



# **Attachments - Minutes Under Separate Cover**

**Ordinary Meeting**

**Tuesday, 20 June 2023**



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**SCENIC RIM REGIONAL COUNCIL**  
**SCENIC RIM PLANNING SCHEME 2020**  
**AMENDMENT NO. 3**

FOR COUNCIL'S ADOPTION

20 JUNE 2023

**SCENIC RIM**  
  
REGIONAL COUNCIL



***Scenic Rim Planning Scheme 2020***

**AMENDMENT NO.3**

This is to certify that this is a true and correct copy of the *Scenic Rim Planning Scheme 2020* Amendment No. 3 adopted on <insert date> and commenced on <insert date>.

David Keenan

**CHIEF EXECUTIVE OFFICER**

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## Preliminary

### Short title

This amendment may be cited as *Scenic Rim Planning Scheme 2020 Amendment No. 3*.

### Purpose

This Major Amendment is made in accordance with Chapter 2, Part 4 of the Minister's Guidelines and Rules (Version 1.1) made under the *Planning Act 2016* and prescribed in the *Planning Regulation 2017*.

The purpose of this Major Amendment is to update a range of policy matters that have been identified through the implementation of the planning scheme and matters that are outstanding from the public consultation of the draft Planning Scheme.

### Application

This Major Amendment applies to the following version of the Scenic Rim Planning Scheme 2020:

*Scenic Rim Planning Scheme 2020 (24 February 2023)*

## Item 1: Facilitation of small-scale craft breweries and distilleries

### Summary

1. Amendment to enable *Low Impact Industry* involving craft brewing as Accepted Development in the zones that support commercial and tourism activities.
2. Amendment to enable *Medium Impact Industry* involving craft distilling as Code Assessable development in the zones that support commercial activities.

### Explanation

Small scale and 'craft' brewing and distilling are increasingly popular activities that also have the potential to contribute to a key area of growth in the region's expanding tourism industry and provide further small business opportunities. Amendments to the Planning Scheme are proposed that further facilitate this use to support this burgeoning activity in light of the benefits it can generate for tourism development in the region.

#### 1. Craft Breweries

Craft breweries are different to large-scale breweries because they have lower production volumes and are generally low impact in terms of matters such as noise, odour emissions and traffic generation.<sup>1</sup> Craft breweries can come in different sizes and with differing scales of production, such as a micro-brewery in a large industrial building versus a nano-brewery in a retail tenancy. They are often accompanied by associated *Shops, Function facilities* or *Food and drink outlets* where they serve their product and offer other services and experiences such as live music, niche retail, tours and community events.

An amendment is proposed to facilitate small scale craft brewing in the zones in the planning scheme that support commercial activities to enable the activity to occur without requiring a Development Permit and provide the opportunity to co-locate or combine with another commercial use.

The Planning Scheme identifies brewing as an industrial use and the activity falls within the *Low, Medium* or *High Impact Industry* land use definition, depending on the scale of the activity. Currently, as a *Low Impact Industry*, brewing of beverages must produce less than 50 tonnes (50,000L) per annum and is Code Assessable in the Industry Zone and the Commercial/Industrial Precinct of the Mixed Use Zone. In all other zones of the planning scheme, brewing of any scale is Impact Assessable.

The proposed change to the Planning Scheme seeks to enable a small-scale craft brewing activity to occur as Accepted Development in the zones that support commercial activities and where the activity is proposed in an *existing commercial building*. It is proposed to limit the scale of the activity to the current *Low impact industry* threshold, which is 50 tonnes (50,000L) per annum.

To illustrate the effect of the proposed amendment, the most common barrel size is approximately 200 Litres and at the proposed limit of 50,000L per annum, a brewing activity could produce approximately five barrels per week, or fill an average backyard swimming pool in a year.

If a *Low impact industry* involving small-scale brewing includes new building work, then it is proposed that Code Assessment be required against the relevant Zone Code and the suite of codes that generally apply in the Planning Scheme when new buildings are proposed as Assessment Benchmarks. All other *Low*

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<sup>1</sup> Department of State Development, Manufacturing, Infrastructure and Planning Fact Sheet: Supporting craft brewing through planning schemes (2019): [Supporting the craft brewing industry through planning schemes \(rdmw.qld.gov.au\)](https://www.rdmw.qld.gov.au/supporting-the-craft-brewing-industry-through-planning-schemes)



*impact industry* or a brewing activity that exceeds the proposed threshold would remain Impact Assessable (and inconsistent development in accordance with the Overall Outcomes of the Zone Code).

## 2. Craft Distilleries

Similar to craft brewing, distilling is an increasingly popular activity that can make a positive contribution to the region's growing tourism industry. Due to the potential impacts (odour, vapours, and the use of hazardous materials), distilling is currently classed as a *Medium impact industry* use in the Planning Scheme where the development involves distilling alcohol in works producing less than 2500 Litres per annum.

*Medium Impact Industry* is Code Assessable in the Industry Zone and Impact Assessable in all other zones. Distilling more than 2500 Litres makes the use a *High impact industry*, which is Impact Assessable in all zones in the Planning Scheme.

The proposed change to the Planning Scheme seeks to enable *Medium impact industry* involving small-scale distilling of alcohol as Code Assessable development in the zones that support commercial activities. It is considered that the proposed assessment benchmarks that would apply through the Code Assessment process, which include the General Development Provisions Code, would enable a suitable assessment of the impacts of a proposed small-scale distillery to enable Council to impose suitable conditions to protect the amenity of neighbouring properties if required.

### Notes:

1. Other land uses such as *Function facilities*, *Shops* or *Food and drink outlets* that may be associated with a proposed *Low impact industry* involving brewing up to 50,000 Litres would be subject to the requirements of the Planning Scheme.
2. *Existing commercial building* is defined in the Planning Scheme as an existing Class 5, 6, 8 and 9 building as specified in the Building Code of Australia.
3. *Minor building work* is defined in the Planning Scheme as building work that increases the gross floor area of a building by no more than the lesser of the following -
  - a. 50m<sup>2</sup>; or
  - b. an area equal to 5% of the gross floor area of the building.

## State Interests

*State Planning Policy 2017 - Planning for Safety and resilience to hazards: Emissions and hazardous activities*

The proposal takes into consideration the State Interest component regarding Industrial development. In accordance with Policy (1) of this State Interest, the appropriate location, design and management mechanisms that avoid or mitigate adverse impacts of emissions on sensitive land uses and the natural environment are addressed through the use of the nominated Accepted development and Code assessable development thresholds for *Low impact industry* - brewing beverages and *Medium impact industry* - distilling alcohol when located in the Minor Tourism zone.

In accordance with Policy (2) of this State interest, the *Low impact industry* - brewing beverages at the small-scale proposed, is not considered to be a hazardous activity within the identified zones that support commercial activities. Proposals involving distilling alcohol, even at a small-scale will be assessed against, among other benchmarks, the relevant Zone Code, the General Development Provisions Code and the Earthworks, Construction and Water Quality Code to determine whether the use, storage and disposal of hazardous materials associated with distilling alcohol has been sufficiently addressed and is met by the proposal.

*State Planning Policy 2017 - Planning for Economic Growth – Tourism*

Within this State Interest, Policies (1), (2), (3) and (4) are relevant to the proposed amendment. The zones that support commercial activities include complementary and compatible land uses which mitigate the

presence of sensitive uses. Craft breweries and small scale alcohol distilleries complement and enhance the local character and the social and cultural values of the region, and draw upon the natural and landscape assets for which the Scenic Rim is renown.

The proposed assessment levels for craft breweries and alcohol distilleries will assist in servicing and supporting the tourist experience within the Scenic Rim by increasing and diversifying tourist opportunities and generating additional economic growth.

The proposed amendment also aligns with the *Queensland Craft Brewing Strategy* (November 2018) prepared by the Department of State Development, Manufacturing, Infrastructure and Planning by recognising the unique requirements of small scale craft breweries through tailored planning controls.

## Proposed Changes

1. In Part 5, Tables of Assessment, Section 5.5 amend the Material Change of Use Tables to include:

- a. Low impact industry as:
  - i. Accepted development where involving brewing beverages up to 50,000 Litres per annum and where in an *existing commercial building* and not involving building work other than *minor building work*; and
  - ii. Code assessable development if not Accepted and where involving brewing of beverages up to 50,000 Litres per annum; and
- b. Medium impact industry as Code Assessable where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum;

in the following Zones:

- a. District Centre Zone, Table 5.5.3.1;
- b. Local Centre Zone, Table 5.5.7.1;
- c. Major Centre Zone, Table 5.5.10.1;
- d. Major Tourism Zone, Table 5.5.11.1;
- e. Minor Tourism Zone, Table 5.5.12.1;
- f. Neighbourhood Centre Zone, Table 5.5.14.1;
- g. Township Zone (Where no precinct applies), Table 5.5.19.1.

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<a href="#">Low impact industry</a>	<a href="#">Accepted</a>	
	<p><a href="#">If:</a></p> <p><a href="#">(1) involving brewing beverages up to 50,000 Litres per annum; and</a></p> <p><a href="#">(2) where located in an existing commercial building; and</a></p> <p><a href="#">(3) not involving building work (other than minor building work).</a></p>	<a href="#">Not Applicable</a>
	<a href="#">Code assessment</a>	
	<a href="#">If not Accepted and involving brewing of beverages up to 50,000 Litres per annum.</a>	<a href="#">Relevant Zone Code</a> <a href="#">Earthworks, Construction and Water Quality Code</a> <a href="#">General Development Provisions Code</a> <a href="#">Infrastructure Design Code</a> <a href="#">Landscaping Code</a> <a href="#">Parking and Access Code</a>

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<a href="#">Medium impact industry</a>	<a href="#">Code assessment</a>	
	<a href="#">If involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum</a>	<a href="#">Relevant Zone Code</a> <a href="#">Earthworks, Construction and Water Quality Code</a> <a href="#">General Development Provisions Code</a> <a href="#">Infrastructure Design Code</a> <a href="#">Landscaping Code</a> <a href="#">Parking and Access Code</a>

2. In Part 6, Zones, amend the overall outcomes (2)(b) in the zones listed in no. 1 above to include a new clause as shown below to allow for *Low impact industry* and *Medium impact industry* as land uses that are intended to occur in the zone and renumber remaining outcomes accordingly:

(b) **Land uses:**

[\(viii\) include \*Low impact industry\* where involving brewing beverages up to 50,000 Litres per annum.](#)

[\(ix\) include \*Medium impact industry\* where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum.](#)

3. In Part 6, Zones, for the zones listed in no.1 above, amend the table for Consistent Uses and Potentially Consistent Uses to include an additional line for *Low impact industry* under a new heading for *Industrial Activities* as shown below.

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<a href="#">Industrial Activities</a>	
<a href="#">Low impact industry (where involving brewing beverages up to 50,000L per annum)</a> <a href="#">Medium impact industry (where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum).</a>	

4. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Centre Hierarchy, amend no. 11 to accommodate small-scale brewing as a low impact industry that is supported fronting High Street in the Boonah District Centre.

(11) Low impact industries are supported in the District Centres where:

- (a) the potential for land use conflict with other uses expected in the centre is effectively mitigated; and  
 (b) not fronting High Street in the Boonah District Centre [\(except where involving brewing beverages up to 50,000 Litres per annum\).](#)

5. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Industry and Employment, include a new outcome (2) as shown below and renumber subsequent outcomes accordingly.

[\(2\) Industrial activities involving small-scale craft brewing or distilling are supported in the District Centre Zone, Local Centre Zone, Major Centre Zone, Major Tourism Zone, Minor Tourism Zone, Neighbourhood Centre Zone and Township Zone \(Where no precinct applies\), where potential adverse off-site environmental impacts can be mitigated.](#)

## Item 2: Amendment to facilitate groundwater extraction for water supply in the Rural Zone - Tamborine Mountain Precinct

### Summary

Amendment to facilitate groundwater extraction as Code Assessable development in the Tamborine Mountain Rural Precinct where the water is used for *water supply*.

### Explanation

Recent water shortages resulting from extended drought on Tamborine Mountain has highlighted the need for additional local water suppliers to cater for increased demand for the refilling of domestic water tanks in the local area. The Planning Scheme currently requires Impact Assessment for a *Utility installation* involving groundwater extraction to cater for provision of bulk water to on-site storage facilities on Tamborine Mountain.

The application fee for an Impact Assessable development application, combined with the increased risk of third party appeals associated with the public submission process makes it prohibitive for new suppliers to obtain a Development Permit to establish a new use that caters for local water supply.

An amendment is proposed to enable groundwater extraction to occur as Code Assessable development where it is for a *Utility installation* involving groundwater extraction (including processing and transport) for *water supply*. A new Administrative Definition for *water supply* is proposed to clarify the meaning of the term in relation to commercial groundwater extraction.

The **existing** *Utility installation* definition from Schedule 1, Table SC1.1.2 of the Planning Scheme is provided below:

Regulated requirements		Guidance	
Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Utility installation</i>	means the use of premises for— <b><u>(a) a service for supplying or treating water,</u></b> hydraulic power or gas; or (b) a sewerage, drainage or stormwater service; or (c) a transport service; or (d) a waste management service; or (e) a maintenance depot, storage depot or other facility for a service stated in paragraphs (a) to (d).	sewerage treatment plant, pumping station, water treatment plant, <b><u>groundwater extraction for water supply</u></b> (including processing and transport), minor utility installation	Telecommunications tower, major electricity infrastructure, minor electricity infrastructure, substation, renewable energy facility, transport depot

It is proposed that this provision for a *Utility installation* apply to the Tamborine Mountain Rural Precinct only, due to the potential amenity impacts (noise) associated with the use. This is consistent with the existing policy in the Planning Scheme for groundwater extraction for water supply in the Rural Zone (Where no precinct applies).

**Notes:**

1. Under Council's Local Laws, water carriers delivering drinking water must apply for a mobile food business license to comply with the *Food Act 2006*.
2. A new *Utility installation* for *water supply* would be exempt from the current Moratorium Notice made under Section 30 of the *Water Act 2000* applying to the Tamborine Mountain and Springbrook areas because it involves the construction of works by a registered service provider under the *Water Supply (Safety and Reliability) Act 2008* for town water supply (ref. no.8 (d) of the Moratorium Notice, dated 6 March 2020).

**State Interests***State Planning Policy 2017 Planning for Infrastructure: Energy and water supply*

The proposal takes into consideration the State Interest whereby timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled. Relevant policies of this State interest include (1), (2), (3) and (4). Specifically, the proposal considers the availability of existing water infrastructure and identifies impediments to affordably and reliably service the needs of the Tamborine Mountain and surrounding communities in times of drought when insufficient water supply infrastructure is locally available.

