷ For example: a business office requiring an advertising device, tutoring business, professional office, low impact (ie. not emitting odour, noise, etc.) manufacture of goods which are generally not sold from the premises.

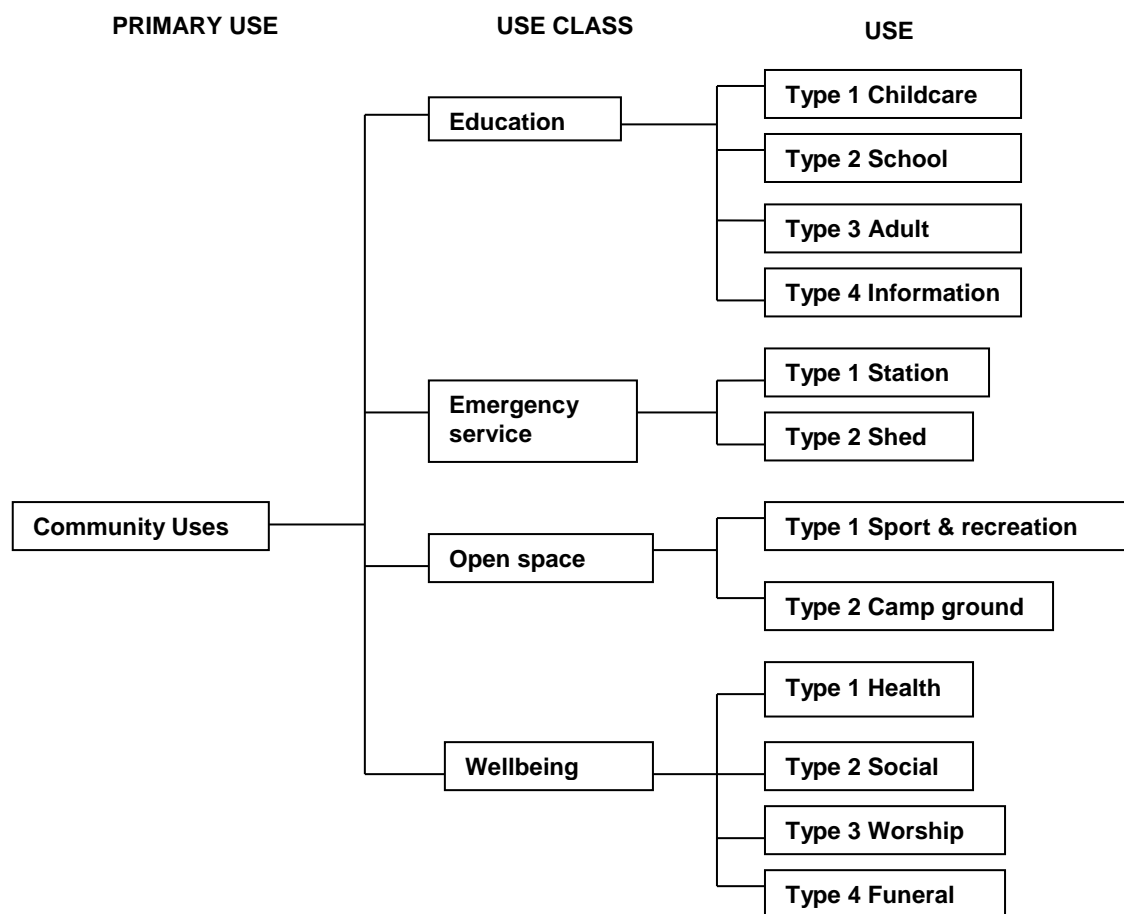
⁸ For example: a professional office, a health or fitness therapist or a salon but not an industrial operation.

⁹ Note that some Industrial Businesses Types 2 and 3 uses are Environmentally Relevant Activities under the *Environment Protection Act 1994*.

Type 1 Warehouse	The use of premises for the storage of goods, merchandise or materials in large stocks (whether or not such storage is required for an adjoining shop or other commercial premises), pending their distribution or wholesale. The use includes a warehouse or self-storage facility.
Type 2 Production, alteration, repackaging & repairing	The use of premises for the production, manufacturing, dismantling, altering, cleaning, re-packaging, freezing or repairing of goods. The use includes food industries, textiles, mechanical, boat repair, sandblasting.
Type 3 Extractive	Winning from the land (or the bed of a watercourse) gravel, rock, sand, soil, stone, or other similar materials. The use class includes the treatment of those materials to produce a varied product. The term does not include the use of premises for an activity authorised under the <i>Mineral Resources Act 1989</i> ¹⁰ .
Retail business means the conduct of a business activity, where goods or services are displayed or offered for sale to the public. The term includes the following types:	
Type 1 Local	Serves a local function selling general merchandise, or sells produce grown on the same <i>lot</i> . The use includes a general store or a <i>roadside stall</i> where the <i>use area</i> exceeds 5m ² . The use may include the sale of prepared food and dining facilities for up to 10 people.
Type 2 Shop & salon	The use of premises for an activity that is generally found in a shopping complex, strip or centre. The use includes a shop, hairdressing salon, appliance repairs, alterations, dry cleaning and a café with dining facilities for up to 10 people.
Type 3 Landscape & rural	The use of premises for the sale of bulk landscaping, garden or rural products. The term includes the sale of soil, soil additives, seeds, fertilisers, potting mix, mulch, gravel, agricultural chemicals, irrigation supplies, feed and other products for animals. The term also includes the cultivation of plants for sale on the site where <i>ancillary</i> to other landscape supplies. The term does not include Retail business Types 1, 2, 4, 5, 6 or 7 as separately defined.
Type 4 Showroom	Premises exceeding 250m ² <i>gross floor area</i> for the display and sale of goods that are primarily of a bulky nature and of a similar type, including but not limited to boats, electrical goods, bulk stationery supplies, , furniture, floor coverings, sporting equipment and apparel, motor vehicles, recreational vehicles, motor accessories and the like. The term includes any associated sale of spare parts for such goods. The term does not include a large shop.
Type 5 Vehicle uses	The use of premises for the retail sale of petrol, diesel or any derivatives products or the use of premises for the hiring of motor cars, trucks, motorcycles, mopeds, boats or other registered vehicles. The term includes a service station and a vehicle hire premises.
Type 6 Hardware Store	Premises for the display for sale (including hire) of hardware and trade supplies including household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, but the term does not include the sale of kitchen or dining wares, picnic ware, camping goods, garden products, furniture or other household products or home wares
Type 7 Garden and Lifestyle Centre	The use of premises for the retail sale of landscape and garden products and supplies and products made by local artisans. The term includes the sale of plants, seeds, pots, gardening tools, bagged landscaping products (such as fertilisers, potting mix, mulch and stones) outdoor furniture and lighting, letterboxes, garden ornamentation, art, and literature on gardening. The premises may also be used as the sales office for swimming pools or spas. The use includes an <i>ancillary</i> coffee shop. The term does not include Retail business Types 1, 2, 3, 4, 5 or 6 as separately defined.

