

## Part 1 About the Noosa Planning Scheme

### 1.1 Introduction

- (1) The Noosa Plan 2020 (planning scheme) has been prepared in accordance with the **Planning Act 2016** as a framework for managing development in a way that advances the purpose of the Planning Act.
- (2) In seeking to achieve this purpose, the planning scheme sets out Noosa Shire Council's intention for 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 horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes in the community at a local, regional and state level.
- (5) The planning scheme applies to the planning scheme area of Noosa Shire including all premises, roads, internal waterways, local government tidal areas and interrelates with the surrounding local government areas illustrated in [LGA-1 - Local Government Planning Scheme Area Map](#).

### 1.2 Planning scheme components

- (1) The planning scheme comprises the following components:
  - (a) about the planning scheme
  - (b) state planning provisions
  - (c) strategic framework
  - (d) local government infrastructure plan
  - (e) tables of assessment
  - (f) the zones and zone precincts specified in Table 1.2.1
  - (g) the local plans specified in Table 1.2.2
  - (h) the overlays specified in Table 1.2.3
  - (i) the development codes specified in Table 1.2.4
  - (j) schedules and appendices.
- (2) The planning scheme policies specified in Table 2.5 Planning Scheme policies which support the planning scheme.

#### Table 1.2.1 Zones and Zone precincts

##### Residential Zones category

- (a) [Low Density Residential Zone](#)
- (b) [Medium Density Residential Zone](#)
- (c) [High Density Residential Zone](#)
- (d) [Tourist accommodation Zone](#)
  - (i) Hastings Street Mixed Use Precinct

##### Centres Zones category

- (e) [Major Centre Zone](#)
  - (i) Noosa Business Centre - Showroom Precinct
  - (ii) Noosa Business Centre - Business Park Precinct
  - (iii) Noosa Business Centre - Retail Precinct
  - (iv) Noosa Business Centre - Village Mixed Use Precinct
  - (v) Noosa Business Centre - High Density Residential Precinct

- (vi) Noosa Junction Hospitality Precinct
- (f) [District Centre Zone](#)
  - (i) Mary/Thomas Street Health and Wellbeing Precinct
- (g) [Local Centre Zone](#)
- (h) [Neighbourhood Centre Zone](#)

## Industry Zones category

- (i) [Low Impact Industry Zone](#)
  - (i) Lionel Donovan Drive Auto Precinct
  - (ii) Hofmann Drive Business and Industry Precinct
  - (iii) Factory Street Business and Industry Precinct
  - (iv) Kin Kin Business and Industry Precinct
  - (v) Gateway West Makers Precinct
- (j) [Medium Impact Industry Zone](#)
  - (i) Venture Drive Enterprise Precinct

## Recreation Zones category

- (k) [Recreation and Open Space Zone](#)

## Environmental Zones category

- (l) [Environmental Management and Conservation Zone](#)

## Other Zones category

- (m) [Community Facilities Zone](#)
- (n) [Innovation Zone](#)
- (o) [Rural Zone](#)
- (p) [Rural Residential Zone](#)

## Table 1.2.2 Local Plans

- (a) [Hinterland Villages Local Plan](#)
- (b) [Cooroy Local Plan](#)
- (c) [Tewantin Local Plan](#)
- (d) [Noosaville Local Plan](#)
- (e) [Noosa Heads Local Plan](#)
- (f) [Coastal Communities Local Plan](#)

## Table 1.2.3 Overlays

- (a) [Acid Sulfate Soils Overlay](#)
- (b) [Biodiversity, Waterways and Wetlands Overlay](#)
- (c) [Bushfire Hazard Overlay](#)
- (d) [Coastal Protection and Scenic Amenity Overlay](#)
- (e) [Extractive Resources Overlay](#)
- (f) [Flood Hazard Overlay](#)
- (g) [Heritage Overlay](#)
- (h) [Landslide Hazard Overlay](#)
- (i) [Regional Infrastructure Overlay](#)