The Tamborine Mountain Rural Precinct typically has lot sizes that are larger than 10,000m<sup>2</sup>. The large lot size and the restricted uses in the Rural zone, assist in protecting the infrastructure from development that may otherwise compromise its integrity, efficient delivery and functioning. The location of the *Utility installation* in the Tamborine Mountain Rural Precinct, would also help to minimise adverse impacts such as noise and heavy truck movements on surrounding land uses and the natural environment.

**Proposed Changes**

1. In Part 5, Tables of Assessment, Table 5.5.17.3 - Rural Zone - Tamborine Mountain Rural Precinct, include *Utility installation* as Code Assessable development if involving *groundwater extraction* for *water supply* for domestic purposes as shown in tracked changes below:

**Table 5.5.17.3 - Rural Zone - Tamborine Mountain Rural Precinct**

Use	Categories of development and Assessment benchmarks for assessable development and requirements for accepted development	
Utility installation	<b>Accepted</b>	
	If involving a <i>minor utility installation</i>	Not applicable
	<b><u>Code assessment</u></b>	
	<u>If involving groundwater extraction for water supply</u>	<u>Rural Zone Code</u> <u>General Development Provisions Code</u> <u>Landscaping Code</u> <u>Parking and Access Code</u>
	<b><u>Impact assessment</u></b>	
	If not Accepted <u>or Code assessment</u>	The Planning Scheme

2. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include the following new *Water supply* definition in the alphabetical place order.

Column 1 Administrative Term	Column 2 Definition
<u>Water supply</u>	<p>In respect to <u>groundwater extraction</u>, means provision of bulk water to on-site storage facilities to be used for the following:</p> <ul style="list-style-type: none"> <li>a) <u>household and residential purposes;</u></li> <li>b) <u>watering of animals;</u></li> <li>c) <u>watering plants, garden or lawn; and</u></li> <li>d) <u>non-residential uses where used on site and where not involving use for intensive manufacturing/production, or wholesale distribution.</u></li> </ul> <p><u>Examples include water supplied to dwelling houses, shops and nurseries.</u></p>

3. In Part 3, Strategic Framework, Section 3.4, Settlement Pattern, *Mountain Community*, under the existing paragraph for groundwater extraction for commercial purposes, include the following additional paragraph as shown in tracked changes below:

*Groundwater extraction* for commercial purposes is not supported in the Mountain Community as the activity detracts from the amenity of the sensitive residential and nature-based tourism areas, which represents the prevailing development pattern of the Tamborine Mountain plateau and escarpment. In particular, the volume of heavy vehicle traffic generated by the use is inconsistent with the amenity and character expectations of land located along the road network that services the Mountain Community, which is predominantly utilised for residential and tourist activities.

A Utility installation involving groundwater extraction for water supply is supported in the rural areas of the Mountain Community to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.

4. In Part 3, Strategic Framework, Section 3.4, Table 3.4.2 Strategic Outcomes, Element: Mountain Community, include the following additional outcome (9) under existing outcome (8) and renumber remaining outcome accordingly:

(9) A Utility installation involving groundwater extraction for water supply is supported in the Rural Zone (Tamborine Mountain Precinct) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.

5. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Natural Resources and Sustainability, include the following additional outcome (8) under existing outcome (7) and renumber subsequent outcomes accordingly:

(8) A Utility installation involving groundwater extraction for water supply is supported in the Rural Zone (Tamborine Mountain Precinct) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.

6. In Part 6, Zones, 6.2.17 Rural Zone Code, 6.2.17.2 Purpose and Overall Outcomes, amend the overall outcomes for the Rural Zone - Tamborine Mountain Rural Precinct, by including the following additional outcome (4)(b)(viii) as shown below and renumber subsequent outcomes accordingly:

**(b) Land Uses:**

(viii) include a Utility installation involving groundwater extraction for water supply is supported in the Rural Zone (Tamborine Mountain Precinct) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.

7. In Part 6, Zones, 6.2.17 Rural Zone Code, 6.2.17.2 Purpose and Overall Outcomes, amend Table 6.2.17.2.3 - Consistent Uses and Potentially Consistent Uses in the Rural Zone - Tamborine Mountain Rural Precinct, by including additional text against the existing provision for Utility installation as shown below:

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Infrastructure Activities</b>	
<i>Major electricity infrastructure</i> (where proposed as underground infrastructure) <i>Substation</i> <i>Telecommunications facility</i> <i>Utility installation</i> (where involving a minor utility installation <a href="#">or where involving groundwater extraction for water supply</a> )	<i>Air Service</i> (helipad only) <i>Major electricity infrastructure*</i>

## Item 3: Amendment to enable subdivision of land divided by a State controlled road in the Rural Zone

### Summary

Amendment to the Rural Zone Code to enable subdivision of one lot into two lots where the land is divided by a *State controlled road*.

### Explanation

In alignment with the *Shaping SEQ South East Queensland Regional Plan 2017*, the planning scheme seeks to protect rural land for agricultural production and rural activities and it also reflects the regulatory provisions of the *Planning Regulation 2017*, which prohibits the creation of new lots under 100ha in the Regional Landscape and Rural Production Area (RLRPA).

However, Schedule 10, section 23 of the Planning Regulation provides for *exempt subdivision* that enables subdivision below the 100ha minimum in the RLRPA that divides 1 into 2 lots, if:

- a) the divided lot is severed by a road that was gazetted before 2 March 2006 or a State-controlled road; and
- b) the road forms the whole of the boundary between the lots.

There are several hundred parcels of land in the Rural Zone of the Planning Scheme currently severed by a road that was gazetted before 2 March 2006. An analysis of these land parcels was undertaken to determine appropriate policy measures to enable the suitable application of the *exempt subdivision* allowance of the Planning Regulation by applying the following considerations:

- the size and dimension of potential new lots;
- the constraints of the land (particularly the Environmental Significance, Bushfire Hazard, Flood Hazard, Steep Slope and Landslide Hazard Overlays);
- the road construction type and potential access to new lots (i.e. sealed, unsealed, unconstructed);
- existing land uses (including surrounding land uses); and
- the locality of potential new lots in regard to access to services and surrounding character.

In the majority of cases, the combination of the above considerations established that the creation of an additional lot was unsuitable in that the development would not contribute to the achievement of the purpose of the Rural Zone in the Planning Scheme, which is to:

- (a) provide for rural uses and activities; and
- (b) provide for other uses and activities that are compatible with:
  - (i) existing and future rural uses and activities; and
  - (ii) the character and environmental features of the zone; and
- (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

The analysis also found that it was not evident that the road severance was obstructing the ability for the land to be used effectively for rural purposes as the land was generally located in relatively isolated locations with little passing traffic.



Notwithstanding, the analysis determined that lots severed by a State-controlled road may have the potential to accommodate the opportunity to apply the *exempt subdivision* provision of the Planning Regulation because in many cases, the severance potentially restricts the ability for the land to be used effectively for Rural activities.

Accordingly, an amendment is proposed to enable the opportunity to create a new lot in the Rural Zone (and RLRPA) where the existing lot is dissected by a State-controlled road and where the subdivision can achieve the proposed outcomes in the Rural Zone Code and the Strategic Framework. All other reconfiguring a lot in the Rural Zone where the land is severed by an existing road will be discouraged.

The proposed outcomes will require that a Reconfiguration of a lot that is severed by a State-controlled road:

1. results in lots of an appropriate size and configuration to sustain the productive capacity of the land for *Rural activities*;
2. facilitates improved land management practices for *Rural activities* that are restricted by the road severance;
3. creates an additional lot only if the new boundary aligns with the road severance and each lot has access from an existing constructed and sealed road;
4. does not contribute to conflict between existing surrounding *Rural activities* and residential uses or ribbon development along rural roads;
5. does not further limit the potential for *Rural activities* to occur where lots are constrained by natural hazards, including riverine flooding, steep slope and bushfire hazard;
6. protects important ecological values including protected vegetation, waterways, important landscape features and view corridors; and
7. provides for lots that have access to safe and reliable water supply and effluent disposal.

As per the Table of Assessment in the Reconfiguring a Lot, the creation of a new lot below 100ha remains Impact Assessable so that a holistic approach to the impacts of the subdivision (including matters raised through public submissions) are assessed against the Strategic Outcomes of the planning scheme and that the intent of the Rural Zone is upheld.

**Notes:**

1. A State controlled road is defined in Schedule 1, Table SC1.2.2 - Administrative Definitions as a road or land, or part of a road or land, declared under section 24 (of the Transport Infrastructure Act 1994), to be a State-controlled road, and, for chapter 6, part 5, division 2, subdivision 2 (of the Transport Infrastructure Act 1994), see section 53 (of the Transport Infrastructure Act 1994).  
*Note—definition from the Transport Infrastructure Act 1994.*
2. State controlled roads are mapped in the Planning Scheme on Overlay Map OM-15.2 Road Hierarchy Overlay.
3. Rural Activities are defined in Schedule 1 Definitions, Table SC1.1.3.2 - Defined Activity Groups
4. The amendment is proposed to only apply to the Rural Zone - Where no precinct applies.

## State Interests

*Shaping SEQ South East Queensland Regional Plan 2017 (Planning Regulation 2017)*

DRO4 and DRO 5 seek to protect, manage, enhance and sustainably use regional natural resources and rural production areas; and contribute to strong, sustainable and viable rural communities. This amendment, through the proposed Performance Outcomes will sustain productive capacity; facilitate improved land management; provide appropriate access; discourage the opportunity for sensitive adjoining uses to emerge, discourage lot creation where environmental constraints impact productive capacity, protect ecological values; and require access to safe and reliable water and effluent disposal.

*State Planning Policy 2017 - Planning for Economic Growth: Agriculture*

The proposal also meets the requirements of the State Interest through the protection of the resources that agriculture depends upon and by supporting the sector's long term growth. The severance of the lot will not detrimentally impact the agricultural land. Applicants who propose to take up the option must demonstrate in response to the proposed Code requirements that the two new lots can be appropriately serviced to provide suitable rural productive capacity and enhance the resource without further fragmenting the land.

## Proposed Changes

1. Amend Part 6.2.17.2 of the Rural Zone Code by including a new overall outcome (e)(iii) as shown below:

Where land is severed by a road and the management of the land is restricted by the road severance, an additional lot may only be created if:

(A) the new boundary aligns with the road severance;

(B) the road is a state-controlled road;

(C) the reconfiguration protects and enhances the agricultural production capacity of the land; and

(D) the lots are appropriately serviced.

2. Amend Table 6.2.17.3.1—Accepted and Assessable Development - Rural Zone (Where no precinct applies) by amending PO4 and including an additional PO5/AO5 as follows:

Performance Outcomes	Acceptable Outcomes
<b>Reconfiguration of a Lot</b>	
<b>PO4</b> Reconfiguring a lot: (1) creates lots of an appropriate size, dimension and configuration to accommodate land uses consistent with the purpose and overall outcomes of the zone; (2) facilitates agricultural production, and minimises the loss and fragmentation of land for agricultural production; and (3) complies with the standards in <b>Table 9.4.6.3.2 - Minimum Lot Size and Design</b> <u>(except where PO5/AO5 applies below)</u> .	<b>AO4</b> No Acceptable Outcome is prescribed.
<b>Reconfiguration of a lot involving the division of 1 lot into 2 lots and where:</b> <u>a) the divided lot is severed by a road that was gazetted before 2 March 2006 or a State-controlled road; and</u> <u>a)b) the road forms the whole of the boundary between the lots.</u>	
<b>PO5</b> <u>Reconfiguration of a lot may only occur where the land is severed by a State-controlled road and the reconfiguration:</u> (1) <u>results in lots of an appropriate size and configuration to sustain the productive capacity of the land for Rural activities;</u> (2) <u>facilitates improved land management practices for Rural activities that are hindered by the road severance;</u> (3) <u>creates an additional lot only if the new boundary aligns with the road severance and each lot has access from an existing constructed and sealed road;</u> (4) <u>does not contribute to conflict between existing surrounding Rural activities and residential uses or ribbon development along rural roads;</u> (5) <u>does not further limit the potential for Rural activities to occur where lots are constrained by natural hazards, including riverine flooding, steep slope and bushfire hazard;</u> (6) <u>protects important ecological values including protected vegetation, waterways, important landscape features and view corridors;</u> (+) (7) <u>provides for lots that have access to safe and reliable water supply and effluent disposal.</u>	<b>AO5</b> <u>No Acceptable Outcome is prescribed.</u>

3. In Part 3 Strategic Framework, Section 3.4 Communities and Character, amend Table 3.4.2 Strategic Outcomes for the *Rural Areas* element, by including an additional outcome under the existing outcome (4) as shown below and renumber subsequent outcomes accordingly:
- (4) Lots in the Rural Zone achieve the minimum lot sizes specified for the Rural Precincts identified in **Strategic Framework Map SFM-03: Rural Precinct Plan**, being:
- (a) Rural 60 ha Precinct; and
  - (b) Rural 40 ha Precinct
- which are SEQ Subdivision Precincts in accordance with Schedule 10 of the *Planning Regulation 2017*. Where not included in a Rural Precinct, the minimum lot size for new lots in the Rural Zone is 100 ha.
- (5) Notwithstanding the requirements of (4) above, where land is severed by a State-controlled road and the management of the land is restricted by the road severance, an additional lot may be created that does not achieve the minimum lot size if the new boundary aligns with the road severance, the reconfiguration

[protects and enhances the agricultural production capacity of the land and both lots are appropriately serviced.](#)

4. In Part 3 Strategic Framework, Section 3.5 Growing Economy, amend Table 3.5.2 Strategic Outcomes for the *Rural Areas* element, by including an additional outcome following the existing outcome (2) as shown below and renumber subsequent outcomes accordingly:

- 2) Lots in the Rural Zone achieve the minimum lot sizes specified for the Rural Precincts identified in **Strategic Framework Map SFM-03: Rural Precinct Plan**, being:
  - (a) Rural 60 ha Precinct; and
  - (b) Rural 40 ha Precinct,

which are SEQ Subdivision Precincts in accordance with Schedule 10 of the *Planning Regulation 2017*. Where not included in a Rural Precinct, the minimum lot size for new lots in the Rural Zone is 100 ha.

- 3) [Notwithstanding the requirements of \(2\) above, where land is severed by a State-controlled road and the management of the land is restricted by the road severance, an additional lot may be created that does not achieve the minimum lot size if the new boundary aligns with the road severance, the reconfiguration protects and enhances the agricultural production capacity of the land and both lots are appropriately serviced.](#)

## Item 4: Amendments to the Dual Occupancy Code and level of assessment for Dual Occupancies

### Summary

1. Amendment to the levels of assessment for Dual Occupancies in the Low Density Zone (Where no precinct applies) and Low-medium Density Zone.
2. Amendment to the Dual Occupancy Code to enhance amenity and neighbourhood character outcomes.