¹⁰ The *IPA* identifies a material change of use of premises for an activity authorised under the *Mineral Resources Act 1989* as Exempt development that may not be made assessable or self-assessable development.

2.11.3 Community Uses and Use Classes

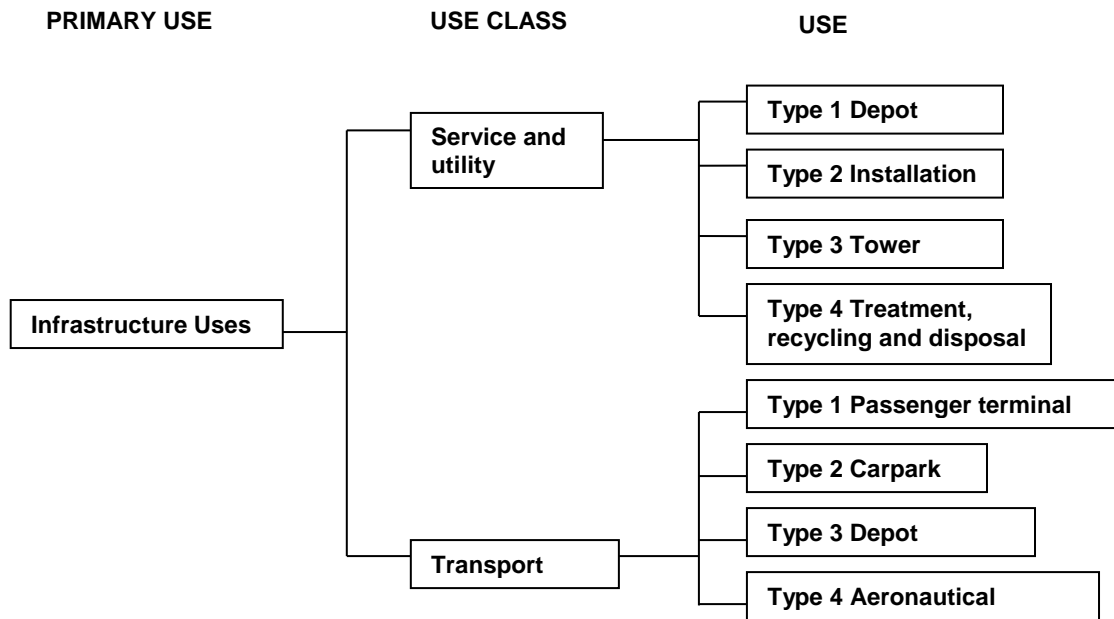


Community Uses means any use or use class described below.

Education means any use conducted predominantly for the purpose of education, instruction, information sharing and learning. The term includes the following types:	
Type 1 Childcare	The use of premises for the education, recreation, minding or care, of more than four children (not residing at the site) for a fee or reward.
Type 2 School	The use of premises for the purpose of a state or private, primary or secondary school.
Type 3 Adult	The use of premises for adult education or vocational training whether operated for profit or not. The use includes a TAFE, university, language school, hospitality training.
Type 4 Information	The use of premises for the collection and display of information for reference or reflection. The use includes a library, museum, and <i>information centre</i> .
Emergency service means any use conducted by a state or local authority for the purposes of protecting the community and responding to emergency situations. The term includes the following types:	
Type 1 Station	The use of premises for the daily work of emergency services. It may include administrative, sleeping, storage, maintenance and training facilities. The use includes a police station, fire station and ambulance station.
Type 2 Shed	The use of premises for the storage of equipment used by emergency services in the response to emergency situations and includes training for such situations. The use includes a rural fire brigade shed and State Emergency Service shed.

Open space means any use of private or public land left predominantly undeveloped by buildings or structures. The term includes the following types:	
Type 1 Sport & recreation	The use of premises for sports or <i>active recreation</i> in a formal outdoor setting, accessible by the public. The use does not include indoor sports or indoor recreation but may include a clubhouse with storage and amenities, provided the use of the clubhouse does not include entertainment or dining uses. The use includes a public swimming pool, sportsground and a tennis court.
Type 2 Camp ground	The use of premises for pitching a tent for the purpose of providing overnight accommodation to the travelling public. It may include toilet and shower facilities for the convenience of visitors. It may include the ancillary use of parking an <i>RV</i> overnight. It does not include cabins or similar structures. The use includes a <i>Self-contained RV Overnight Area</i> . It does not include Visitor Accommodation or Multiple Housing Type 5 Relocatable as separately defined.
Wellbeing means any use of private or public land or building for the provision of community and social services and facilities. The term includes the following types:	
Type 1 Health	The use of premises for the care, treatment and necessary short-term accommodation of sick or injured people. The use includes a hospital, institution, but does not include a Commercial business Type 2 Medical or Multiple housing Type 3 Retirement & special needs as separately defined.
Type 2 Social	The use of premises for the gathering of people for networking, support, common pastimes, exercise, charitable work or companionship. The term does not include a commercial club, indoor entertainment or sports and recreation. While the premises may accommodate the making of items that are later sold it is not a business use nor is it used for profit making enterprises. The use includes arts and craft, community meeting room, CWA.
Type 3 Worship	The use of premises primarily as a place of public worship or religious instruction, including a church, temple and <i>ancillary</i> educational and social activities.
Type 4 Funeral	The use of premises for burial or funeral procedures. It includes a funeral parlour, mortuary, crematorium, and cemetery.