## Table 1.2.4 Development Codes

### Statewide Codes

- (a) Community residence code
- (b) Forestry for wood production code
- (c) Reconfiguring a lot (subdividing one lot into two lots) and associated operational work code

### Uses Codes

- (d) [Low Density Housing Code](#)
- (e) [Caretaker's Accommodation, Dwelling Unit and Rural Workers' Accommodation Code](#)
- (f) [Dual Occupancy and Multiple Dwelling Code](#)
- (g) [Special Residential Code](#)
- (h) [Visitor Accommodation Code](#)
- (i) [Home-Based Business Code](#)
- (j) [Business Activities Code](#)
- (k) [Community Activities Code](#)
- (l) [Entertainment Activities Code](#)
- (m) [Industry Activities Code](#)
- (n) [Infrastructure Activities Code](#)
- (o) [Recreation Activities Code](#)
- (p) [Rural Activities Code](#)

### Works Codes

- (q) [Driveways and Parking code](#)
- (r) [Earthworks code](#)
- (s) [Existing services code](#)
- (t) [Fire services for common private title code](#)
- (u) [Landscaping code](#)
- (v) [Sustainable Building Design Code](#)
- (w) [Transport code](#)
- (x) [Water Quality and Drainage code](#)
- (y) [Waterways works code](#)
- (z) [Waste Management code](#)

### Other Development codes

- (aa) [Reconfiguring a lot code](#)

## Table 1.2.5 Planning scheme policies

- (a) [SC6.1 - Planning Scheme Policy Index](#)
- (b) [SC6.2 - PSP1 Preparing a well-made application](#)
- (c) [SC6.3 - PSP2 Landscaping](#)
- (d) [SC6.4 - PSP3 Ecological assessment guidelines](#)
- (e) [SC6.5 - PSP4 Performance bonds](#)
- (f) [SC6.6 - PSP5 Sustainable Building Design](#)
- (g) [SC6.7 - PSP6 Engineering Design Standards](#)
- (h) [SC6.8 - PSP7 Framework and Character Plans](#)
- (i) [SC6.9 - PSP8 Natural Hazards](#)
- (j) [SC6.10 - PSP9 Waste Management](#)

(k) [SC6.11 - PSP10 Effluent disposal](#)

## 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);
  - (c) the definitions in Schedule 1 Definitions of the planning scheme;
  - (d) the [Acts Interpretation Act 1954](#);
  - (e) the ordinary meaning where that term is not defined in any of the above.
- (2) In the event a term has been assigned a meaning in more than one of the instruments listed in 1.3.(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.

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

- (1) Standard drawings contained in codes or schedules are part of the planning scheme.
- (2) Maps provide information to support the outcomes and are part of the planning scheme.
- (3) Notes are identified by the title 'note' and are part of the planning scheme.
- (4) Editor's notes are extrinsic material, under the [Acts Interpretation Act 1954](#), are identified by the title 'editor's note' 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.*

### 1.3.3 Punctuation

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

### 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;
  - (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 (including accepted with requirements)

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

- (b) assessable development
  - (i) code assessment
  - (ii) impact assessment

**Editor's Note**—A development approval is required for assessable development. Schedule 9, 10 and 12 of the Regulation also prescribe assessable development.

- (c) prohibited development.

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

- (2) 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 **Part 5 (Tables of Assessment)**.

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

**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.

## 1.5 Hierarchy of assessment benchmarks

- (1) Where there is inconsistency between provisions in the planning scheme, the following rules apply:
- (a) the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment
  - (b) relevant codes are 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) local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency
  - (e) zone codes prevail over use codes and other development codes to the extent of the inconsistency

## 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 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 a assessment benchmark 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 Tables of Assessment, regulates building work in accordance with sections 32 and 33 of the [Building Act 1975](#).