### Explanation

In response to community concerns raised during the public consultation of the Planning Scheme in 2018, changes are proposed to the level of assessment for *Dual occupancies* in the Low-medium Density Residential Zone and the Low Density Residential Zone (Where no precinct applies). Minor changes to the Dual Occupancy Code are also proposed to enhance amenity for occupants of the dwellings and to ensure that *Dual occupancy* development contributes to the desired neighbourhood character of the residential zones.

The changes seek to ensure that this housing type does not become over-represented in a neighbourhood resulting in a residential density not envisaged in the zones, which can lead to poor amenity outcomes, including unplanned traffic impacts. The proposed changes encourage development of *Dual occupancies* on corner lots through the levels of assessment and increase the lot size for *Dual occupancies* that are Code Assessable to accord with the envisaged density of these zones (min.700m<sup>2</sup> in the Low Density Residential Zone and minimum 450m<sup>2</sup>/minimum average 700m<sup>2</sup> in the Low-medium Density Residential Zone).

Through the strengthening of the additional code provisions for Dual Occupancies and also to achieve better alignment with development intended to occur in the Low and Low-medium Density Residential Zones, it is proposed to limit the level of assessment to Code (rather than Impact).

The following changes to the Dual Occupancy Code are also proposed:

1. Inclusion of the requirement for *Dual occupancies* to maintain the appearance of a single dwelling by requiring the dwelling units to share a common wall where located in the Low Density Residential Zone (Where no precinct applies) and the Low-medium Density Zone.
2. Inclusion of the requirement for *Dual occupancies* to be located on lots that have a minimum frontage width of 20m to assist in ensuring adequate area for private open space, on-site car parking and the ability for the intended character can be achieved.
3. Removal of the requirement that the main living area of one dwelling of the *Dual occupancy* is located within 20m of a main living area of the other dwelling of the *Dual occupancy*. This requirement triggers unnecessary Code Assessable development applications for *Dual Occupancy*, particularly in the Rural Zone where the spacing of the two dwellings on the land could improve a sense of privacy for the occupants.
4. Inclusion of the requirement that where located in the Low Density or Low-medium Density Residential Zone (including precincts) and not on a corner lot, a Dual occupancy is not located within 50 metres of another *Dual occupancy* located on the same side of the street. This seeks to ensure that *Dual occupancies* are dispersed and avoid concentration in residential neighbourhoods to ensure amenity and streetscape character are consistent with the Zone. This additional Performance Outcome is also proposed to be supported by an additional corresponding Overall Outcome in the Dual Occupancy Code.

## State Interests

*State Planning Policy 2017 - Livable Communities and Housing: Housing Supply and Diversity*

Council is seeking to achieve a residential development pattern in the Low and Low-Medium Density Zones that complements the regional setting, rural town origins and character of its residential neighbourhoods.

Policy (2) *Built and natural environment* of this State Interest, which is particularly relevant to this proposed amendment, aims to support the vibrancy and diversity of communities facilitated by other components, (a) good neighbourhood planning and centre design; and (d) higher density development in accessible and well-serviced locations. The proposed amendment seeks to specifically address the components of good neighbourhood planning and accessibility.

The current planning scheme provisions have the potential to result in a disproportionate quantity of *Dual occupancies* in the residential zones. The resulting increased density and associated vehicle movements have the potential to result in negative traffic and visual amenity impacts - particularly in new residential neighbourhoods.

Where there is a concentrated increase of this housing type, which is enabled by the current dual occupancy provisions, residential amenity vibrancy and diversity may be impacted. Conversely, a distribution of higher density dwellings among the medium to low density dwellings would provide a more diverse residential community and a mix of people who are at different life stages and with different socio-economic characteristics, thus enabling community diversity.

Where concentrated dual occupancy development is currently an opportunity within the LMDR and LDR zones, accessibility needs within the newer residential estates of Beaudesert are not met by public transport services. The existing opportunity within the LMDR and LDR zones for concentrations of higher density dual occupancy residential living where adequate levels of public transport are not available, is not appropriate under the SPP.

The proposed amendment facilitates the dispersal of *Dual occupancies* within neighbourhoods by encouraging their location on corner lots through reduced levels of assessment. Corner lots are considered suitable for *Dual occupancy* development because the building can be designed to address two street frontages and gain access from separate streets, while maintaining the appearance of a single dwelling. This assists in mitigating the visual effect of the increased dwelling density on a lot and allows a *Dual occupancy* to 'blend in' with a neighbourhood of predominantly detached houses.

The proposed amendment is considered reasonable for a regional local government area, which has very limited access to public transport options. In addition to *Dual occupancies*, the planning scheme seeks to facilitate other residential accommodation choices such as *Dwelling houses* on a variety of lot sizes, *Multiple dwellings* (potentially at higher densities than *Dual occupancies*) and also *secondary dwellings*.

The changes are considered to meet the requirements of the State Planning Policy in that the Low and Low-Medium Density Zones in the Planning Scheme will continue to support a range of housing choices, lot sizes and affordable housing options.

## Ministerial Condition

As part of the state interest review and Minister's approval to undertake public consultation of this draft Major Amendment package, the following condition was imposed, which requires Council to amend the table of assessment in the current Planning Scheme to not categorise any *dual occupancy* as impact assessable in the Low Density Residential Zone (where no precinct applies). This change has been reflected in this version of the draft amendment package for public consultation and it means that unless a proposed *dual occupancy* meets the requirements for development that is 'Accepted Subject to Requirements', it will be Code Assessable in the Low Density Residential Zone and required to achieve the applicable assessment benchmarks.

### Ministerial condition

Pursuant to section 20 of the *Planning Act 2016*

Pursuant to section 20 of the *Planning Act 2016* (the Planning Act), I hereby advise the Scenic Rim Regional Council (the council) that it may proceed to publicly consult the proposed Major Amendment No. 3 to the *Scenic Rim Planning Scheme 2020*, as submitted under cover letter of 22 September 2021, subject to the following condition:

Amendments to the Dual Occupancy Code and level of assessment for dual occupancies		
Ref.	Condition	Timing
1.	<p>Amend Table 5.5.8.1 – Low Density Residential Zone (where no precinct applies) to not categorise any <i>dual occupancy</i> as subject to impact assessment.</p> <p><b>Reason:</b> Impact assessment for <i>dual occupancy</i> is not supported in residential zones.</p> <p><b>Note:</b> It is recommended the council monitor the performance of the Dual Occupancy Code to determine if any amendments are required to support the intended outcomes of the code.</p>	Prior to public consultation

Dated this 15 day of April 2022



STEVEN MILES MP  
DEPUTY PREMIER  
Minister for State Development, Infrastructure,  
Local Government and Planning  
Minister Assisting the Premier on Olympics Infrastructure

## Proposed Changes

1. In Part 5, Tables of Assessment, Section 5.5.8, Table 5.5.8.1 - Low Density Residential Zone - Where No Precinct Applies, amend the table for *Dual occupancy* as shown below:

**Table 5.5.8.1 - Low Density Residential Zone - (Where no precinct applies)**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Accepted subject to requirements</b>	
	If: (1) on a lot <del>4000</del> 800m <sup>2</sup> or greater; <del>or and</del> (2) <u>located on a corner lot where each dwelling has access to separate constructed roads on a corner lot</u> <del>800m<sup>2</sup> or greater with legal dual road access</del>	Low Density Residential Zone Code Dual Occupancy Code
	<b>Code assessment</b>	
	If <u>not Accepted subject to requirements</u> <del>on</del> <del>a lot 700m<sup>2</sup> or greater</del>	Low Density Residential Zone Code Dual Occupancy Code
	<b>Impact assessment</b>	
	<del>If not Accepted subject to requirements or Code assessment</del>	<del>The Planning Scheme</del>

2. Part 6, Zone Codes, Section 6.2.8 Low Density Residential Zone Code, Table 6.2.8.2.1 - Consistent Uses and Potentially Consistent Uses in the Low Density Residential Zone (Where No Precinct Applies) Amend Column 1 for Dual Occupancy as shown below:

**Table 6.2.8.2.1 - Consistent Uses and Potentially Consistent Uses in the Low Density Residential Zone (Where no precinct applies)**

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Residential Activities</b>	
<i>Community residence</i> <i>Dwelling house</i> <i>Dual occupancy</i> <del>(where on a lot 700m<sup>2</sup> or greater)</del> <i>Home based business</i> (if not involving Industrial activities other than <i>minor industrial activities</i> ) <i>Sales office</i> <i>Multiple dwelling</i> (where involving 3 dwelling units) <i>Residential care facility</i> (where involving 10 bedrooms or less) <i>Retirement facility</i> (where involving 10 bedrooms or less)	<del><i>Dual occupancy (where on a lot 600m<sup>2</sup> or greater)</i></del> <i>Multiple dwelling*</i> <i>Residential care facility*</i> <i>Retirement facility*</i>

\* other than as specified in column 1



3. Part 6, Zone Codes, Section 6.2.8 Low Density Residential Zone Code, Table 6.2.8.3.2 - Assessable Development in the Low Density Residential Zone - Where no precinct applies Amend AO6.2 to read as follows:

**Table 6.2.8.3.2— Assessable Development - Low Density Residential Zone (Where no precinct applies)**

Performance Outcomes	Acceptable Outcomes
<b>PO6</b> Development involving a <i>Multiple dwelling</i> or a <i>Dual occupancy</i> : (1) maintains the low density residential character of the zone; and (2) caters for a mix of household sizes to meet the diverse housing needs of the community.	<b>AO6.1</b> Development involving a <i>Multiple dwelling</i> has the following minimum land area requirements: (1) 300m <sup>2</sup> for each 3 or more bedroom unit; (2) 270m <sup>2</sup> for each 2 bedroom unit; and (3) 250m <sup>2</sup> for each 1 bedroom unit.
	<b>AO6.2</b> A <i>Dual occupancy</i> is located on a lot: <u>(1) 700m<sup>2</sup> or greater where on a corner lot and where obtaining access from separate constructed roads; or</u> <u>(2) 1000m<sup>2</sup> or greater where not on a corner lot.</u>

4. Part 5, Tables of Assessment, Section 5.5.9, Table 5.5.9.1 - Low-Medium Density Residential Zone, amend the table for Dual occupancy as shown below:

**Table 5.5.9.1 - Low-Medium Density Residential Zone**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dual occupancy	<b>Accepted subject to requirements</b>	
	If: <u>(1) on a lot 900m<sup>2</sup> or greater; and</u> <u>(4)(2) located on a corner lot where each dwelling has access to separate constructed roads.</u>	Low-Medium Density Residential Zone Code Dual Occupancy Code
	<b>Code assessment</b>	
	If <u>not Accepted subject to requirements on a lot 700m<sup>2</sup> or greater.</u>	Low-Medium Density Residential Zone Code Dual Occupancy Code

5. Part 6, Zones, Section 6.2.9 Low-medium Density Residential Zone Code, Table 6.2.9.2.1 - Consistent Uses and Potentially Consistent Uses in the Low-medium Density Residential Zone Amend Table 6.2.9.2.1 for Dual Occupancy as shown below:

**Table 6.2.9.2.1 - Consistent Uses and Potentially Consistent Uses in the Low-medium Density Residential Zone**

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Residential Activities</b>	
Community residence Dual occupancy <del>(where on a lot 600m<sup>2</sup> or greater)</del> Dwelling house Home based business (if not involving Industrial activities other than <i>minor industrial activities</i> ) Sales office Multiple dwelling (where involving 6 dwelling units or less) Residential care facility (where involving 10 bedrooms or less) Retirement facility (where involving 10 bedrooms or less)	Residential care facility* Retirement facility* Multiple dwelling*

\* other than as specified in column 1

6. Part 6, Zones, Section 6.2.9 Low-medium Density Residential Zone Code, Table 6.2.9.3.2 - Assessable Development Amend AO7.2 to read as follows:

**Table 6.2.9.3.1 - Accepted and Assessable Development**

Performance Outcomes	Acceptable Outcomes
<b>PO7</b> Development involving a <i>Multiple dwelling</i> or <i>Dual occupancy</i> : (1) is consistent with the low-medium density residential character of the zone; and (2) caters for a mix of household sizes to meet the diverse housing needs of the community.	<b>AO7.1</b> Development involving a <i>Multiple dwelling</i> has the following minimum land area requirements: (1) 300m <sup>2</sup> for each 3 or more bedroom unit; (2) 270m <sup>2</sup> for each 2 bedroom unit; and (3) 250m <sup>2</sup> for each 1 bedroom unit. <b>AO7.2</b> A <i>Dual occupancy</i> <u>achieves a maximum density of 1 dwelling per 400m<sup>2</sup></u> <del>is located on a lot 600m<sup>2</sup> or greater.</del>

7. In Part 9, Development Codes, Section 9.3.4 Dual Occupancy Code, amend the Overall Outcomes and Performance and Acceptable Outcomes in Table 9.3.4.3.1 and Table 9.3.4.3.2 as shown below:

### 9.3.4 Dual Occupancy Code

#### 9.3.4.1 Application

This code applies to development identified as requiring assessment against the Dual Occupancy Code by the tables of assessment in **Part 5 Tables of Assessment**.

#### 9.3.4.2 Purpose

- (1) The purpose of the Dual Occupancy Code is to ensure that development for a *Dual occupancy* contributes to the provision of a greater range of housing types for the community while ensuring compatibility with, and protection of the amenity of the surrounding area.
- (2) The purpose of the code will be achieved through the following overall outcomes.
- (a) A *Dual occupancy*;
- (i) is designed and sited to protect the amenity of adjoining premises and the streetscape;
  - (ii) is of a character and built form consistent with the zone;
  - (iii) located outside of a *drinking water connection area* or a *waste water connection area*, is provided with on-site water storage and waste water treatment and disposal to meet the needs of residents;
  - ~~(iv)~~ (v) does not contribute to a concentration of this housing type in the Low Density and Low-medium Density Residential Zones to reduce the potential for increased traffic impacts and reliance on on-street carparking;
  - ~~(vi)~~ (vi) ensures outbuildings do not dominate the built form; and
  - ~~(vii)~~ (vii) provides safe vehicle access and sufficient space for on-site car parking.