2.11.4 Infrastructure Uses and Use Classes

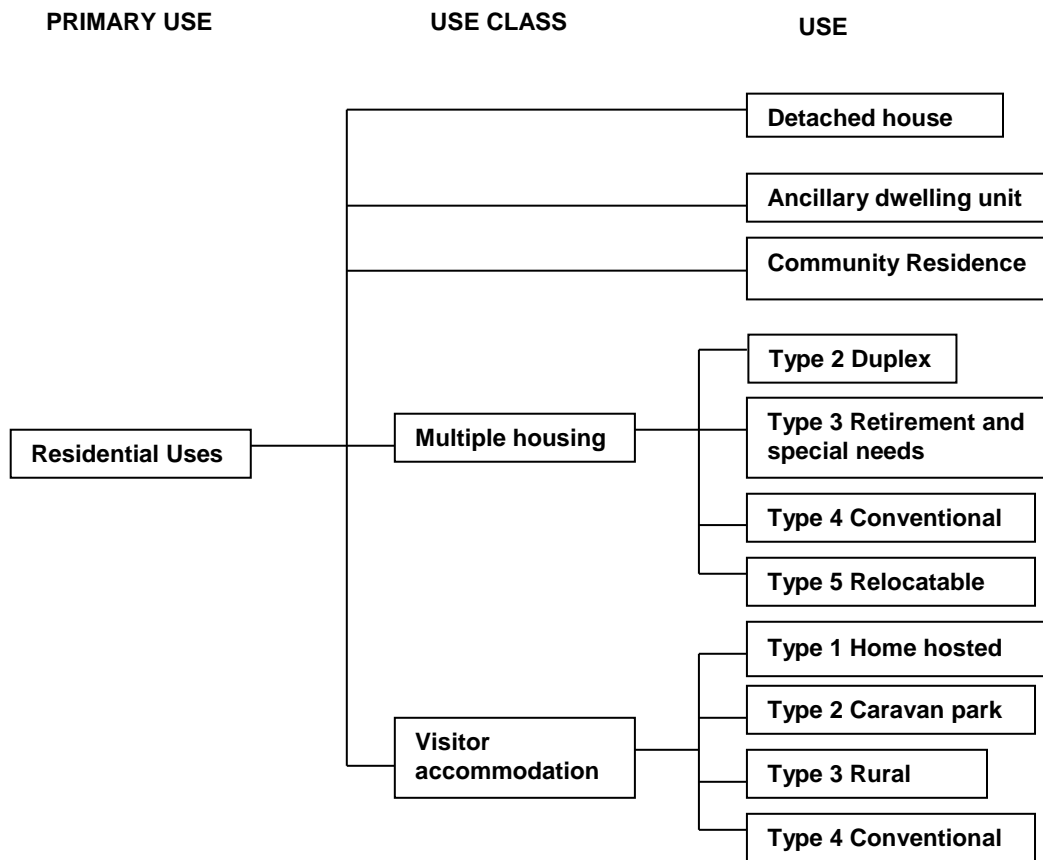


Infrastructure Uses means any use or use class described below.

Service and utility means any premises used for the delivery of a public service not otherwise defined. The term includes the following types:	
Type 1 Depot	The use of premises for a depot or station for conduct of the daily business of a local government, State government, statutory authority or telecommunications company, in supplying a public service or utilities. It may include administration, storage, equipment maintenance and operational facilities. The term does not include Emergency service use.
Type 2 Installation	The use of premises for a structure or installation as part of a network where other administrative functions are not conducted on the same site. The use includes a substation, including any associated communication poles and lightning rods. The term does not include a Type 3 Tower , as separately defined
Type 3 Tower	The use of premises for a tower, antennas or mast and supporting shelter or equipment, in the provision or supply of electricity or telecommunications. The use excludes facilities deemed to be “Low Impact Facilities” under the <i>Telecommunication (Low Impact Facility) Determination Act 1997</i> , and excludes power poles. The use includes a telecommunication tower, wind turbine, high voltage transmission lines (110kv or greater).
Type 4 Treatment, recycling and disposal	The use of premises for the treatment of water for municipal supply or the treatment, recycling and disposal of wastewater or solid materials. The use includes a water treatment plant, sewerage treatment plant, recycling station.
Transport means the use of land for transport infrastructure where that infrastructure is not exclusively <i>ancillary</i> to a separate use. The term includes the following types:	
Type 1 Passenger terminal	The use of premises, by the travelling public, as an air, rail, water or road transport passenger terminal, station or interchange. The term does not include the storing of vehicles. The use includes a bus station.

Type 2 Carpark	The use of premises for the parking of motor vehicles where such parking is not <i>ancillary</i> to another use on the same site.
Type 3 Depot	The use of premises for the storing and routine maintenance of commercial or passenger motor vehicles. The use includes a bus depot.
Type 4 Aeronautical	The use of premises for the authorised landing and take-off of aircraft including facilities for the housing, servicing and maintenance and repair of aircraft. It does not include a Type 1 Passenger terminal , as separately defined.

2.11.5 Residential Uses and Use classes



Residential uses means any use or use class described below.

Detached house means the use of premises for a single *dwelling unit* which comprises the whole of the building on one lot¹¹. The term includes uses and works incidental to and associated with the detached house. The term includes the temporary use as a *display home* or removal home. The use may include a *secondary dwelling* not exceeding 65m² in area. The use is not divided further.

Ancillary dwelling unit means the use of premises for a *caretaker's residence* or employee residence associated with a non-residential use on the same premises where:

- There is no other *dwelling unit* on the premises, except where the non-residential use is an **agricultural use**;
- The *gross floor area* of the dwelling unit does not exceed 150m²;
- The dwelling unit is subordinate to the non-residential use;
- The dwelling unit is attached to or within 25m of the non-residential use; and
- The dwelling unit is occupied by the owner of the non-residential use or somebody employed in the non-residential use.

Community residence means any dwelling used for accommodation for a maximum of six persons who require assistance or support with daily living needs, share communal spaces and who may be unrelated. The use may include a resident support worker engaged or employed in the management of the residence. Example: Hospice.

Multiple housing means the use of premises for two or more *dwelling units* or *accommodation units* as the case may be, occupied by permanent or semi-permanent residents, where the occupants may share common facilities on the site. The term includes the following types¹²:

¹¹ The *IPA* defines the term "lot"

¹² Note that Type 1 has been deleted and subsequent types have not been renumbered.

Type 2 Duplex	Means the use of premises for two <i>dwelling units</i> either attached or detached, on one <i>lot</i> .
Type 3 Retirement and special needs	Means the use of premises for <i>dwelling units</i> or <i>accommodation units</i> that house persons who are aged, being nursed or are convalescing. In each case, communal facilities may be available to residents for social interaction, recreation and emergency medical attention. The use may also include a <i>caretaker's residence</i> and medical centre where they are <i>ancillary</i> to the residential care facility. The use includes a <i>retirement village</i> , <i>residential aged care</i> and a <i>group house</i> , however does not include health uses or community residence as separately defined.
Type 4 Conventional	Means the use of premises for <i>dwelling units</i> that do not fall within Multiple housing Types 2, 3, or 5 . The use includes units, townhouses, flats, apartments, villas and <i>small dwelling units</i> .
Type 5 Relocatable	Premises used for relocatable dwellings (whether they are permanently located or not) that provides long-term residential accommodation. The use does not include a Type 2 Caravan park as separately defined.
Visitor accommodation means accommodation-that is designed and used for visitors to the Shire and where social, recreational and dining services may be provided for visitors by owners or staff. Resident guests stay for a temporary period of time (typically not exceeding 3 consecutive months). The term includes the following types:	
Type 1 Home hosted	The use of premises for short term accommodation hosted by the resident family within a <i>detached house</i> where there is no more than 6 guests accommodated in no more than three rooms. At least one bedroom within the detached house is excluded from use by guests. Meals may be provided by the hosts, as guest cooking facilities are not available. The use includes bed and breakfast.
Type 2 Caravan park	Premises used to provide for accommodation in <i>RVs</i> , self-contained cabins, tents and similar structures for the public for short-term holiday purposes. The use may include, where ancillary, a manager's residence and office, a kiosk, amenity buildings or the provision of recreation facilities for the use of occupants of the caravan park and accommodation for staff.
Type 3 Rural	The use of premises for short-term accommodation where accommodation has direct connection with the rural production, environmental or scenic values of the premises. The use includes a <i>cabin park</i> , <i>guesthouse</i> or retreat located in a rural setting and host farm offering rural experiences.
Type 4 Conventional	Two or more <i>dwelling units</i> or <i>accommodation units</i> , for the purpose of providing short-term visitor accommodation. The use may include common recreation or dining facilities and includes an ancillary dwelling unit for onsite manager. The use includes a <i>guesthouse</i> , <i>visitor hostel</i> , <i>motel</i> , resort and serviced rooms, but does not include Visitor accommodation Type 1 Home hosted or Type 3 Rural as separately defined.