**Editor's Note**—The [Building Act 1975](#) permits planning schemes to:

- regulate, for the [Building Code of Australia \(BCA\)](#) or the [Queensland Development Code \(QDC\)](#), matters prescribed under a regulation under the [Building Act 1975](#) (section 32). These include variations to provisions contained in parts MP1.1, MP1.2 and MP1.3 of the QDC such as 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 etc. 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](#)

**Editor's Note**—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 specified in Table 1.6.1 - Building assessment provisions below.

**Table 1.6.1 Building assessment provisions**

Column 1 Building assessment matter addressed in the planning scheme	Column 2 Relevant section of the planning scheme
<b>Flood hazard</b>	
Identification of part of the planning scheme area as a natural hazard management area - flood for the BCA and QDC.	Schedule 2 <a href="#">Flood hazard overlay maps</a> (flooding and inundation area)  <i>Editor's Note— The planning scheme separately advises the level to which floor levels of habitable rooms of a building proposed in a flood hazard area, must be built.</i>  <i>Editor's Note—The planning scheme includes flood provisions for buildings, in addition to the QDC.</i>
<b>Bushfire hazard</b>	
Designation of part of the planning scheme area as a bushfire prone area for the BCA and the QDC.	Schedule 2 <a href="#">Bushfire hazard overlay maps</a>  <i>Editor's Note—The planning scheme includes bushfire provisions for buildings, in addition to the QDC.</i>
<b>QDC alternative provisions</b>	
Alternative provisions to the QDC for setback and site cover provisions for a dwelling house or a class 10 building or structure located on the same lot as a dwelling house.	<a href="#">6.3.1 Low Density Residential Zone Code</a> <a href="#">6.3.2 Medium Density Residential Zone Code</a> <a href="#">6.3.3 High Density Residential Zone Code</a> <a href="#">6.3.4 Tourist Accommodation Zone Code</a> <a href="#">6.8.3 Rural Zone Code</a> <a href="#">6.8.4 Rural Residential Zone Code</a>
Provisions about performance criteria 4 and 8 of the QDC for a dwelling house or a class 10 building or structure located on the same lot as a dwelling house.	<a href="#">6.3.1 Low Density Residential Zone Code</a> <a href="#">6.3.2 Medium Density Residential Zone Code</a> <a href="#">6.3.3 High Density Residential Zone Code</a> <a href="#">6.3.4 Tourist Accommodation Zone Code</a> <a href="#">6.8.3 Rural Zone Code</a> <a href="#">6.8.4 Rural Residential Zone Code</a> <a href="#">9.3.1 Low Density Housing Code</a>
<b>Amenity and aesthetics provisions</b>	
Amenity and aesthetics provisions for a dwelling house or a class 10 building or structure located on the same lot as a dwelling house.	<a href="#">6.3.1 Low Density Residential Zone Code</a> <a href="#">6.8.3 Rural Zone Code</a> <a href="#">6.8.4 Rural Residential Zone Code</a> <a href="#">9.3.1 Low Density Housing Code</a>

**Editor's Notes**—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 (1)(b) of the the [Building Act 1975](#).  
The decision is taken to be a referral agency's response under section 57(1) of the Act, for building work assessable against the Building Act 1975

## 1.7 Local government administrative matters

There are no local government administrative matters.

## 1.8 Party house restriction area

Pursuant to Section 276 of the *Planning Act 2016*, the whole of the Noosa Shire is identified by this planning scheme to be a party house restriction area.

**Editor's Note**—The party house restriction area has effect as follows - the use of a residence as a party house, in a party house restriction area, is not, and has never been, a natural and ordinary consequence of a residential development. As a consequence, any existing or proposed party house is subject to the planning scheme. Part 4 – Tables of assessment does not include any specific reference to party house and therefore a party house requires a development permit for a material change of use. Also, a development application for a party house is impact assessable in each zone and a



*party house is an inconsistent use in each zone. The planning scheme does not include assessment benchmarks for a material change of use for a party house but an impact assessable application requires public notification and assessment against the planning scheme.*