#### 9.3.4.3 Assessment Benchmarks

**Table 9.3.4.3.1— Criteria for Accepted and Assessable Development**

Performance Outcomes	Acceptable Outcomes
<b>Access and Parking</b>	
<b>PO1</b> A <i>Dual occupancy</i> allows for safe and convenient vehicular access to the site, provides for on-site car parking and makes a positive contribution to the amenity and character of the surrounding area.	<b>AO1.1</b> The <i>Dual occupancy</i> obtains access from a <i>constructed road</i> . <b>AO1.2</b> <u>The lot has a minimum frontage width of 20m.</u>

Performance Outcomes	Acceptable Outcomes
	<p><b>AO1.32</b> A minimum of 1 covered car parking space per dwelling of the <i>Dual occupancy</i> is provided on-site.</p> <p><b>AO1.43</b> The covered car parking spaces are set back a minimum of 1m from the front building façade of the <i>Dual occupancy</i>.</p> <p><b>AO1.54</b> The <i>Dual occupancy</i> provides: (1) a shared driveway; or (2) a separate driveway to each <i>dwelling</i> where the <i>Dual occupancy</i> is located on a lot with two street frontages.</p>
<b>Design and Amenity</b>	
<p><b>PO2</b> A <i>Dual occupancy</i> enhances the amenity and character of the zone by: (1) visually integrating with the streetscape and adjacent premises by having the appearance and bulk of a single house when viewed from the street; and (2) addressing the street frontage.</p>	<p><b>AO2.1</b> <del>The main living area of one dwelling of the <i>Dual occupancy</i> is located within 20m of a main living area of the other dwelling of the <i>Dual Occupancy</i>.</del></p> <p><b>AO2.12</b> <del>Each dwelling of the <i>Dual occupancy</i> is oriented to address the street frontage.</del> Where in the Low Density Residential Zone (Where no precinct applies) or Low-medium Density Residential Zone, the dwelling units of the <i>Dual occupancy</i> share a common wall.</p> <p><b>AO2.23</b> Where located on a site having two street frontages, each <i>dwelling</i> of the <i>Dual occupancy</i> is oriented to address a separate street frontage.</p>
<p><b>PO3</b> A <i>Dual occupancy</i> is sited and designed to maintain the privacy of the residents of each <i>dwelling</i> and neighbouring premises.</p>	<p><b>AO3</b> The <i>Dual occupancy</i> prevents direct overlooking of the main internal living areas and private open space of nearby <i>dwelling</i>s through measures such as: (1) offsetting the development from the adjacent <i>dwelling</i>s by a distance sufficient to limit direct views into the adjacent windows; or (2) incorporating sill heights a minimum of 1.5m above floor level; or (3) utilising screening devices, such as fixed frosted or textured glazing, for any part of the window below 1.5m above floor level; or (4) providing fixed external screens.</p>
<b>Private Open Space</b>	
<p><b>PO4</b> Each <i>dwelling</i> of a <i>Dual occupancy</i> is provided with sufficiently sized and suitably located outdoor private open space to meet the recreational needs of residents.</p>	<p><b>AO4</b> The private open space for each <i>dwelling</i> of the <i>Dual occupancy</i> has: (1) minimum dimensions of 5m x 5m; and (2) a maximum gradient not exceeding one in ten.</p>
<b>Casual Surveillance</b>	
<p><b>PO5</b> Each <i>dwelling</i> of a <i>Dual occupancy</i> is sited and designed to provide opportunities for casual surveillance of the street and any adjoining public spaces.</p>	<p><b>AO5</b> The window of at least one habitable room of each <i>dwelling</i> of the <i>Dual occupancy</i> overlooks the street or adjoining public spaces.</p>
<b>On-site Waste Water Treatment and Water Supply</b>	

Performance Outcomes	Acceptable Outcomes
<b>PO6</b> Where located outside of a <i>waste water connection area</i> , a <i>Dual occupancy</i> has adequate land area for treatment and disposal of waste water on-site.	<b>AO6</b> Where located outside of a <i>waste water connection area</i> , the <i>Dual occupancy</i> : (1) is established on lots greater than 8,000m <sup>2</sup> ; and (2) disposes of all waste water on-site. <i>Note - A Site and Soil Evaluation for the design of the on-site waste water management systems will be required to indicate compliance with this outcome.</i>
<b>PO7</b> Where located outside of the <i>drinking water connection area</i> , the <i>Dual occupancy</i> is provided with sufficient on-site water storage to meet the needs of the residents.	<b>AO7</b> Where located outside of a <i>drinking water connection area</i> , each dwelling of the <i>Dual occupancy</i> is connected to an on-site water supply with a storage capacity of at least 45000L.
<b>Domestic Outbuildings</b>	
<b>PO7</b> <i>Domestic outbuildings</i> in residential areas are of a scale and have a built form that: (1) is compatible with the <i>dwelling</i> s of the <i>Dual occupancy</i> and adjoining <i>dwelling</i> s having regard to height, mass and proportion; (2) is subordinate to the <i>dwelling</i> s of the <i>Dual occupancy</i> and adjoining <i>dwelling</i> s; and (3) maintains or contributes positively to the streetscape.	<b>AO8</b> <i>Domestic outbuildings</i> in a <i>residential zone</i> : (1) have a combined total <i>gross floor area</i> that does not exceed: (a) 55m <sup>2</sup> on a lot 600m <sup>2</sup> or smaller; or (b) 110m <sup>2</sup> on a lot greater than 600m <sup>2</sup> and up to 2000m <sup>2</sup> ; or (c) 200m <sup>2</sup> on a lot greater than 2000m <sup>2</sup> ; and (d) does not exceed the <i>gross floor area</i> of any <i>dwelling</i> s on the site; and (2) are a single <i>storey</i> structure; and (3) have a <i>building height</i> that does not exceed the <i>building height</i> of any residence on the premises.

Table 9.3.4.3.2— Criteria for Assessable Development

Performance Outcomes	Acceptable Outcomes
<b>Design and Amenity</b>	
<b>PO1</b> A <i>Dual occupancy</i> is designed to: (1) provide visual interest to the streetscape through the use of varying building colours and materials, architectural elements, landscape and pavement treatments, changes in roof form and pitch; (2) provide for roofed verandas or eaves; (3) address the street frontage; and (4) ensure covered car parking spaces are visually compatible with, and subordinate to, the building form and appearance.	<b>AO1</b> No acceptable outcome is prescribed.
<b>PO2</b> A <i>Dual occupancy</i> that adjoins or is directly opposite an existing <i>Dual occupancy</i> is designed to: (1) add visual interest to the streetscape; (2) provide differentiation between developments through contrasting building articulation, construction materials, colour and architectural design; and (3) address the street frontage.	<b>AO2</b> The design of the <i>Dual occupancy</i> differs from existing <i>Dual occupancies</i> in the immediate area.

Performance Outcomes	Acceptable Outcomes
<p><b>PO3</b>  <u>In the Low Density and Low-medium Density Residential Zones (including precincts), <i>Dual occupancies</i> are dispersed and avoid concentration in residential neighbourhoods to ensure amenity and streetscape character are consistent with the Zone.</u></p>	<p><b>AO3</b>  <u>Where located in the Low Density or Low-medium Density Residential Zone (including precincts) and not on a corner lot, a Dual occupancy is not located within 50 metres of another <i>Dual occupancy</i> located on the same side of the street.</u></p> <p><u><i>Note: The 50 metre separation distance is measured between the closest points of the lot boundaries.</i></u></p>

8. In Part 3, Strategic Framework, Section 3.4, Table 3.4.2 Strategic Outcomes, Element: *Urban Areas*, amend the existing outcome (3) as shown below:

*Dual occupancies* in the Low-Density Residential Zone (excluding the Mountain Residential Precinct) achieve a maximum density of 1 dwelling per 400m<sup>2</sup>~~are located on lots 600m<sup>2</sup> or greater~~ to maintain the predominantly low-density residential character of the zone and buildings incorporate urban design elements that positively contribute to the *streetscape* and create variation in appearance.

## Item 5: Inclusion of Lot 2 on RP27261 in the Rural Zone

### Summary

Remove Lot 2 on RP27261 from the Community Facilities Zone and include in the Rural Zone to reflect the current use of the place as a dwelling.

### Explanation

The land at Boonah-Rathdowney Road, Maroon was historically used as the St Andrew's Anglican Church, but has since been sold and is now in private ownership and used as a private residence.

On 11 March 2020, Council issued a Development Permit for a Material Change of Use for the former Place of Worship to be used as a House and the building was subsequently reclassified as a Class 1a habitable dwelling. A Code Assessable development application was required because the place is included in the Local Heritage Register.



Figure 1: The former St Andrew's Anglican Church, Maroon is now used as a private residence

The land is proposed to be included in the Rural Zone because the Community Facilities zoning is no longer relevant for this privately owned rural residence. The proposed zoning is consistent with neighbouring land and other land in the region's rural areas improved by a dwelling outside township areas.

### State Interests

#### *Shaping SEQ Regional Plan 2017 - Regional Landscape and Rural Production Area*

The proposed change from Community Facilities zoning to Rural zoning is consistent with DRO4 and DRO5 of the Regional Plan. Given there is an existing approved use of the lot as a place of residence, the neighbouring land and neighbouring uses remain unchanged by the proposal. The rural community has not benefitted from the building operating as a church for some time however the residential use of the lot may now contribute to the rural community, its health, wealth and character, through the re-classification of the church to a habitable dwelling.

#### *State Planning Policy 2017 - Planning for Economic growth: Agriculture*

The land subject to the amendment is not mapped as Important Agricultural Area (IAA). There is currently no agricultural use of the lot however, approximately half of the parcel is mapped under Overlay 1 - Agricultural Land of the Scenic Rim Planning Scheme and is identified as Agricultural land classification - class A and B within the State Planning Policy 2017 Interactive Mapping System. The current zoning of the lot within the Community Facilities Zone, where the building previously operated as a church, alienated

the lot from agricultural uses, and while the proposed zone change is more complementary, the small lot size makes it unlikely to be feasibly used for agricultural purposes in the future.

The SPP requires that development seeks to avoid potential for conflict with existing agricultural uses. In this regard, the nearest cultivated land is located 160 metres away. The presence of the Boonah-Rathdowney Road would reduce any sensitive use impacts on the residential land use from the rural activities. A Material Change of Use assessment would have considered potential land use conflicts and resulted in a residential dwelling approval in March 2020. The proposed change of zoning from Community Facilities to Rural Zone does not create any new land use conflicts.

*State Planning Policy 2017 - Planning for the Environment and Heritage: Cultural Heritage*

The State Interest identifies that the cultural heritage significance of heritage places and heritage areas, including places of Aboriginal and Torres Strait Islander cultural heritage, is conserved for the benefit of the community and future generations. The proposal meets Policies (3), (4) and (5) of this State Interest because the proposed change of zoning from Community Facilities to Rural Zone for this Locally listed heritage item, does not alter or compromise the significance of the historic St Andrew's Anglican Church and there are no inherent land use conflicts between the proposed Rural Zone and the heritage item that would prevent the maintenance and enhancement of the cultural heritage significance of the building.


## Proposed Change

Amend Schedule 2, Zone Maps ZM51 to remove Lot 2 on RP27261 from the Community Facilities Zone and include in the Rural Zone.





#### Legend

 Rural Zone

**SCENIC RIM**  
REGIONAL COUNCIL

0 60 120 240 360 480 Metres

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## Item 6: Amendment to floor level requirements for non-residential buildings in the Flood Hazard Overlay Code

### Summary

Amend the Flood Hazard Overlay Code to remove the requirement for non-residential buildings to have a 500mm freeboard above the *defined flood level*.

### Explanation

The Flood Hazard Overlay Code in Part 8, Section 8.2.6 of the Planning Scheme currently requires:

- a) **all floor levels of habitable rooms** of residential buildings; and
  - b) **all floor levels** of non-residential buildings
- to be constructed 500mm above the *defined flood level*.

This requirement is expressed as an acceptable outcome to achieve compliance with Performance Outcome PO1, which deals with development siting, layout and access.

An amendment is proposed to AO1.2 in the Flood Hazard Overlay Code to remove the requirement for floor levels of **non-residential buildings** to be constructed 500mm above the *defined flood level*. The 500mm freeboard requirement is primarily a simple mechanism to ensure that new buildings can accommodate existing and any future changes in expected flood conditions in the future.

It is proposed that the 500mm freeboard requirement continue to apply to habitable rooms of residential buildings, but the requirement for non-residential buildings will be limited to floor levels being constructed above the flood level only. Non-habitable rooms, (e.g. sheds, laundries, garages and carports) and non-residential buildings can be built in an area that floods where there is no other alternative, however they are required to be constructed to be resilient to the effects of flood in accordance with building requirements.

The freeboard requirement would continue to provide additional protection for habitable rooms of residential buildings which, if affected by flooding, can cause significant property damage.

It is considered that the proposed amendment would still achieve the intent of the SPP for Safety and resilience to hazards: Natural Hazards, Risk and Resilience because all development is still intended to be constructed above the *defined flood level*. In the Planning Scheme the *defined flood level* is the 1%AEP and includes an additional climate change factor, meaning that increases in the flood level over a period of time (70 years +) has already been considered.

### Notes:

1. *Habitable room* is defined in the Building Code of Australia and means:
  - a) a room used for normal domestic activities, and:
  - b) includes a bedroom living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
  - c) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.
2. Building requirements for buildings in Flood Hazard Areas are specified in *Queensland Development Code MP3.5 - Construction of Buildings in Flood Hazard Areas*. The purpose of the code is to ensure
  - a) particular buildings located in flood hazard areas—
    - i. resist flotation, collapse or significant permanent movement caused by flood water; and

- ii. safeguard occupants and other people against illness or injury caused by flood water affecting buildings; and
  - iii. are protected from backflow; and
  - iv. have utilities that are protected from the effects of flood water; and
- b) that a customer dedicated substation is designed or located so its ability to function effectively is not affected by flood water.

## State Interests

*State Planning Policy 2017 - Planning for Safety and resilience to hazards: Natural Hazards, Risk and Resilience*

The proposal meets the requirement to plan for risks associated with natural hazards, including the projected impacts of climate change, which are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards. The Flood Hazard Overlay Code of the Planning Scheme is proposed to be amended to ensure that where non-residential buildings cannot be located on land outside a *flood hazard area*, all floor levels are constructed above the *defined flood level*. This maintains the requirement within the SPP to respond to the potential risk of flooding, maintain personal safety and mitigate the risk to people and property during a natural hazard event.

No change is proposed to the requirements for *Residential activities* within the Code, (including expansion of existing activities) which are not supported in the Flood Land Precinct of the Limited Development Zone due to the significant flooding constraints of land.