Administrative Terms

accepted development see categories of development (has the same meaning as in the Planning Act 2016).

access means the practicable means of entry for persons or vehicles—

from a constructed road to a *lot* that abuts that road; or

where provision is made for access by way of an easement, from a constructed road to a lot by way of an easement over contiguous land which abuts that road.

access strip means that part of a *lot* bounded by the *frontage* of the lot, the side or rear boundaries of one or more contiguous lot and the remainder of the lot of which it forms part and which is included in that lot solely for the provision of *access*. Any river, creek or stream which does not form part of a lot but which is contiguous with the lot may be the side or rear boundary of a contiguous lot.

accommodation unit means part of a building to be used as a dwelling place for the exclusive use of one *household* containing at least one *habitable room* but which is not *self-contained*.

active parkland or **active recreation areas** mean *public open space* for sports and active recreational pursuits and may include within it facilities such as football fields, playground equipment, skate bowls, bicycle paths and *ancillary* facilities such as seats, tables, BBQ areas and toilets.

AEP or **annual exceedance probability** means the likelihood of occurrence of a flood of a given size or larger in any one year; usually expressed as a percentage.

agricultural land conservation area or **ALCA** means land identified as ALCA on Overlay Maps OM1.5—OM9.5. The term includes good quality agricultural land and other land capable of supporting agricultural uses.

allotment means a piece of land or space described in a land title.

ancillary means associated with, but incidental and subordinate to.

applicable infrastructure charging instrument means a planning instrument or Council resolution specifying a charge for the supply of trunk infrastructure.

approved route for electricity transmission operating works includes land affected by –

- a) existing transmission lines and operating works;
- b) proposed operating works the subject of a notice under the Electricity Act 1994, section 111 B;
- c) community infrastructure – operating works under the Electricity Act 1994, designated under the Integrated Planning Act 1997; and
- d) other land (This includes land that has been the subject of a future corridor study and determined by Powerlink as appropriate for proposed operating works and may be designated for community infrastructure in the future).

assessable development see categories of development (has the same meaning as in the Planning Act 2016).

ARI or **average recurrence interval** means the average or expected value of the period between exceedances of a given rainfall intensity or discharge.

balcony means any external platform, attached to and accessed from a *building* and 1m or more above adjacent finished ground level. A balcony is part of a *building*.

basement means a space where the ceiling height projects no more than one metre above both the *natural ground surface* and the finished ground level, and where access to the basement is limited to one opening a maximum of 6m wide.

BCA means the Building Code of Australia.

buffer area means an area of land separating adjacent land uses that is managed for the purpose of mitigating impacts of one use on another. A buffer area consists of a separation distance and one or more *buffer elements*. A buffer area does not include areas of existing *riparian vegetation*, wetlands, watercourses or *vegetation* on land identified on Biodiversity Overlay Maps OM1.1 to 9.1.

buffer element means a natural or artificial feature within a *buffer area* that mitigates an adverse impact. The term includes open ground, vegetated areas and purpose designed barriers.

building means a fixed *structure* that is wholly or partly enclosed by walls and is roofed, and includes any part of a building.

building (or structure) height in metres means the vertical height of a *building* or structure measured from the finished ground level and the *natural ground surface* to the top of the roof or parapet at any point.

building height in storeys means the number of *storeys* in a building measured vertically at any point, provided that a *basement* shall not count as a storey.

bunded area for the purposes of waste management means an area with a raised edge for—

- a) the containment of liquid prior to drainage; and
- b) the exclusion of surface stormwater.

cabin means a free standing building, not exceeding 100m² in *gross floor area* and not including a laundry, used for overnight or holiday accommodation.

caretaker's residence means a dwelling unit situated on the same premises as a **business use, community use or infrastructure use** where it is occupied by the owner or employee of the business or operation for reasons of ensuring security and maintenance of the business or operation.

carriageway means the area of pavement between kerbs or pavement area for vehicular traffic where no kerbs exist, but does not include footpaths.

Categories of development means the type of assessment identified for development in accordance with the *Planning Act 2016* including one or other of the following—

- a) accepted development
 - i. accepted development
 - ii. accepted development subject to requirements
- b) assessable development requiring
 - i. code assessment
 - ii. impact assessable
- c) prohibited development

character area has the meaning given in the Heritage Overlay general provisions (Part 13, Division 5).

child activity areas means land or buildings associated with the care of, or used by, children for more than 5 hours per day at least 3 days per week including—

- a) child care facilities providing day care, occasional care, kindergarten and crèche services;
- b) educational establishments providing for preschool and primary school students; and
- c) before/after school care and vacation care for children less than 13 years of age.

code assessment see *categories of development* (has the same meaning as in the *Planning Act 2016*)

commercial zone means any of the following zones—Business Centre, Neighbourhood Centre, Industry, Shire Business Centre and Village Mix

constrained land defined by an *overlay map*

deck means an external constructed floor which is not higher than 1m above the *natural ground surface*.

defined flood event means the event, measured in terms of the likelihood of occurrence, and associated inundation level adopted by the Council to manage development as identified in Table 13.12 (Flood levels and flood immunity requirements) of the Natural Hazards Overlay Code. The DFE incorporates an allowance for future climate change over the design life of the development, through increased rainfall intensities, mean sea level rise and a greater frequency of extreme weather events.

desired environmental outcome (or DEO) has the same meaning as in the *IPA*.

development has the same meaning as in the *IPA*.

display home means a **detached house** used for displaying a type of construction or design offered by a builder.

DPI&F means the Queensland Department of Primary Industries and Fisheries.

drainage line means any channel, not being a *watercourse*, that carries a flow either permanently or intermittently and includes drainage lines shown on the Biodiversity Overlay Maps OM1.1 to OM9.1.

dripline means a ring around the tree canopy on the ground level that receives most of the rainwater shed from the tree canopy.

dwelling unit means a *building* or part of a *building* used as a *self-contained* residence for the exclusive use of one *household*. It includes outbuildings and works normally associated with a dwelling.

ecologically important areas means—

- a) a natural *waterway* or *wetland*;
- b) *riparian vegetation*;
- c) an area of remnant or non-remnant native *vegetation* identified on Biodiversity Overlay Maps OM1.1 to OM1.9; or

- d) an area which otherwise—
 - i) contains or is likely habitat for scheduled species under the *Nature Conservation (Wildlife) Regulation (Qld) 2006*;
 - ii) contains or is likely to contain listed threatened species and/or ecological communities, protected habitat or listed migratory species as defined by the Environmental Protection and Biodiversity Conservation (Cth) Act 1999;
 - iii) contains a spring as defined under the Water Act (Qld) 2000;
 - iv) contains habitat for flora and/or fauna species of local ecological significance; or
 - v) legally secured offset areas.

ecological sustainability has the same meaning as in the *IPA*.

effluent disposal system means effluent treatment system (including but not limited to septic tanks, aerobic treatment plants, composting toilets etc) and the waste water disposal system (including but not limited to absorption trenches, above and below ground irrigation systems, greywater disposal systems etc).

effluent disposal area means land of sufficient area and in an appropriate location to allow disposal of effluent in a manner that minimises risk of harm to people and the environment.

electricity transmission line easement means an existing easement over land in favour of an entity responsible for the carriage or supply of electricity, which is used or intended to be used for the transmission of electricity. The term relates to electricity transmission lines of 110kV or greater.

Engineering Works Codes means the following Codes—

- a) Driveways and Carparking Code;
- b) Transport, Roads and Drainage Code;
- c) Erosion and Sediment Control Code;
- d) Existing Services Code;
- e) Earthworks Code;
- f) Waste Management Code;
- g) Water Sensitive Design Code; and
- h) if in a water *service area* or sewerage *service area*— Water Supply and Sewerage Reticulation Code

environment has the same meaning as in the *IPA*.

environmental harm has the same meaning as in the *Environmental Protection Act 1994*.

environmentally sensitive areas means—

- a) land with *steep slopes*;
- b) land mapped on an *overlay map*;
- c) *watercourses, drainage lines* and ridges; and
- d) native habitat and wildlife corridors.

environmental nuisance has the same meaning as in the *Environmental Protection Act*.

ERA or Environmentally Relevant Activity has the same meaning as in the *Environmental Protection Act 1994*.

essential community infrastructure means any one or more of the following—

- (a) *emergency services* infrastructure;
- (b) emergency shelters;
- (c) police facilities;
- (d) *hospitals* and associated facilities;
- (e) stores of valuable records or heritage items;
- (f) power stations and *substations*;
- (g) major switch yards;
- (h) communication facilities;
- (i) sewage treatment plants;
- (j) water treatment plants.

estate sales office means any premises, including a caravan or transportable building, used or intended for use, for the promotion and/or sale of land and/or buildings within an estate, where such premises are located within the estate which is proposed to be promoted or sold. The term as defined may not be in use for longer than two years.

exotic weeds means a species of plant occurring in an area outside its historical natural range and which has a negative impact for the environment or people.

fire access track means an area free of trees and able to be easily accessed by fire fighting vehicles.

firebreak means an area of land cleared of non-fire retardant vegetation of sufficient width to minimise the risk of spread of bushfire.

foreshore means the land in the Noosa Shire lying between the high water mark and low water mark at ordinary spring tides and controlled by the Noosa Shire under the *Local Government Act 2009*.

frontage means a boundary of an *allotment* which abuts a road. Where a *lot* has more than one frontage, Council may nominate a primary frontage.

general sign has the meaning given in the Advertising Devices Code (Part 14, Division 9).

greywater means the domestic wastes from baths, showers, laundries and kitchens specifically excluding toilet and urinal waste.

gross floor area (or GFA) means the total floor area of a *building* measured from the outside of the external walls, plus for roofed unenclosed areas, any portion of floor area beyond a distance of 3 metres from the external wall. It does not include:

- a) the area of spaces used for the parking or manoeuvring of motor vehicles;
- b) the area of lift shafts;
- c) the area of stairwells on any level other than the ground floor; or
- d) floor areas located in a *basement*.

group house means a residential building with at least 6 bedrooms, designed to accommodate 6 or more adolescents or adults who are not related by birth where each resident has a private bedroom or bed/sitting room but the kitchen, dining and laundry facilities are shared. The use does not include community residence as separately defined.

guesthouse means accommodation for more than 6 guests in a single building which is also the home of the host(s). Guests do not have access to their own cooking facilities.

habitable buildings means any building or structure used as or able to be as a *dwelling unit* or *accommodation unit*.

habitable room means any room of a *dwelling unit* or *accommodation unit* other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

habitat tree means a tree whether living or dead that

- a) has 1 or more hollows, pipes or splits which are located more than 2m above ground level; or
- b) hosts epiphytes or termite mounds; or
- c) is a koala habitat tree.

heritage site has the meaning given in the Heritage Overlay general provisions (Part 13, Division 5).

high impact sign has the meaning given in the Advertising Devices Code (Part 14, Division 9).

house site area means a part of an *allotment* used as, or intended to be used to accommodate a **Residential Use**, that can be serviced by an adequate access drive and is capable of sustaining a range of housing styles and an area for *ancillary* uses and works including swimming pools, play/recreation area, and outbuildings. This definition does not include *effluent disposal areas*.

IDAS has the same meaning as in the *IPA*.

IPA means the *Integrated Planning Act 1997*¹³.

impact assessment see *categories of development* (has the same meaning as in the *Planning Act 2016*).

inconsistent use means the use is strongly inappropriate in the relevant zones because it is incompatible with other uses generally expected in that zone.

information centre means a building no larger than 100m², in which information is provided to the general public to enhance their understanding of the natural environment or heritage values attached to a locality. It may also include a ranger station but not a travel agent or tour booking agency.

infrastructure has the same meaning as in the *SPA*.

infrastructure agreement has the same meaning as in the *SPA*.

jetty means jetties, wharves, pontoons, above water boat storage (AWBS) and pneumatic devices.