## Proposed Change

- In Part 8 Overlays, Section 8.2.6 Flood Hazard Overlay Code, amend AO1.2 in Table 8.2.6.3.1 as shown in tracked changes below:

### 8.2.6.3 Assessment Benchmarks

**Table 8.2.6.3.1 — Flood Hazard Overlay Code - for Assessable Development**

Performance Outcomes	Acceptable Outcomes
<p><b>PO1</b> Development siting, layout and access:</p> <p>(1) responds to the potential risk of flooding, including the <i>Flood Hazard Category</i> on the site;</p> <p>(2) maintains personal safety at all times; and</p> <p>(3) mitigates the risk to people and property to an acceptable or tolerable level.</p> <p><b>Note</b> - Flood Hazard Category is shown on the Flood Hazard Overlay Map - Category Area OM-06-B.</p>	<p><b>AO1.1</b> A new building or extension to an existing building is not located in a high hazard category area as shown on the <b>Flood Hazard Overlay Map - Category Area OM-06-B</b>.</p> <p><b>AO1.2</b> Residential buildings:</p> <p>(1) are not located on land in a <i>flood hazard area</i>; or</p> <p>(2) where the development cannot be located on land outside the <i>flood hazard area</i>, all floor levels of habitable rooms are elevated a minimum of 500mm above the <i>defined flood level</i>.</p> <p>Non-residential buildings:</p> <p>(1) are not located on land in a <i>flood hazard area</i>; or</p> <p>(2) where development cannot be located on land outside the <i>flood hazard area</i>, all floor levels are <u>constructed</u> <del>elevated a minimum of 500mm</del> above the <i>defined flood level</i>.</p> <p><b>Note</b> - If part of the site is outside the flood hazard area, this is the preferred location for development.</p> <p><b>Note</b> - Building work in a designated flood hazard area must meet the requirements of the relevant building assessment provisions under the Building Act 1975.</p> <p><b>Editor's Note</b> - The defined flood level may be obtained from Council through a Flood Level Search where the property is located within the Defined Flood Event on <b>Flood Hazard Overlay Map - Hazard Area OM-06-A</b>. A site based flood study is required that investigates the impact of the development on the floodplain and demonstrates compliance with the Performance Outcome where a flood level is not available (Investigation Area).</p>

## Item 7: Amendment to Animal Keeping requirements in the Low Density Residential Zone - Mountain Residential Precinct

### Summary

1. Amendment to align the level of assessment for catteries in the Low Density Residential Zone - Mountain Residential Precinct with the Low Density Residential Zone (Where no precinct applies).
2. Amendment to include a minimum site area requirement for a *Stable* as a use that is Accepted subject to requirements in the Low Density Residential Zone - Mountain Residential Precinct.

### Explanation

An amendment is proposed that seeks to achieve additional alignment for Animal Keeping in low density residential areas as a review of the Planning Scheme has identified inconsistencies between the Low Density Residential Zone (Where no precinct applies) and the Low Density Residential Zone - Mountain Residential Precinct.

1. The Low Density Residential Zone - Tamborine Mountain Precinct currently allows up to 20 cats as Accepted subject to requirements, whereas the Low Density Residential Zone and Low Medium Density Residential Zone only allows up to 10 cats. 20 cats is generally reserved for the Rural Residential and Rural Zones where the land size is larger.

Further, a code assessable development application is required for a cattery not exceeding 20 cats in the Low Density Residential Zone (Where no precinct applies), after which development is subject to Impact Assessment. However, in the Mountain Residential Precinct, the number of cats is unlimited for Code Assessment.

The proposed amendment seeks to align the requirements of the Mountain Residential Precinct with the base zone.

The comparison between the existing levels of assessment is shown below:

**Table 5.5.8.1 - Low Density Residential Zone - (Where no precinct applies)**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Animal keeping	<b>Accepted subject to requirements</b>	
	If; <b>(1) a cattery;</b> (a) <b>not exceeding 10 cats;</b> and (b) not involving the boarding of cats; or <b>(2) an aviary.</b>	Animal Keeping Code
	<b>Code assessment</b>	
	<b>If a cattery;</b> <b>(1) not exceeding 20 cats; and</b> <b>(2) does not involve the boarding of cats.</b>	Animal Keeping Code General Development Provisions Code

Table 5.5.8.2 - Low Density Residential Zone - Mountain Residential Precinct

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Animal keeping</b>  <i>Editor's Note - Please refer to the Local Laws for additional animal keeping requirements.</i>	<b>Accepted subject to requirements</b>	
	If involving; <b>(1) a cattery:</b> (a) <b>not exceeding 20 cats</b> ; and (b) not involving the boarding of cats; or (2) an aviary not exceeding 200m <sup>2</sup> GFA; or (3) a stable; or (4) outdoor horse training tracks or arenas.	Animal Keeping Code
	<b>Code assessment</b>	
	If; (1) <b>not Accepted subject to requirements</b> ; and (2) not involving a kennel.	Animal Keeping Code General Development Provisions Code

2. *Stables* are Accepted subject to requirements in the Low density residential zone - Mountain Residential Precinct, which is reflective of the semi-rural character of Tamborine Mountain, existing uses and the size of existing lots in the zone that can accommodate the activity. However, it is recommended that a minimum area of 8000m<sup>2</sup> be applied to a stable for development that is Accepted subject to requirements as the Animal Keeping Code does not include a minimum site area for a Stable. This will assist in addressing any amenity concerns of a new stable establishing in the Mountain Residential Precinct of the Low Density Residential Zone.

Further, the Animal Keeping Code requires a minimum site area of 10ha for the Outdoor Horse Training Track and Arena to comply with the Animal Keeping Code. There is no land of that size in the Mountain Residential Precinct for this to materialise, so it is proposed to remove the activity from the table.

## State Interests

Not applicable.

## Proposed Change

1. In Part 5, Tables of Assessment, Table 5.5.8.2 - Low Density Residential Zone - Mountain Residential Precinct, amend the requirements for Animal Keeping as shown below:

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Animal keeping</b>  <i>Editor's Note - Please refer to the Local Laws for additional animal keeping requirements.</i>	<b>Accepted subject to requirements</b>	
	If involving; (1) a cattery: (a) not exceeding <del>10</del> <b>20</b> cats; and (b) not involving the boarding of cats; or (2) an aviary not exceeding 200m <sup>2</sup> GFA; or (3) a stable <del>(on lots 8000m<sup>2</sup> or greater).</del> <b>or</b> <b>outdoor horse training tracks or arenas.</b>	Animal Keeping Code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
	<b>Code assessment</b>	
	If; (1) not Accepted subject to requirements; or (2) a cattery: (a) not exceeding 20 cats; and <del>(a)</del> (b) not involving the boarding of cats; and <del>(2)</del> (3) not involving a kennel.	Animal Keeping Code General Development Provisions Code

## Item 8: Reduction of side and rear setbacks for lots 1 hectare or less in the Rural Zone (Where no precinct applies)

### Summary

Amendment to building setbacks for lots 1ha or less in the Rural Zone (where no precinct applies) to reduce unnecessary code assessable development applications due to boundary setback variations.

### Explanation

Smaller lots in the Rural Zone (where no precinct applies) are subject to the same side and rear boundary setbacks as larger rural lots, which has led to a number of code assessable development applications being made to Council seeking variations to the required 6 metres in AO1 in Table 6.2.17.3.1 of the Rural Zone Code. Most of these applications are for domestic sheds where an owner is seeking to locate the new building in a suitable location on the site to maximise internal access and areas for private open space.

An amendment is proposed that provides for reduced side and rear boundary setbacks in the Rural Zone for smaller rural lots (1ha or less). The proposed setbacks align with the minimum requirements of the Rural Residential Zone - Rural Residential A Precinct, which generally has a similar lot size. No change is proposed to the existing 10m front setback requirement.

It is considered that the proposed reduced setbacks (which include a greater setback as building height increases), will not result in negative amenity concerns for neighbouring properties, such as overshadowing, privacy or neighbourhood character.

### State Interests

Not applicable.

### Proposed Change

1. In Part 6, Zones, Table 6.2.17.3.1, amend the setback requirements for development in the Rural Zone (Where no precinct applies) as shown below:

**Table 6.2.17.3.1—Accepted and Assessable Development - Rural Zone (Where no precinct applies)**

Performance Outcomes	Acceptable Outcomes		
Setbacks			
<b>PO1</b> Building setbacks: (1) maintain the very low density character of the zone; (2) assist in the protection of adjacent amenity and privacy; (3) allow for access around the buildings; and (4) minimise the potential for land use conflict.  <i><b>Note</b> - Where setbacks are required in this code or other codes, the higher numerical standard prevails.</i>	<b>AO1</b> Building setbacks are as follows:		
	<b>Setback</b>	<b>Minimum Distances Measured in Metres (m)</b>	
	Street frontage	10m	
	Side and rear boundary (other than where specified below)	6m	
	<a href="#">Side and rear boundary for lots 1ha or less (other than where specified below)</a>	<a href="#">Building Height</a>	<a href="#">Setback</a>
	<a href="#">Up to 4.5m</a>	<a href="#">3m</a>	
	<a href="#">For that part</a>	<a href="#">5m</a>	

Performance Outcomes		Acceptable Outcomes	
		<a href="#">between 4.5m - 7.5m</a>	
		<a href="#">For that part exceeding 7.5m</a>	<a href="#">5m plus an extra 0.5m is added for every 3m in height or part thereof over 7.5m</a>
	Side and rear boundary (where involving <i>tourism activities</i> )	20m	

**Note** - Where setbacks are required in this code or other codes, the higher numerical standard prevails.

## Item 9: Amendment to include *Local utility* as Accepted development for Operational Work involving a car park

### Summary

Amendment to the Table of Assessment for Operational Work to include *Local Utility* as accepted development for a car park to achieve alignment with the Tables of Assessment for Material Change of Use.

### Explanation

An inconsistency has been identified in the Tables of Assessment in that a *local utility* is accepted development for all Material Change of Use development, but not for all types of Operational Work listed in Table 5.8.1.

An amendment is proposed which enables Operational Work involving a car park to occur as Accepted development where the work is on local government owned land or carried out by local government (a *local utility*).

A *local utility* is defined in Schedule 1, Table SC1.2.2 - Administrative Definitions as:

Column 1 Administrative Term	Column 2 Definition
<i>Local utility</i>	<p>Development:</p> <p>(1) carried out by:</p> <ul style="list-style-type: none"> <li>(a) the local government as defined under the Local Government Act 2009; or</li> <li>(b) a joint local government entity; or</li> <li>(c) an interim entity or corporate entity established under the Local Government (Beneficial Enterprise and Business Activities) Regulation 2010; or</li> <li>(d) an association with which the local government participates in conducting a beneficial enterprise under the Local Government Act 2009; or</li> <li>(e) an authority established under a local law; or</li> <li>(f) a person engaged by the local government for the purpose of assisting the local government in the exercise of the local government's jurisdiction to ensure the good rule and government of its territorial unit; or</li> </ul> <p>(2) on land owned by Scenic Rim Regional Council or of which Scenic Rim Regional Council is the trustee; and</p> <p>(3) does not include a significant business activity as defined by the Local Government Act 2009.</p> <p><b>Editor's note</b> - To clarify, the above definition does not include a distributor-retailer under the provision of the South East Queensland Water (Distribution and Retail Restructuring) Act 2009 or a service provider under the Water Supply (Safety and Reliability) Act 2008.</p>

### Notes:

1. In accordance with Schedule 6 of the *Planning Regulation 2017*, Operational Work associated with Reconfiguring a Lot must be Assessable Development. A *local utility* would also be subject to this requirement and therefore a change to the level of assessment for this type of development is not proposed.
2. Standards (including Australian Standard AS2890) and design requirements for works involving a car



park are included in *Planning Scheme Policy 1 - Infrastructure Design*. Although the proposed development would remove the requirement for a Council led development (or development on Council-owned land) to obtain a Development Permit for Operational Work, these standards and design guidelines would still be referred to as part of Council's internal processes for works.

## State Interests

Not applicable.

## Proposed Change

In Part 5, Tables of Assessment, Section 5.8 Categories of Development and Assessment - Operational Work, amend Table 5.8.1 - to include a *local utility* as accepted development for a car park in all zones as shown below.

**Table 5.8.1 - Operational Work**

Zone	Categories of development and Assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Car Park</b>		
All zones	Accepted	
	If: (1) a <i>local utility</i> ; or (2) carried out in compliance with a material change of use development permit or a variation approval (or equivalent approval under superseded legislation) which; (i) has not lapsed; and (ii) states that a development approval for operational works for a car park is not required.	Not applicable
	Code Assessable	
	If: (1) not Accepted; and (2) involving an impervious area for vehicle parking for 8 spaces or more in total on a site.	Earthworks, Construction and Water Quality Code General Development Provisions Code Infrastructure Design Code Parking and Access Code

## Item 10: Amendment to make Animal Keeping involving Kennels an inconsistent use in the Township Zone (Township Residential Precinct)

### Summary

Amendment to exclude Kennels as consistent development for the Township Zone - Township Residential Precinct.

### Explanation

The Township Residential Precinct of the Township Zone currently includes all *Animal Keeping* (where low impact and small scale) as consistent development in Table 6.2.19.2.1 - Consistent Uses and Potentially Consistent Uses in the Township Zone - Township Residential Precinct. This means that the zone is supportive of a Kennel in this precinct (which is Impact Assessable).

It is proposed to amend the Table to exclude Kennels as a consistent use in the precinct to protect the existing residential neighbourhoods in the zone from the potential negative impacts (noise, traffic) from kennels.

This change would make a Kennel an inconsistent use and not intended to occur in the zone.

### State Interests

Not applicable.

### Proposed Change

**Table 6.2.19.2.2 - Consistent Uses and Potentially Consistent Uses in the Township Zone - Township Residential Precinct**

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Rural Activities</b>	
<i>Animal keeping</i> (where low impact and small scale <a href="#">and not involving a Kennel</a> )	

## Item 11: Inclusion of an Administrative Definition and map to define the *Tamborine Mountain Community* area.

### Summary

1. Amendment to include a new Administrative Definition to provide greater clarity about the land included in the term *Mountain Community* that is currently used within various parts of the Planning Scheme.
2. Replacement of existing term *Mountain Community* with *Tamborine Mountain Community* in all instances where it occurs in the Planning Scheme.

### Explanation

Additional clarity is required in regard to the existing term *Mountain Community* and the land to which it applies. The term is currently used in various parts of the planning scheme, including the Tables of Assessment and Strategic Framework, to vary policy that applies to Tamborine Mountain such as the thresholds for the level of assessment for particular uses.

*Mountain Community* is land shown on Strategic Framework Map - SFM-01 Communities and Character.

An amendment is proposed that includes a new Administrative Definition for *Tamborine Mountain Community* to reference the existing Strategic Framework Map and also include a new 'Other Plan' map that shows the cadastral boundaries so that the land encompassed within this definition is clear to Planning Scheme users.

Further, in response to community feedback, Council resolved at the Ordinary Meeting on 6 December 2022 to change the term *Mountain Community* to *Tamborine Mountain Community*. This additional change involves replacing the existing term *Mountain Community* with *Tamborine Mountain Community* in all instances where it appears in the Planning Scheme, which includes the Strategic Framework, Table of Assessment for the Rural Residential Zone, Rural Residential Zone Code and Strategic Framework Map 01.