¹³ The Integrated Planning Act 1997 was repealed in 2009 and replaced by the Sustainable Planning Act 2009 which was subsequently repealed and replaced with the Planning Act 2016. This Planning Scheme remains valid under current Queensland planning legislation.

koala habitat trees are trees of the genera *Eucalyptus*, *Corymbia*, *Angophora* or *Lophostemon*¹⁴ and also include koala food trees listed in *PSP3 Landscaping Plants and Guidelines*.

landscaped area (including landscaped buffer areas, landscaped building setback and landscaping) means part of a *site* comprising predominantly *soft landscaping* and set aside for the purposes of enhancing or protecting the amenity of the *site*. The term includes the areas occupied by a rainwater tank and bicycle racks, swimming pools or ponds and garden paths, but does not include impervious surfaces such as driveways, vehicle access lanes, vehicle parking and manoeuvring areas, waste storage areas, and the like.

local origin means a species occurring in an area which is within its historical natural range.

locality means an identified geographical area depicted on **Map NPLM** divided into zones.

lot has the same meaning as in the *IPA*.

low impact sign has the meaning given in the Advertising Devices Code (Part 14, Division 9).

major road network means Beckmans Road, Black Mountain Range Road (part), Black Mountain Road (part), Bridge Street, Bruce Highway, Bruce Highway south on-ramp, Butler Street (part), Charles Street (part), Coles Creek Road, Cooroy-Belli Road, Cooroy By-pass north on-ramp, Cooroy By-pass south off-ramp, Cooroy Connection Road, Cooroy-Noosa Road, Cooroy-Noosa Road (Jack Hassett Dr), Cootharaba Road (part), Cooyar Street, Cudgerie Drive, Cullinane Street, David Low Way, Diamond Street (part), Doonella Street (part), Dr Pages Road, Edwards Street, Eenie Creek Road and any extension to David Low Way, Elm Street, Emu Mountain Road, Eumundi-Noosa Road, Factory Street, George Street, Gibson Road, Greenridge-Pinbarren Road, Gympie-Kin Kin Road, Heathland Drive, Hill Street, Hilton Terrace, Junction Road, King Street, Kinmond Creek Road (part), Laguna Street, Lake Flat Road, Lake Macdonald Drive, Langura Street, Leslie Drive, Louis Bazzo Drive, Main Street, Maple Street, Mary River Road, Mary Street (part), McKinnon Drive, Memorial Avenue (part), Moorindil Street, Myall Street, Neusa Vale Road, Noosa Drive, Noosa Parade, Poinciana Avenue (part), Pomona Connection Road, Pomona-Kin Kin Road, Pound Road, Prince Street, Queen Street, Railway Crsg, Reef Street, Reserve Street, Sidoni Street (part), Sister Tree Creek Road, Summit Road, Sunrise Road, Sunshine Beach Road, Tewantin Road, Traveston-Cooran Road, Walter Hay Drive, Werin Street, Weyba Road, Yurol Forest Drive.

marine facility purpose means a commercial facility relating directly to boating.

material change of use has the same meaning as in the *IPA*.

medium impact sign has the meaning given in the Advertising Devices Code (Part 14, Division 9).

motel means the use of premises for providing overnight, short-stay or holiday accommodation for travellers in *accommodation units*, as well as parking spaces for their motor vehicles and on-site reception/bookings office facilities. The term includes *ancillary* administration, restaurant, and conference facilities, and manager or caretaker's residence.

native vegetation means vegetation of *local origin* occurring within its natural range.

natural ground surface or **natural ground level** for an *allotment* means:

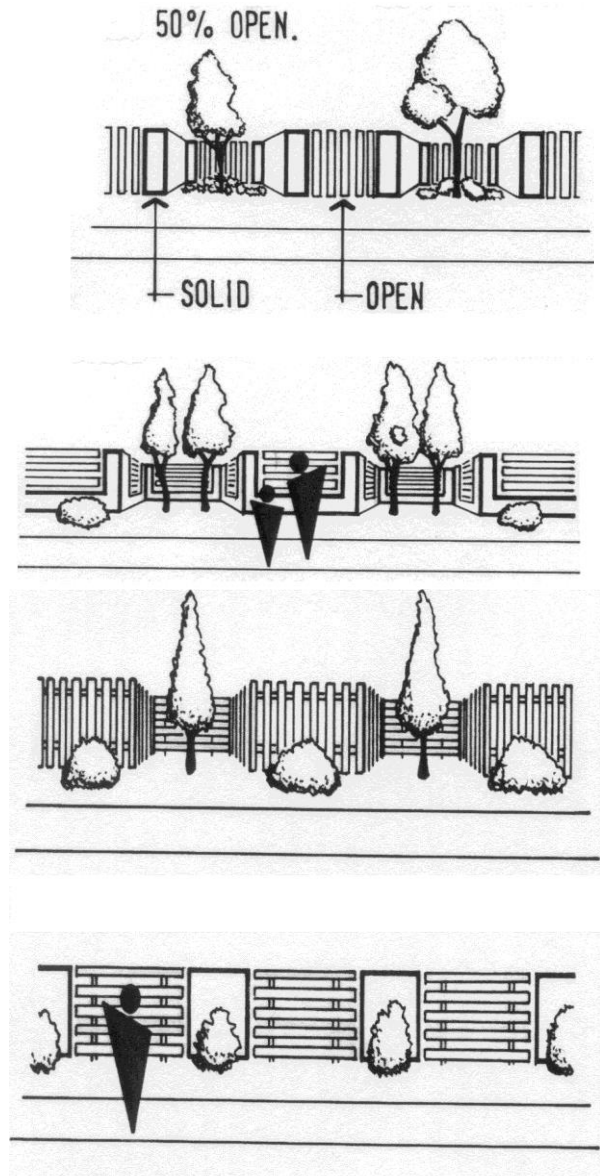
- a) the ground level of the allotment on the day the first plan of survey showing the allotment was registered; or

¹⁴ Schedule 7 Koala Habitat Areas is used for assessing development in koala habitat areas against the Biodiversity Overlay Code provisions and the koala conservation criteria contained in the *Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016* and the *Koala Sensitive Design Guidelines 2012*. Koala habitat trees are not confined to the areas mapped in Schedule 7, but also occur throughout other parts of Noosa Shire. The South East Queensland Koala Conservation State Planning Regulatory Provisions (SPRP) koala habitat values maps show koala habitat within assessable development areas defined under the SPRP.

- b) if the ground level on the day mentioned in paragraph (a) is not known, the natural ground surface as determined by a cadastral surveyor.

open construction, in relation to fences, means not less than 50% of the width of the *lot* has either no fencing, or fencing that can be seen through. (See Figure 2.1).

Figure 2.1—Open construction of fences and examples



outdoor dining area means an outdoor area, associated with an **Entertainment or dining business** or a **Retail business Type 1** or **Type 2**, for the use of patrons. The term includes roofed or unroofed areas. The term includes dining areas located in the road reserve.

operational work has the same meaning as in the *IPA*.

overlay—

- a) means a layer over the zones and localities based on special physical attributes of an identified area, place or site; and
- b) assessment categories are identified, in Part 13, for development affected by an overlay.

passive parkland means *public open space* that is left predominantly in its natural state protecting the native flora and fauna. This type of parkland may—

- a) provide some passive recreational opportunities such as walking tracks and BBQ facilities;
- b) form a landscaped buffer area between a *residential development* and incompatible adjoining land uses such as roads and industrial areas; and
- c) be, or form part of, a wildlife and/or riparian corridor.

person has the same meaning as in the *IPA*.

priority infrastructure plan means the *Priority Infrastructure Plan* contained in Part 15 of the Planning Scheme.

plot ratio means the *gross floor area* divided by the area of the *site*.

population density means the hypothetical population of a site used for residential uses which is calculated in terms of—

- a) a number of persons per hectare; or
- b) a number of persons,

and is based upon the rates of occupancy contained in Table 6.1, provided that if in the opinion of Council any room is capable of being utilised as a bedroom, the Council may determine that the room shall be calculated as a bedroom for the purposes of determining population density¹⁵.

Table 6.1 RATES OF OCCUPANCY FOR POPULATION DENSITY

Nature of accommodation	Rate of occupancy
<i>Accommodation unit</i> containing 1 bedroom	1.4 persons
<i>Dwelling unit</i> containing 1 bedroom	1.7 persons
<i>Dwelling unit</i> or <i>accommodation unit</i> containing 2 bedrooms	2.4 persons
<i>Dwelling unit</i> or <i>accommodation unit</i> containing 3 or more bedrooms	3.3 persons
<i>Unit</i> within Retirement & Special Needs Housing	1.5 persons
hostel or dormitory beds, where double beds are classified as 2 beds	
a) for the purpose of providing for visitor accommodation only	0.6 persons per bed
b) for purposes not described above	1 person per bed

precinct means an identified area within a zone with special attributes to which certain zone provisions apply.

predominant slope is the **slope** of a **house site area**, building footprint or **use area** measured perpendicular to the contours of the area and calculated as follows:

$$\text{Predominant slope (\%)} = (x \div y) \times 100$$

where:

‘x’ is the vertical distance in metres between the highest point and the lowest point of the area; and

‘y’ is the horizontal distance in metres measured in a straight line between the highest point and the lowest point of the area.

¹⁵ For example a study or media room which could function as a bedroom, either as proposed or with the addition of a door, is likely to be calculated as a bedroom.

Where the area has more than one predominant slope, eg. a knoll or a gully, the average of the predominant slopes shall apply.

premises has the same meaning as in the *IPA*

private open space means outdoor areas of the *premises* set aside for the exclusive use of occupants of the *dwelling unit* or *accommodation unit* that are accessed directly from living areas. The term includes courtyards, *decks*, terraces, *balconies*, verandahs and roof terraces and hard and *soft landscaping*.

probable maximum flood means the largest flood that could reasonably occur at a particular location, resulting from the probable maximum precipitation. The PMF defines the extent of flood-prone land. Generally, it is not physically or financially possible to provide general protection against this event.

probable solution means precise criteria or standards that provide a guide for achieving a specific outcome in whole or in part, but do not necessarily establish compliance with a code.

professional office means office premises used for the provision of professional services or the giving of professional advice generally by appointment rather than relying on a high volume of walk-in clients.

PSP means planning scheme policy.

public open space means outdoor areas of land under the ownership of the Federal, State or Local Government, to which the public may or may not have access. The term includes lands reserved for parks or beach protection purposes but does not include land used for **Business uses** or **Infrastructure uses**.

QDC means the Queensland Development Code under the *Building Act 1975*.

rear lot means a *lot* where access is provided only by means of—

- a) an *access strip* which forms part of the lot; or
- b) an easement over contiguous land.

reconfiguring a lot has the same meaning as in the *IPA*.

recruitment habitat tree means a tree selected for its potential to become a *habitat tree* and exhibiting two or more of the following characteristics—

- a) large dominant or co-dominant characteristics; or
- b) damaged, branchy, open crowned or with multiple leaders; or
- c) containing hollows, pipes or splits; or
- d) known to develop hollows early and to live a relatively long time (ie. *Eucalyptus*, *Corymbia* and *Angophora* species); or
- e) hosting epiphytes or termite mounds.

recyclable waste means clean and inoffensive waste of a recyclable nature.

removal building or **removal home** means any building that has been previously established on any site and which has been relocated to a site in Noosa Shire (including from elsewhere on the same site). It does not include new *transportable buildings* as separately defined.

residential aged care means premises housing elderly persons under the supervision of nursing care. Residents are accommodated in bedrooms or bed-sit units but not *dwelling units*

residential development means both *urban settlement* and *rural settlement*.

residential zone means any of the following zones – Detached Housing, Semi-attached Housing, Attached Housing, Visitor Mixed Use and Rural Settlement zone.

retirement village means premises where older members of the community or retired persons reside, or are to reside, in independent living units or serviced units, under a retirement village scheme.

riparian vegetation includes—

- a) *vegetation* along the *foreshore*;
- b) *vegetation* in a permanent freshwater watercourse or existing within 50m from the top of the bank of a permanent freshwater watercourse
- c) *vegetation* in a permanent tidal watercourse or within 250m from the top of the bank of a permanent tidal watercourse;
- d) *vegetation* in Lake Macdonald or within 400m of the full level of ponded water within Lake Macdonald; or
- e) *vegetation* in a riparian zone.

riparian zone means land which adjoins, directly influences, or is influenced by a body of water..

risk management means a process consisting of well-defined steps which, when taken in sequence, support better decision making by contributing to a greater insight into risks and their impacts.

road means the total width of road reserve from *lot* boundary to *lot* boundary.

roadside stall means the use of premises exceeding 5m² but no more than 25m² for the display and sale of goods in rural areas.

rural settlement means *residential development* on a *lot* greater than 2,000m², regardless of whether the land is also used for hobby farming.

RV (Recreational Vehicle) means a motorized or towable vehicle that combines transportation and temporary living quarters for travel, recreation and accommodation. The term includes caravans, campervans, motorhomes, camper trailers, truck mounted camper. The term does not include a cabin or transportable building as separately defined.

secondary dwelling means a dwelling used in conjunction with, and subordinate to, a detached house on the same lot. A secondary dwelling may be constructed under a detached house, be attached to a detached house or be free standing. For clarity a detached house could not include more than one secondary dwelling.

sediment barrier means

- a) purpose designed geotextile sediment fabric (i.e. not shade cloth) attached to posts with the geotextile buried in an upstream trench; or
- b) turf of a minimum 600mm width immediately within the property boundary.

self-contained means containing at least a bathroom, toilet, kitchen and one *habitable room*.

self-contained RV overnight area means premises used for the parking of self-contained *RVs*, for a maximum of 4 consecutive nights, where no water is provided and no liquid or solid waste is left or disposed of on site. Self-contained *RVs* are those that can hold fresh water, greywater and/or blackwater and have on board cooking and sleeping facilities.

service area has the same meaning as in the *Water Act 2000*.

services - includes sewerage systems, water supply networks, gas mains and infrastructure, power, telecommunications infrastructure, stormwater drainage systems and stormwater overland flowpaths.

setback means the minimum distance from any *lot* boundary to a *building* or *structure*, excluding eaves, roof overhangs and awnings provided they encroach no more than 600mm into the setback distance.

site means any land on which development is carried out or is proposed to be carried out (including the whole or part of one *lot* or more than one *lot* where each of those lots is contiguous with the other or another).