### State Interests

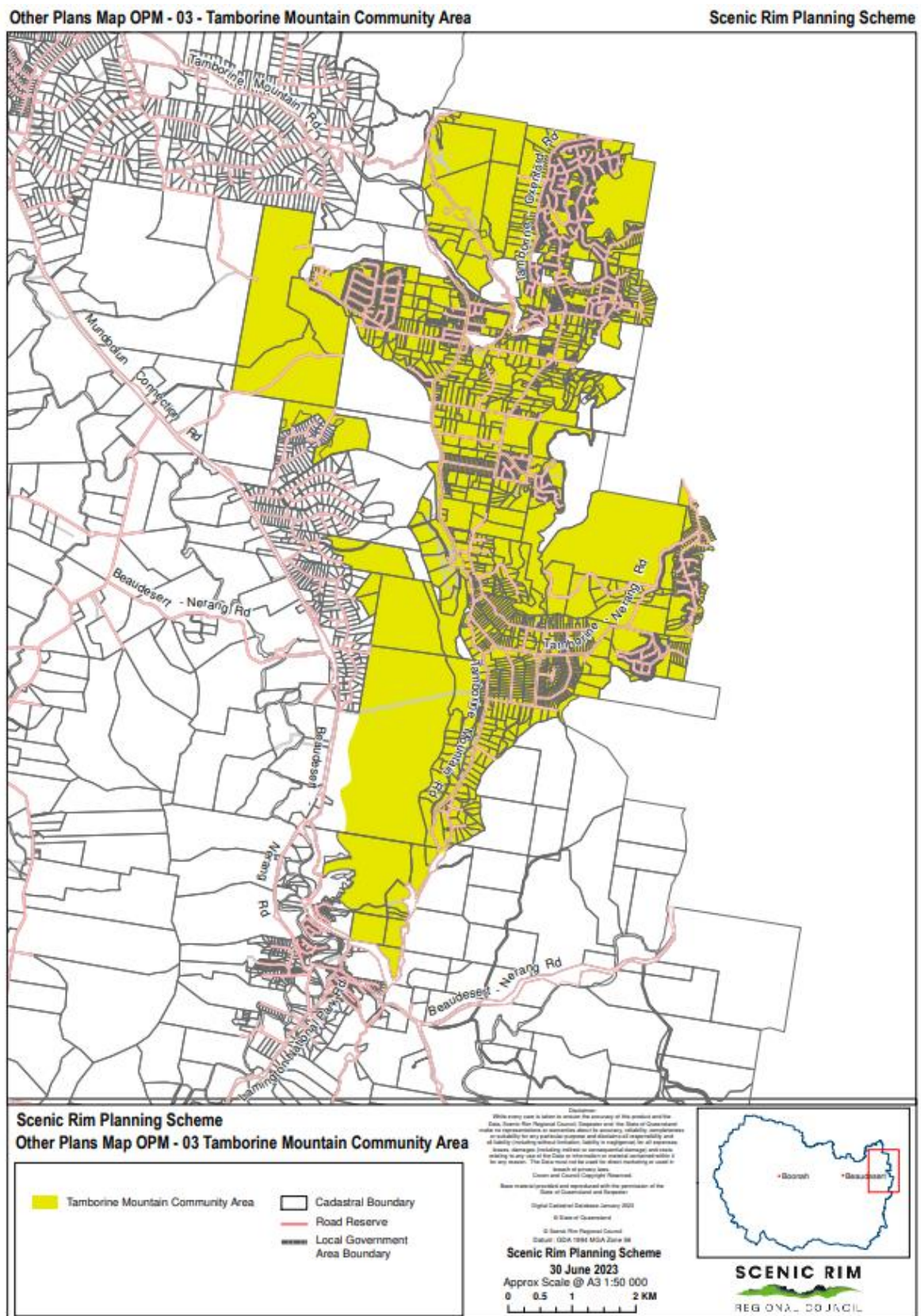
Not applicable.

### Proposed Changes

1. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.1 - Index of Administrative Definitions, include *Tamborine Mountain Community* in the alphabetical place order.
2. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include the following new *Tamborine Mountain Community* definition in the alphabetical place order.

Column 1 Administrative Term	Column 2 Definition
<a href="#"><i>Tamborine Mountain Community</i></a>	<a href="#">Land identified in Schedule 2 on OPM-03 Other Plans Map - Tamborine Mountain Community Area.</a>

3. In Schedule 2, Mapping, include a new Other Plan Map titled OPM-03 Tamborine Mountain Community Area which identifies the cadastral boundary of the *Tamborine Mountain Community* area.
4. Replace the term *Mountain community*, with *Tamborine Mountain Community*, in all instances where it occurs in the Planning Scheme.



## Item 12: Inclusion of a note to Domestic Outbuilding Definition

### Summary

Amendment to include a note to the Domestic Outbuilding Administrative Definition that caters for the circumstances where a domestic shed is constructed prior to a *Dwelling House* on land.

### Explanation

Council often receives enquiries from land owners seeking to build domestic sheds on vacant residential zoned land where there is the intent to build a dwelling in the future. However, the current definition for a *Domestic outbuilding* implies that there is an existing residential building on the land, which means that a dwelling would always need to be constructed prior to any domestic outbuilding.

*Domestic outbuilding* is defined in Schedule 4 of the *Planning Regulation 2017*, which means the planning scheme must apply the prescribed definition. Notwithstanding, a note to the definition is proposed to clarify that a domestic outbuilding can be constructed prior to the residential building on the land.

### State Interests

*Planning Regulation 2017 (Administrative terms for local planning instruments)*

There is no proposed change to the defined term *Domestic outbuilding* under the *Regulation*. The proposed note is for clarification purposes only.

### Proposed Change

1. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include a note to the existing *Domestic outbuilding* definition as shown below:

Column 1 Administrative Term	Column 2 Definition
<i>Domestic outbuilding</i>	<p><b><i>domestic outbuilding</i></b> means a non-habitable class 10a building that is—</p> <p>(a) a shed, garage or carport; and</p> <p>(b) ancillary to a residential use carried out on the premises where the building is.</p> <p><u><i>Note: Where there is no existing residential use on the land, a domestic outbuilding can be constructed prior to the construction of the dwelling.</i></u></p>

## Item 13: Inclusion of a new boundary realignment definition in Schedule 1

### Summary

Amendment to provide additional clarity about a Reconfiguring a Lot that constitutes a boundary realignment.

### Explanation

Further clarity in the planning scheme is required to clearly distinguish development for reconfiguring a lot that is a boundary realignment. The Reconfiguring a Lot Code prescribes clear requirements for the outcomes that are sought for boundary realignments, however, Council often receives development applications for boundary realignments where there is no shared boundary between the existing lot and the proposed configuration results in a new lot in a different location.

An amendment is proposed in order to clarify the difference between a boundary realignment and other reconfiguring a lot with the key difference being that:

- a) No additional lots can be created; and
- b) The lots proposed to be realigned must share existing boundaries.

### State Interests

Not applicable.

### Proposed Changes

1. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include the following new *Boundary realignment* definition in the alphabetical place order.

Column 1 Administrative Term	Column 2 Definition
<u><i>Boundary realignment</i></u>	<p><u>Means any minor adjustment to the boundary of existing lots that share boundaries and does not create an additional lot.</u></p> <p><u><b>Note:</b> The purpose of a boundary realignment is for the adjustment of boundaries to remedy existing encroachment and/or land management problems. The adjustment should be minor and the location, areas and dimensions of the lots do not alter significantly.</u></p>

2. Make the necessary consequential amendments to the planning scheme to cross reference the proposed new definition in Schedule 1 by italicizing the term.



## Item 14: Amendment to Table of Assessment for Overlays to clarify waterway buffer triggers

### Summary

Amendment to the Table of Assessment for Overlays for the Environmental Significance Overlay Map - Local Watercourses OM-04-E.

### Explanation

The Table of Assessment that triggers development requirements for the Environmental Significance Overlay currently does not provide a definitive trigger for development for Material Change of Use where the land is affected by the Local Watercourses Overlay Map. The current distance requirements from the 'high or outer bank of the watercourse' are not conclusive enough to act as a clear trigger for Code Assessment because the exact location of the bank would not be known without a survey of the land. Additionally, the Planning Scheme does not include a definition for the 'high or outer bank' of a watercourse.

An amendment is proposed that seeks to ensure that a Material Change of Use (where not Accepted development) is triggered where development is proposed within the mapped buffer area and also to provide clear information to users when determining the level of assessment that applies.

### State Interests

*State Planning Policy 2017: Planning for the environment and heritage - biodiversity and water quality*

The State Interest identifies under Biodiversity - that Matters of environmental significance are valued and protected and the health and resilience of biodiversity is maintained or enhanced to support ecological processes; and under Water quality - that the environmental values and quality of Queensland waters are protected and enhanced. The proposal to amend the Overlay Table for the Environmental Significance Overlay - Table 5.10.1 of the Planning Scheme, provides greater clarity regarding the application of Material Change of Use assessable development triggers which will rely on the mapped buffer areas A, B and C, rather than the use of uncertain distances from the nominal top of the bank. This ensures that in accordance with the SPP 2017, Matters of Local Environmental Significance are appropriately considered for their value and therefore appropriately protected; and the health and resilience of biodiversity is firstly considered so that it can be maintained and enhanced to support ecological integrity within local watercourses.

The water quality and environmental values of the Scenic Rim's waterways and wetlands will be better and more clearly protected and enhanced through the application of the proposed Table of Assessment Table 5.10.1 buffer triggers, now referenced by the mapped buffers and buffer distances.

### Proposed Changes

1. In Part 5, Tables of Assessment, amend Table 5.10.1 - Overlays for the Environmental Significance Overlay - Environmental Significance Overlay Map - Local Watercourses OM-04-E as shown below.

**Table 5.10.1—Overlays**

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<b>Environmental Significance Overlay</b>		
Environmental Significance Overlay Map - Local Watercourses OM-04-E		
<b>Material Change of Use</b> involving Dwelling house, Animal husbandry (excluding dairy),	Accepted	Not Applicable

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Cropping or Home based business (where in an existing building) and located in: (1) Watercourse Buffer Area A; or (2) Watercourse Buffer Area B; or (3) Watercourse Buffer Area C.		
<b>Material Change of Use</b> where not Accepted Development and located within: (1) <del>10m from the high or outer bank of the watercourse located in</del> Watercourse Buffer Area A; (2) <del>25m or more from the high or outer bank of the watercourse located in</del> Watercourse Buffer Area B; or (3) <del>50m or more from the high or outer bank of the watercourse located in</del> Watercourse Buffer Area C.	Code assessment	Environmental Significance Overlay Code
<b>Reconfiguring a Lot</b> involving land in: (1) Watercourse Buffer Area A; or (2) Watercourse Buffer Area B; or (3) Watercourse Buffer Area C.	Code assessment	Environmental Significance Overlay Code
<b>Operational Work</b> where located in Watercourse Buffer Area A, B or C and: (1) involving <i>exempt clearing</i> ; or (2) involving filling or excavation less than 10m <sup>3</sup> ; or (3) carried out in compliance with a material change of use development permit or a variation approval (or equivalent approval under superseded legislation) which; (a) has not lapsed; and (b) states that a development approval for operational works is not required.	Accepted	Not Applicable
<b>Operational Work</b> where not Accepted Development above and located in: (1) Watercourse Buffer Area A; or (2) Watercourse Buffer Area B; or (3) Watercourse Buffer Area C.	Code assessment	Not Applicable



## Item 15: Amendment to Bushfire Hazard Overlay Code to include additional requirements for safe access

### Summary

Amendment to the Bushfire Hazard Overlay Code to include additional requirements for safe access to new development.

### Explanation

An amendment to the Bushfire Hazard Overlay Code is proposed to ensure that new development can be accessed from a suitable road network during bushfire emergencies.

The Overlay Code currently considers safe access to the land use from the property boundary, however, the suitability of the surrounding road network is not considered.

The provision is proposed to apply to assessable development only.

### State Interests

*State Planning Policy 2017 - Planning for Safety and resilience to hazards: Natural Hazards, Risk and Resilience*

The proposal meets the requirement to plan for risks associated with natural hazards, including the projected impacts of climate change, which are avoided or mitigated to protect people and property and enhance the community's resilience to natural hazards.

The proposed addition offers an improved safety outcome by meeting in particular the SPP requirements for development in natural hazard areas, through the requirement for development to meet policy (5) where: *Development in natural hazard areas: (a) supports and does not hinder disaster management capacity and capabilities; and (b) directly, indirectly and cumulatively, avoids an increase in the exposure or severity of the natural hazard and the potential damage on the site or to other properties.*

### Proposed Changes

1. In Part 8, Overlays, Section 8.2.3 Bushfire Hazard Overlay Code, include the following additional Performance Outcome and Acceptable Outcome as PO10/AO10 and renumber subsequent outcomes accordingly:

**Table 8.2.3.3.1— Bushfire Hazard Overlay Code - For Accepted and Assessable Development**

Performance Outcomes	Acceptable Outcomes
<b>PO10</b> <u>During a bushfire event, development can be accessed from a road network suitable for use by emergency service vehicles and evacuation vehicles.</u>	<b>AO10</b> <u>Development is accessed from either:</u> <u>(1) two different vehicular access routes, both of which connect to the public road network, provide safe access and egress to two different safe destinations and are available at all times and under all weather conditions; or</u> <u>(2) a singular vehicular access route which connects to the public road network, that provides safe access and egress to a safe destination and is available at all times and under all weather conditions. The full extent of the route can be traversed safely during a bushfire hazard event.</u> <u><b>Note:</b> When assessing singular vehicle access routes, consideration must be given to mitigation of risks for the route to:</u> <u>a) become blocked to access or evacuation by fallen trees, smoke or other hazards;</u> <u>and</u> <u>b) bushfire hazard of the route, which should not be of a higher bushfire hazard level than the subject development.</u>

## Item 16: Amendment to the Table of Assessment for Tourist Parks in the Rural Zone

### Summary

Amendment to the Rural Zone Table of Assessment to clarify that cabins are not included in the threshold for a *Tourist Park* that is Accepted subject to requirements.

### Explanation

An error in the planning scheme has been identified whereby a *Tourist park* that is Accepted subject to requirements as identified in the Table of Assessment cannot include cabins because they would not meet the acceptable outcome in the Tourist Park Code.

A Tourist Park in the Rural Zone that includes cabins would be assessable development (either code or impact assessable, depending on the number of *tourist accommodation sites*).

An amendment is proposed to the Table of Assessment to clarify that development that is Accepted subject to requirements does not involve cabins.

### State Interests

Not applicable.

### Proposed Changes

In Part 5, Tables of Assessment, amend Table 5.5.17.1 - Rural Zone - (Where no precinct applies) to exclude cabins that are part of a Tourist Park as development that is Accepted subject to requirements as shown below:

**Table 5.5.17.1 - Rural Zone - (Where no precinct applies)**

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Tourist park	<b>Accepted subject to requirements</b>	
	If; (1) not more than 5 <i>tourist accommodation sites</i> ; and (2) on a site greater than 20 ha; and <del>(2)</del> (3) <u>not involving cabins or similar buildings.</u>	Rural Zone Code Parking and Access Code Tourist Park Code
	<b>Code assessment</b>	
	If not exceeding 25 <i>tourist accommodation sites</i>	Rural Zone Code Earthworks, Construction and Water Quality Code General Development Provisions Code Landscaping Code Parking and Access Code Tourist Park Code

## Item 17: Amendment to enable extensions to Dwelling Houses as accepted development in the Major Centre and Mixed Use Zones

### Summary

Amendment to the Major Centre and Mixed Use Zones to enable extensions to existing Dwelling Houses as accepted development.

### Explanation

New *Dwelling houses* are not intended in the Major Centre and Mixed Use Zones due to the potential conflict in uses with neighbouring commercial activities which could result in poor amenity for occupants of the dwelling. The zone is intended to accommodate more intense medium density residential activities.

Notwithstanding, it is proposed to enable extensions to existing *Dwelling Houses* or domestic outbuildings associated with the dwelling as accepted development (rather than Impact) in recognition that some areas included in the Major Centre and Mixed Use zone, particularly in Beaudesert, are currently established residential areas and planned to evolve into commercial areas over the long term.

### State Interests

Not applicable.

### Proposed Change

1. In Part 5, Tables of Assessment, Table 5.5.10.1 - Major Centre Zone include the new provisions for a *Dwelling house* as shown below:

**Table 5.5.10.1 - Major Centre Zone**

Use	Categories of development and Assessment assessable benchmarks for development and requirements for accepted development
<a href="#">Dwelling house</a>	Accepted subject to requirements
	If involving extensions to an existing Dwelling house or any domestic outbuildings associated with the dwelling
	<a href="#">Dwelling House Code</a>

1. In Part 5, Tables of Assessment, Table 5.5.13.1 - Mixed Use Zone (Where no precinct applies) include the new provisions for a *Dwelling house* as shown below:

**Table 5.5.13.1 - Mixed Use Zone - (Where no precinct applies)**

Use	Categories of development and Assessment assessable benchmarks for development and requirements for accepted development
<a href="#">Dwelling house</a>	Accepted subject to requirements
	If involving extensions to an existing Dwelling house or any domestic outbuildings associated with the dwelling
	<a href="#">Dwelling House Code</a>

2. In Part 6, Zones, 6.2.10 Major Centre Zone Code, amend Table 6.2.10.2.1 - Consistent Uses and Potentially Consistent Uses in the Major Centre Zone by including a Dwelling House (if involving extensions to an existing Dwelling house) as consistent development.

**Table 6.2.10.2.1 - Consistent Uses and Potentially Consistent Uses in the Major Centre Zone**

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Residential Activities</b>	
<i>Community residence</i> <i>Dwelling unit</i> (where located above the ground storey of a <i>commercial activity</i> ) <a href="#"><i>Dwelling house</i> (if involving extensions to an existing Dwelling house or any domestic outbuildings associated with the dwelling)</a> <i>Home based business</i> (if not involving Industrial activities other than <i>minor industrial activities</i> ) <i>Multiple dwelling</i> (where located above the ground storey of a <i>commercial activity</i> ) <i>Rooming accommodation</i> (where located above the ground storey of a <i>commercial activity</i> )	

3. In Part 6, Zones, 6.2.13 Mixed Use Zone Code, amend Table 6.2.13.2.1 - Consistent Uses and Potentially Consistent Uses in the Mixed Use Zone (Where no precinct applies) by including a Dwelling House (if involving extensions to an existing Dwelling house) as consistent development.

**Table 6.2.13.2.1 - Consistent Uses and Potentially Consistent Uses in the Mixed Use Zone (Where no precinct applies)**

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
<b>Residential Activities</b>	
<i>Dwelling unit</i> (where located above the ground storey of a <i>commercial activity</i> ) <i>Home based business</i> (if not involving <a href="#"><i>Dwelling house</i> (if involving extensions to an existing Dwelling house or any domestic outbuildings associated with the dwelling)</a> ) <i>Industrial activities</i> other than <i>minor industrial activities</i> <i>Multiple dwelling</i> (where not exceeding 6 dwellings) <i>Residential care facility</i> (where involving 10 bedrooms or less) <i>Retirement facility</i> (where involving 10 bedrooms or less)	<i>Multiple dwelling</i> * <i>Rooming accommodation</i> <i>Residential care facility</i> * <i>Retirement facility</i> *

4. Make any other consequential amendments to the planning scheme, including Overall Outcomes in the relevant Zone Codes as required.

## Item 18: Amendments to Industry Thresholds for industrial use definitions

### Summary

Amendments to Industry Thresholds in Schedule 1 to align with existing activities, the nature of the impact of the activities and reduce the threshold limits for some activities.

### Explanation

An amendment to Schedule 1 is proposed that seeks to reduce some of the thresholds for industrial activities listed in the Industry Thresholds in Table SC1.1.4 and provide further clarification for the nature of activities.

The amendment to thresholds will mean that some activities that are currently classed as *High impact industries* will be included as *Medium impact industries*. *High impact industries* are Impact Assessable in all zones in the planning scheme and only intended to occur in the Bromelton State Development Area. *Medium impact industries* are Code Assessable in the Industry Zone and Impact Assessable in all other zones.

The amendment also proposes to reference additional activities and clarify the nature of some of the thresholds.

The proposed changes are outlined as follows:

1. Inclusion of leather goods and clothing and accessories assembling as an example of a *Low impact industry*.
2. Increasing the tonnage limit for processing, brewing, smoking, drying, curing, milling, bottling or canning food, beverages or pet food, as a *Medium impact industry* from 500 tonnes to 1000 tonnes per annum (and for *High impact industry* greater than 1000 tonnes).
3. Increasing the tonnage limit for manufacturing wooden products including cabinet making, joinery, wood working as a *Medium impact industry* from 500 tonnes to 1000 tonnes per annum (and a *High impact industry* greater than 1000 tonnes).
4. Including the production of concrete products as a *Medium impact industry* rather than a *High impact industry* use.
5. Clarifying that the quantities produced through a distilling activity refers to the finished alcohol product that is produced in Litres.
6. Including manufacturing PET, PETE, polypropylene and polystyrene plastic or plastic products, less than 10,000 tonnes per annum as a *Medium impact industry*. Note: this aligns with superseded guidance material for the Planning Regulation (Queensland Planning Provisions Version 4.0).'
7. Clarifying that the manufacturing of fiberglass pools, tanks and boats is a *High Impact industry*, regardless of the scale of the activity.

The proposed amendments align with the nature of the land use described in the associated land use definition.

## State Interests

*State Planning Policy 2017 - Planning for Safety and resilience to hazards: Emissions and hazardous activities*

The State Interest requires that community health and safety and the natural and built environment are protected from potential adverse impacts of emissions and hazardous activities. The operation of appropriately established industrial development, major infrastructure, and sport and recreation activities is ensured. The proposed amendments to the Low, Medium and High Impact Industry uses or thresholds of current uses will ensure that industrial development is located designed and managed to avoid or mitigate adverse impacts of emissions on sensitive land uses and the natural environment, in accordance with Policy (1) of this State Interest. The proposed changes also aim to minimize health and safety risks to communities and individuals through the appropriate application of location and management requirements for the storage and disposal of hazardous materials and for prescribed hazardous chemicals, dangerous goods, and flammable or combustible substances.

*State Planning Policy 2017 - Planning for Economic Growth: Development and Construction*

The proposed amendments respond to this State Interest which is concerned with the employment needs, economic growth and a strong development and construction sector. The proposed amendments for this State Interest assist in the facilitation of a range of residential, commercial, retail, industrial and mixed use development opportunities; the reduction of some thresholds for development; and through the provision of additional clarification such as quantity of the alcohol product. The required supply of suitable land for industrial and mixed use development will positively enhanced by the proposed changes to industrial use opportunities, thresholds, clarification changes.

## Proposed Changes

In Schedule 1, SC1.1.4 Industry Thresholds, amend Table SC1.1.4.1 - Industry Thresholds as shown in tracked changes below:

### SC1.1.4 Industry Thresholds

The industry thresholds listed below are to be used in conjunction with the defined uses listed in **Table**

#### SC1.1.2:

- (1) Low impact industry
- (2) Medium impact industry
- (3) High impact industry
- (4) Special industry.

**Table SC1.1.4.1—Industry Thresholds**

Use	Additional Examples Include
<b>Low impact industry</b>	<ol style="list-style-type: none"> <li>(1) Manufacturing and assembly wooden products including cabinet making, joinery, wood working, producing less than 100 tonnes per annum, not involving spray painting</li> <li>(2) Manufacturing clay or ceramic products including pottery goods, less than 100 tonnes per annum</li> <li>(3) Processing, brewing, smoking, drying, curing, milling, bottling or canning food, beverages or pet food, less than 50 tonnes per annum</li> <li>(4) Assembling sheet glass and aluminium products, glazier or security screen assembly <i>Mechanical Low Impact Industries</i> including;</li> <li>(5) Repairing and servicing motor vehicles, including mechanical components, radiators, electrical components, wheel alignments, exhausts, tyres, suspension or air conditioning, not including spray painting and panel beating</li> <li>(6) Repairing and servicing lawn mowers and outboard engines</li> <li>(7) Fitting and turning workshop</li> <li>(8) Assembling or fabricating products from sheet metal or welding steel, producing less than 10 tonnes a year and not including spray painting</li> <li>(9) Printing advertising material, magazines, newspapers, packaging and stationery</li> </ol>

Use	Additional Examples Include
	<p>(10) <a href="#">Assembling leather goods</a></p> <p><del>(9)</del> (11) <a href="#">Assembling clothing and accessories</a></p> <p><i>Note - Assembling leather goods does not involve tanning or works for curing animal skins, hides or finishing leather.</i></p>
<b>Medium impact industry</b>	<p>(1) Metal foundry producing less than 10 tonnes of metal castings per annum</p> <p>(2) Boiler making or engineering works producing less than 10 000 tonnes of metal product per annum</p> <p>(3) Facility, goods yard or warehouse for the storage and distribution of dangerous goods not involving manufacturing processes and not a major hazard facility under the Work Health and Safety Act 2011</p> <p>(4) Abrasive blasting facility using less than 10 tonnes of abrasive material per annum</p> <p>(5) Enamelling workshop using less than 15 000 litres of enamel per annum</p> <p>(6) Galvanising works using less than 100 tonnes of zinc per annum</p> <p>(7) Anodising or electroplating workshop where tank area is less than 400 square metres</p> <p>(8) Powder coating workshop using less than 500 tonnes of coating per annum</p> <p>(9) Panel beating and/or spray painting workshop (including spray painting vehicles, plant, equipment or boats) using less than 20 000 litres of paint per annum</p> <p>(10) Scrap metal yard (not including a fragmentiser), dismantling automotive or mechanical equipment including debonding brake or clutch components</p> <p>(11) Manufacturing clay or ceramic products including bricks, tiles, pipes and pottery goods, less than 500 tonnes per annum</p> <p>(12) Processing, brewing, smoking, drying, curing, milling, bottling or canning food, beverages or pet food, less than <del>1000</del>500 tonnes per annum</p> <p>(13) Vegetable oil or oilseed processing in works with a design production capacity of less than 1000 tonnes per annum</p> <p>(14) Manufacturing wooden products including cabinet making, joinery, wood working, producing greater than 100 and less than <del>1000</del>500 tonnes per annum</p> <p>(15) Manufacturing medium density fibreboard, chipboard, particle board, plywood, laminated board or wood veneer products, less than 250 tonnes per annum</p> <p>(16) Sawmilling, wood chipping and kiln drying timber and logs, producing less than 2000 tonnes per annum</p> <p>(17) Recycling and reprocessing batteries</p> <p>(18) Repairing or maintaining boats</p> <p>(19) Manufacturing or processing plaster, producing less than 5000 tonnes per annum</p> <p>(20) Recycling or reprocessing tyres including retreading</p> <p>(21) Manufacturing fibreglass, foam plastic, composite plastic or rigid fibre-reinforced plastic or plastic products, less than 5 tonnes per annum (except fibreglass boats, tanks and swimming pools)</p> <p>(22) Reconditioning metal or plastic drums</p> <p>(23) Glass fibre manufacture less than 200 tonnes per annum</p> <p>(24) Manufacturing glass or glass products, where not glass fibre, less than 250 tonnes per annum.</p> <p>(25) Concrete batching <a href="#">and producing concrete products</a></p> <p>(26) Crematoria</p> <p><del>(27)</del> Distilling alcohol in works producing less than 2 500 litres of <a href="#">alcohol product</a> per annum</p> <p><del>(27)</del> (28) <a href="#">Manufacturing PET, PETE, polypropylene and polystyrene plastic or plastic products, less than 10,000 tonnes per annum</a></p>
<b>High impact industry</b>	<p>(1) Metal foundry producing 10 tonnes or greater of metal castings per annum</p> <p>(2) Boiler making or engineering works producing 10 000 tonnes or greater of metal product per annum</p>