site cover means the proportion of a *site* covered by all *buildings* and *structures* shown as a percentage. For enclosed spaces this includes the area within the outside wall and for unenclosed spaces this includes the area measured along a line 600mm in from the perimeter of the roof. Site cover includes garages and other roofed outbuildings, but does not include landscape structures such as in-ground pools and *decks*.

site facilities include loading docks, external storage areas, waste storage areas, clothes drying areas, letter boxes within **multiple housing** or **visitor accommodation**, and mechanical plant and equipment.

slope means—

- a) for the purpose of reconfiguring a lot—
 - i. where a proposed *lot* is contained wholly within a single slope category shown on a *slope analysis*, the slope of that category; or
 - ii. where a proposed lot is contained within more than one slope category shown on a slope analysis, the *predominant slope* of the *house site area* or *use area*, as follows—
 - A. where the house site area or use area is contained within one slope category shown on a slope analysis, the slope of that category; or
 - B. where the house site area or use area is contained within more than one slope category shown on a slope analysis, the slope is the average of all predominant slopes of the house site area or use area.
- b) For the purposes of building works or material change of use, the slope of the building footprint or *use area* is that determined as follows—
 - i. where the building footprint or use area has one predominant slope, that slope;
 - ii. where the building footprint or use area has more than one predominant slope, the average of all predominant slopes, provided that—
 - A. the slope shall be determined to the nearest whole number; and
 - B. where there is any question about the determination of slope, the slope shall be as determined by the Assessment Manager.

slope analysis¹⁶ means, for the purpose of reconfiguring a lot, a diagram prepared by a cadastral surveyor indicating the *slope* of the site based on one metre contour intervals using the following slope categories—

- 0-10% slope
- >10-15% slope
- >15-20% slope
- >20-25% slope
- >25-33% slope, etc

sloping sites means *sites* or parts of *sites* that exceed a gradient of 1 in 5 or 20% and includes *steep slopes*.

small dwelling unit means a dwelling unit containing no more than 2 bedrooms, no study, media room or other rooms capable of being used as a bedroom, and has no more than 90m² of *gross floor area*.

soft landscaping means trees, shrubs, grass, garden beds and impervious surfaces that occur naturally such as rock outcrops. Soft landscaping is not located on top of a constructed slab or other structure and is capable of supporting the establishment and growth of canopy trees as well as other species. The term does not include swimming pools or impervious surfaces such as driveways, vehicular access lanes, vehicle parking and manoeuvring areas, pathways, stormwater structures, tennis courts, *decks*, *balconies*, roof terraces and the like. It also does not include areas over which *balconies* cantilever unless there is a vertical height of 4 metres between the ground and the structure to allow for significant planting.

steep slopes means *sites* or parts of *sites* that exceed a gradient of 1 in 4 or 25%.

storey means that space within a *building* which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above and includes a space for the accommodation of vehicles. Any such space that exceeds a vertical dimension of 5m comprises more than 1 storey.¹⁷

structure means any *building*, wall, fence or other *structure* or anything fixed to or projecting from any building, wall, fence or other structure. The term includes any part of any structure.

towns means *urban settlements* with **business uses** serving more than local needs. These include Cooroy, Noosa Heads, Noosaville, Peregian Beach, Pomona, Sunshine Beach and Tewantin.

transportable building means a building which is not capable of being registered under the *Transport Operations (Road Use Management) Act 1995*, and comprises one or more major sections that are constructed and assembled away from its located site. It includes any associated structures such as awnings that form part of the building. The term includes a transportable dwelling or a transportable office.

undesirable plant species means plants identified in Table 9.1 of *PSP3—Landscaping Plants and Guidelines*.

urban growth boundary means the extent of land suitable for urban development including residential, industrial, retail, commercial and community activities. It includes established towns and villages and any land suitable for urban growth.

urban settlement means *towns* or *villages* supporting *residential development* on *lots* that are predominantly of an urban scale.

¹⁶ A slope analysis is to be prepared with any application for reconfiguring a lot and be able to be overlaid on the plan of subdivision.

¹⁷ The definition of 'Building Height in Storeys' may provide further clarification.

use in relation to a *use class*, means a use for a purpose that is within that *use class*. The use may include multiple uses.

use area means the sum of the area of the premises (exclusive of all walls and columns), including all *storeys*, used or intended for use for a particular purpose. The term excludes—

- a) the areas (inclusive of all walls and columns) of any lift rooms, motor rooms, air conditioning or other mechanical or electrical plant or equipment rooms located at any topmost *storey*;
- b) The areas of any staircases or liftwells;
- c) The areas of any common foyer or arcade;
- d) The areas of any public toilets; and
- e) The areas used for the access, parking and associated manoeuvring of motor vehicles.

use class means a group of *uses* having different purposes but broad characteristics in common.

vegetation means a tree, plant or organism of vegetable origin (whether living or dead) but does not include a plant declared as a pest under the Land Protection (Pest and Stock Route Management) Act 2002 or an *exotic weed* or *undesirable plant species*, or plant species identified in a pest management plan adopted by Noosa Shire Council or the Sunshine Coast Regional Council.

villages means *urban settlements* with distinguishable boundaries but with limited or no business or community uses. These include Castaways Beach, Cooran, Cooroibah, Kin Kin, Boreen Point, Marcus Beach, Sunrise Beach and Teewah.

visitor hostel means a budget visitor accommodation building(s) which accommodate 6 or more unrelated persons with shared facilities including kitchen and laundry facilities. Sanitary and bathroom facilities as well as bedrooms may also be shared.

wall height means the distance measured from *natural ground surface* to the underside of the building eaves.

wall length means the length of any external wall in one plane, provided that—

- a) walls that are offset by less than 600mm are measured as one wall; and
- b) walls that are on the same alignment and are separated by less than 25m are measured as one wall.

waste means any discharged, rejected, unwanted, surplus or abandoned material whether solid, liquid or gas. The term does not include regulated waste as defined in the *Environmental Protection (Waste Management) Regulation 2000*.

waste storage area means a designated area for the holding of waste storage bins and use for the storage of waste.

watercourse has the same meaning as in the *Water Act 2000*.

waterway means a river, stream, creek, wetland, estuary, lake, lagoon and coastal waters.

wetland means natural or artificial areas of permanent or periodic inundation (whether natural or artificial) with water that is static or flowing, fresh, brackish or salt. The term includes areas of marine water not exceeding 6m depth at low tide.

zone —

- a) means an identified geographical area within a locality in which particular land uses are allocated;
- b) assessment categories are identified for development according to the zone in which the development is proposed to occur; and
- c) a zone may include a *precinct*.

zone of influence means the horizontal area on both sides of the centreline of infrastructure, including water mains, sewer lines and stormwater lines, that is within a 45° angle of the invert level of the infrastructure and the *natural ground surface*. An example is shown in Figure 2.2.

Figure 2.2—Zone of Influence