Use	Additional Examples Include
	<p>(3) Major hazard facility for the storage and distribution of dangerous goods not involving manufacturing processes</p> <p>(4) Scrap metal yard including a fragmentiser</p> <p>(5) Manufacturing clay or ceramic products including bricks, tiles, pipes and pottery goods, greater than 500 tonnes per annum</p> <p>(6) Processing, brewing, smoking, drying, curing, milling, bottling or canning food, beverages or pet food, greater than <del>1000</del>500 tonnes per annum</p> <p>(7) Vegetable oil or oilseed processing in works with a design production capacity of greater than 1000 tonnes per annum</p> <p>(8) Manufacturing wooden products including cabinet making, joinery, wood working, producing greater than <del>1000</del>500 tonnes per annum</p> <p>(9) Manufacturing medium density fibreboard, chipboard, particle board, plywood, laminated board or wood veneer products, 250 tonnes or greater per annum</p> <p>(10) Sawmilling, wood chipping and kiln drying timber and logs, producing greater than 2000 tonnes per annum</p> <p>(11) Manufacturing or processing plaster, producing greater than 5000 tonnes per annum</p> <p>(12) Enamelling workshop using 15 000 litres or greater of enamel per annum</p> <p>(13) Galvanising works using 100 tonnes or greater of zinc per annum</p> <p>(14) Anodising or electroplating workshop where tank area is 400 square metres or greater</p> <p>(15) Powder coating workshop using 500 tonnes or greater of coating per annum</p> <p>(16) Panel beating and/or spray painting workshop (including spray painting vehicles, plant, equipment or boats) using 20 000 litres or greater of paint per annum</p> <p><del>(17) Producing concrete products and may include concrete batching</del></p> <p><del>(18)</del>(17) Treating timber for preservation using chemicals including copper, chromium, arsenic, borax and creosote</p> <p><del>(19)</del>(18) Manufacturing soil conditioners by receiving, blending, storing, processing, drying or composting organic material or organic waste, including animal manures, sewage, septic sludges and domestic waste</p> <p><del>(20)</del>(19) Manufacturing fibreglass pools, tanks and boats</p> <p><del>(21)</del>(20) Manufacturing, fibreglass, foam plastic, composite plastic or rigid fibre-reinforced plastic or plastic products, 5 tonnes or greater per annum <del>(except fibreglass boats, tanks and swimming pools)</del></p> <p><del>(22)</del>(21) Manufacturing PET, PETE, polypropylene and polystyrene plastic or plastic products <u>producing 10,000 tonnes or greater per annum</u></p> <p><del>(23)</del>(22) Manufacturing tyres, asphalt, cement, mineral wool or ceramic fibre</p> <p><del>(24)</del>(23) Abattoir</p> <p><del>(25)</del>(24) Recycling chemicals, oils or solvents</p> <p><del>(26)</del>(25) Waste disposal facility (other than waste incinerator)</p> <p><del>(27)</del>(26) Recycling, storing or reprocessing regulated waste</p> <p><del>(28)</del>(27) Manufacturing batteries</p> <p><del>(29)</del>(28) Manufacturing wooden products including cabinet making, joinery, wood working, producing greater than <del>1000</del>500 tonnes per annum</p> <p><del>(30)</del>(29) Abrasive blasting facility using 10 tonnes or greater of abrasive material per annum</p> <p><del>(31)</del>(30) Glass fibre manufacture producing 200 tonnes or greater per annum</p> <p><del>(32)</del>(31) Manufacturing glass or glass products, where not glass fibre, less than 250 tonnes per annum.</p> <p><del>(33)</del>(32) Manufacturing substrate for mushroom growing</p> <p><del>(34)</del>(33) Distilling alcohol in works producing greater than 2 500 litres and less than 10 000 litres <u>of alcohol product</u> per annum</p>
<b>Special industry</b>	<p>(1) Oil refining or processing</p> <p>(2) Producing, refining or processing gas or fuel gas</p> <p>(3) Distilling alcohol in works producing greater than 10 000 litres <u>of alcohol product</u> per annum</p>



Use	Additional Examples Include
	(4) Power station (5) Producing, quenching, cutting, crushing or grading coke (6) Waste incinerator (7) Sugar milling or refining (8) Pulp or paper manufacturing (9) Tobacco processing (10) Tannery or works for curing animal skins, hides or finishing leather (11) Textile manufacturing, including carpet manufacturing, wool scouring or carbonising, cotton milling, or textile bleaching, dyeing or finishing (12) Rendering plant (13) Manufacturing chemicals, poisons and explosives (14) Manufacturing fertilisers involving ammonia (15) Manufacturing polyvinyl chloride plastic.

## Item 19: Inclusion of a new Administrative Definition for Mobile Vendors

### Summary

Include a new Administrative Definition for Mobile Vendors in Schedule 1 and limitations for the activity in Part 1.

### Explanation

Community enquiries about the planning scheme have identified a need to include an Administrative Definition for Mobile Vendors to provide additional clarity about a *Shop* or *Food and Drink Outlet* operating as a *Temporary Use*.

Part 1, Section 1.7.1 of the of the planning scheme currently refers to the term 'itinerant vendor' when describing how a *Shop* can operate as a *Temporary Use* where it is occurring on land. However, there is no corresponding Administrative Definition to provide guidance on the nature of the activity. Further, it is considered that the current limitations on a *Temporary Use* for a *Shop* in Part 1 could equally be applied to a *Food and Drink Outlet*, thereby providing additional clarity for food truck vendors and the like.

The proposed amendment clarifies where and under what circumstances a *Mobile vendor* can operate as a *Shop* or *Food and Drink Outlet* without requiring planning approval by providing additional information in Table 1.7.1.1 - Temporary Uses and by including a new Administrative Definition for a *Mobile vendor*.

The activity involving a temporary *Shop* or *Food and drink outlet* is proposed to be limited to:

- a) one vendor per day, per site, per week; and
- b) on premises lawfully operating as a *Hotel, Service station, Shop, Shopping centre, or Community use*.

This is considered a reasonable time frame for the activity to occur on a temporary basis without interfering with the primary use of the land or triggering the Planning Scheme requirements for the land use.

### Notes:

1. *Temporary use* is an Administrative Definition included in Schedule 1, Table SC1.2.2 in the Planning Scheme and means a use that -
  - a) is carried out on a non-permanent basis; and
  - b) does not involve the construction of, or significant changes to, permanent buildings or structures.
2. Guidance for Temporary Uses is provided in Part 1, Section 1.7 of the Planning Scheme. The guidance provided is not intended to be exhaustive or inclusive and uses conducted outside of the limitations may still be a *Temporary use* depending on the circumstances of the activity.
3. The Planning Scheme can only regulate activities occurring on land. Where occurring on local government controlled areas and roads, Council's local laws apply.

### State Interests

Not applicable.

## Proposed Changes

1. In Part 1, Section 1.7 Local Government Administrative Matters, 1.7.1 Temporary Uses, amend the table information for *Food and drink outlet* and *Shop* as shown in tracked changes:

### 1.7.1 Temporary Uses

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

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

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

**Table 1.7.1.1 - Temporary Uses**

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
<i>Food and drink outlet</i>	If: (1) footpath dining; and (2) on a paved footpath; and (3) operating from adjoining premises lawfully operating as a <i>Food and drink outlet</i> ; and (4) tables, chairs and other furniture for the footpath dining: (a) are not fixed to the footpath; and (b) are removed from the footpath each day at the close of the hours of operation of the adjoining <i>Food and drink outlet</i> . <b>Editor's Note</b> - Local Law Approvals may be required.	Unlimited
	If: 1. <u>a Mobile vendor; and</u> 2. <u>operating from premises lawfully operating as a:</u> <u>a. Hotel; or</u> <u>b. Service station; or</u> <u>c. Shop; or</u> <u>d. Shopping centre; or</u> <u>e. Community use</u>	<u>1 vendor per day, per site, per week</u>
<i>Shop</i>	If: 1. at a fete; and 2. located on premises lawfully operating as a: a. <i>Child care centre</i> ; b. <i>Community care centre</i> ; c. <i>Educational establishment</i> ; or d. <i>recreational activity</i> .	4 days per calendar year

Column 1 Use	Column 2 Limitations on the Scope of Activity	Column 3 Maximum Period of the Activity
	If: 1. an <del>itinerant</del> <i>Mobile</i> vendor; and 2. operating from premises lawfully operating as a: a. <i>Hotel</i> ; or b. <i>Service station</i> ; or c. <i>Shop</i> ; or d. <i>Shopping centre</i> ; or e. <i>Community use</i> .	<del>1 day per week per site. 1 vendor</del> <u>per day, per site, per week</u>

2. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.1 - Index of Administrative Definitions, include *Mobile vendor* in the alphabetical place order.
3. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include the following new *Mobile vendor* definition in the alphabetical place order.

Column 1 Administrative Term	Column 2 Definition
<u><i>Mobile vendor</i></u>	<u>Any person who engages in a temporary business of selling or delivering goods, wares, foods, foodstuffs, or merchandise from either a public or private place, other than at their permanent place of business or residence.</u> <u>An example of a <i>Mobile vendor</i> is a mobile coffee van.</u>

## Item 20: Amendments to the Strategic Framework to clarify support for tourism activities in the Township Zone

### Summary

Amendment to the Strategic Outcomes for tourism development in the Township Zone to achieve alignment with the purpose of the zone and intended mix of land uses.

### Explanation

A review of the Planning Scheme has identified that the Strategic Outcomes for the Township Zone expressed in the Strategic Framework do not confirm support for tourism activities.

As expressed through the Township Zone Code and Material Change of Use Table of Assessment, the zone supports tourist attractions and short term accommodation uses to meet the needs of the travelling public. *Tourist attractions, Tourist Parks and Short-term accommodation* are identified as consistent uses in the Overall Outcomes of the Zone Code, which are further supported by the levels of assessment.

An amendment to the Strategic Framework is proposed that seeks to improve alignment with the outcomes for the Township Zone by clarifying that tourism activities, where of an appropriate scale and where impacts on surrounding residential uses can be managed are supported in the zone.

This means that when the Strategic Framework applies as an assessment benchmark for Impact Assessable Development Applications, the intent for tourism activities will align with the zone through a clear outcome expressed in the Strategic Outcomes.

### State Interests

*State Planning Policy 2017 - Planning for Economic Growth: Tourism*

The State Interest seeks support for appropriate and sustainable tourism planning and development opportunities; and the protection of the social, cultural and natural values underpinning tourism developments.

The proposed amendment to the Strategic Framework seeks to support unforeseen tourism proposals that may arise within the Township Zone of rural towns and which also uphold the cultural and natural values that make the rural towns such as Harrisville, Mount Alford and Rathdowney tourist attractions. Policy (2) of this State Interest which considers potential tourist development opportunities and Policy (3) which aims to facilitate tourism development where complementary, compatible and protective of the economic, social, environmental and landscape values associated with the proposed development, are supported through the inclusion of this proposed amendment to the Strategic Framework of the planning scheme.

### Proposed Changes

In Part 3 Strategic Framework, 3.4 Communities and Character, Section 3.4.1 Strategic Intent, amend the existing paragraph outlining the intent for the region's Townships as shown below:

#### **Townships**

*Townships* will remain in their current settlement pattern, with residential scale uses, to preserve their distinctive character that is interconnected with the *region's* rural history. *Townships* continue to facilitate a flexible mixed use environment comprising low density residential, small scale commercial, [tourism](#) and low impact industrial uses that services the residents of *Townships* and their immediate rural areas, [as well as the needs of the travelling public](#).

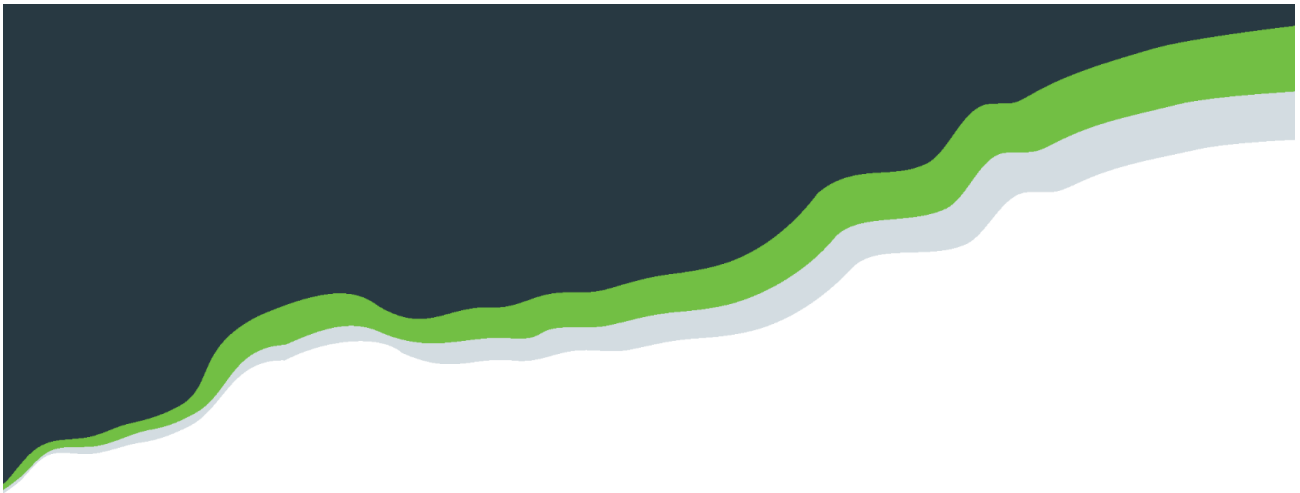
Development is designed to preserve and complement the *streetscape* and historic character, and the existing settlement pattern of *Townships*.

1. In Part 3, Strategic Framework, 3.4 Communities and Character, Table 3.4.2 Strategic Outcomes, element: *Townships*, amend the existing outcomes (1) - (4) as shown below.

- (1) *Townships* only accommodate those land uses identified in the 'Table of Consistent Uses and Potentially Consistent Uses' for each zone unless it is demonstrated that the development complies with the Strategic Framework.
- (2) Development is of a low rise and low intensity, and complements the existing *streetscape*, rural character and settlement pattern of the *Township*. Development also maintains and complements the *Township's* existing character through the retention of historic and traditional buildings, and the use of design elements found in traditional buildings such as similar roof form, materials, scale and setbacks.
- (3) Limited commercial, tourism and lower impact industrial uses are provided where:
  - (a) located along main streets and within established business areas;
  - (b) compatible with the residential scale of the Township; and
  - (c) impacts on the amenity of nearby low-density residential activities are avoided.
- (4) *Townships* facilitate low density residential living opportunities on large residential lots. The Township Zone also supports small scale *Retirement facilities* and *Residential care facilities* to provide assisted living opportunities in proximity to the *Rural Areas* of the *region* where of a scale and design that is complementary to the character of the *Township*.

2. In Part 3 Strategic Framework, Section 3.5 Growing Economy, Table 3.5.2 Strategic Outcomes, amend outcome (14) for the Centre Hierarchy element as shown below:

- (14) The *Townships* (incorporating Aratula, Harrisville, Mount Alford, Peak Crossing, Roadvale, Rathdowney, Beechmont and Tamborine):
  - (a) provide a mix of small-scale uses to support the needs of the local community and the immediate rural catchment including retail, commercial, residential and low impact industrial uses and limited community services, recreation and open space;
  - ~~(a)~~(b) may include tourism uses that are compatible with the scale and character of existing development and where impacts on the amenity and privacy of nearby properties are mitigated;
  - ~~(b)~~(c) do not support *Shopping centres* or *Shops* that support higher-order retailing including *department stores*, *discount department stores*, *full-line supermarkets*, *supermarkets* or *Showrooms*;
  - ~~(c)~~(d) complement and do not detract from the role and function of the Major Centre, District Centres, Local Centres and Neighbourhood Centres in providing for the higher-order retailing needs of the *region*;



## SCENIC RIM



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