

# 1 About the planning scheme

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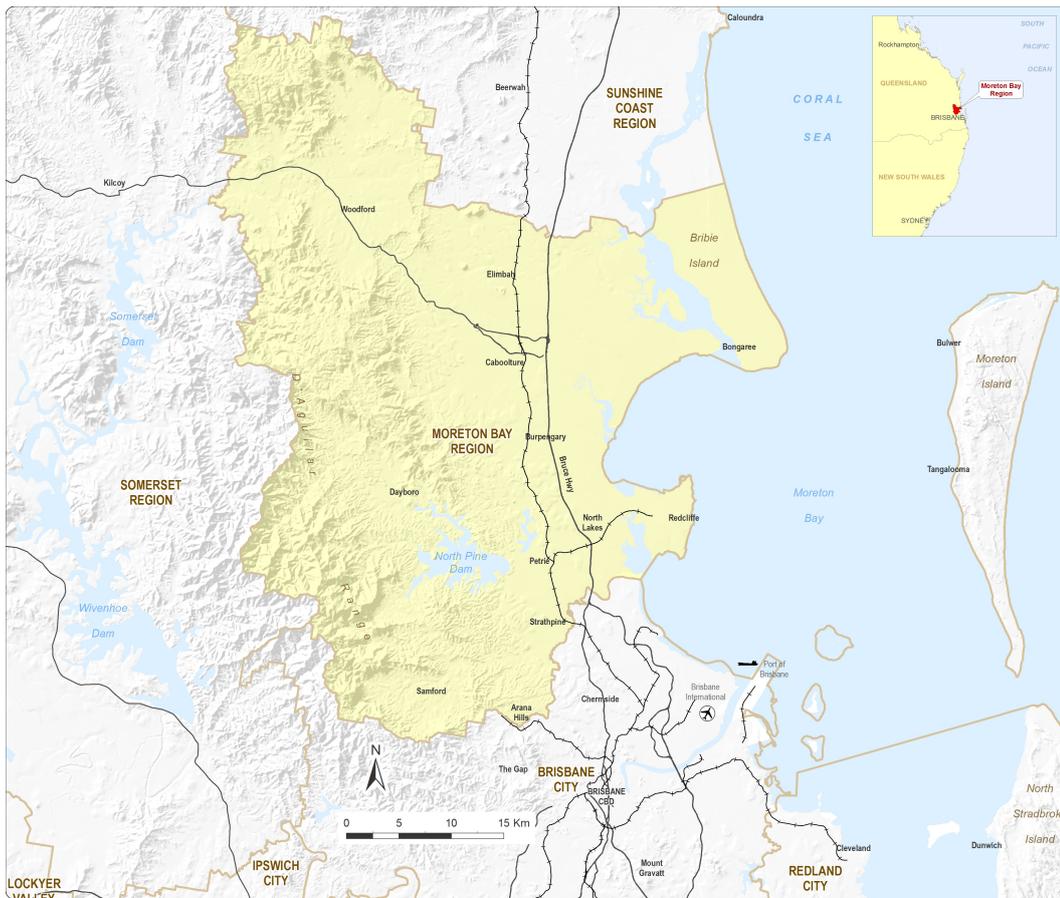
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### 1.1 Introduction

1. The Moreton Bay Regional Council Planning Scheme (planning scheme) has been prepared in accordance with the *Sustainable Planning Act 2009* (the SP Act) as a framework for managing development in a way that advances the purpose of the SP Act.
2. The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) using the process set out in the Minister's rules made under section 293 of the Act.
3. In seeking to achieve this purpose, the planning scheme sets out Moreton Bay Regional Council's intention for the future development in the planning scheme area over the next 20 years.
4. The planning scheme seeks to advance state and regional strategies, including state planning policies and the South East Queensland Regional Plan 2009-2031, through more detailed local responses, taking into account the local context.
5. While the planning scheme has been prepared with a 20 years horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes of the community at a local, regional and state level.
6. The planning scheme applies to the planning scheme area of Moreton Bay Regional Council including all premises, roads, internal waterways, tidal areas and interrelates with the surrounding local government areas illustrated in Map 1.

Editor's note - State legislation may state that the planning scheme does not apply to certain areas, e.g. Strategic port land .

**Map 1 – Local government planning scheme area and context**



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## 1.2 Planning scheme components

1. The planning scheme comprises the following components:
  - a. about the planning scheme;
  - b. state planning provisions;
  - c. the strategic framework;
  - d. the local government infrastructure plan;
  - e. tables of assessment;
  - f. the following zones:
    - i. Centre zone
      - A. Caboolture centre precinct
      - B. Morayfield centre precinct
      - C. Strathpine centre precinct
      - D. District centre precinct
      - E. Local centre precinct
      - F. Specialised centre precinct
    - ii. Community facilities zone
      - A. Abbey precinct
      - B. Airfield precinct
      - C. Utilities precinct
      - D. Lakeside precinct
      - E. Special use precinct
    - iii. Emerging community zone
      - A. Interim precinct
      - B. Transition precinct
    - iv. Environmental management and conservation zone
    - v. Extractive industry zone
    - vi. General residential zone
      - A. Coastal communities precinct
      - B. Suburban neighbourhood precinct

- C. Next generation neighbourhood precinct
- D. Urban neighbourhood precinct
- vii. Industry zone
  - A. Mixed industry and business precinct
  - B. Light industry precinct
  - C. General industry precinct
  - D. Restricted industry precinct
  - E. Marine industry precinct
- viii. Limited development zone
- ix. Recreation and open space zone
  - A. Sport and recreation precinct
- x. Rural zone
  - A. Agriculture precinct
  - B. Cedarton Foresters Cooperative and Mt Nebo plant nursery precinct
  - C. Hamlet precinct
  - D. Rural living investigation precinct
  - E. Woodfordia and abbey surrounds precinct
- xi. Rural residential zone
- xii. Township zone
  - A. Township centre precinct
  - B. Township convenience precinct
  - C. Township residential precinct
  - D. Township industry precinct
- g. the following local plans:
  - i. Redcliffe Kippa-Ring local plan
    - A. Redcliffe seaside village precinct
    - B. Kippa-Ring village precinct
    - C. Kippa-Ring station precinct
    - D. Local services precinct

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- E. Health precinct
- F. Interim residential precinct
- G. Sport and recreation precinct
- H. Open space and recreation precinct
  
- ii. Woodfordia local plan
  - A. Festival valley precinct
  - B. Event support precinct
  - C. Eastern precinct
  - D. Camping precinct
  
- iii. Caboolture West local plan
  - A. Urban living precinct
  - B. Town centre precinct
  - C. Enterprise and employment precinct
  - D. Green network precinct
  - E. Rural living precinct
  
- h. the following overlay codes:
  - i. Coastal hazard
  - ii. Flood hazard
  
- i. the following overlays without codes:
  - i. Acid sulfate soils
  - ii. Active transport
  - iii. Building heights
  - iv. Bushfire hazard
  - v. Community activities and neighbourhood hubs
  - vi. Environmental areas
  - vii. Environmental offset receiving areas
  - viii. Extractive resources
  - ix. Heritage and landscape character
  - x. Infrastructure buffers
  - xi. Landslide hazard

- xii. Overland flow path
  - xiii. Riparian and wetland setbacks
  - xiv. Road hierarchy
  - xv. Rural residential lot sizes
  - xvi. Scenic amenity
  - xvii. Stormwater catchments
  - xviii. Transport noise corridors
  - xix. Walking distance (Centre)
  - xx. Walking distance (Train station)
- j. the following development codes:
- i. Codes for uses and associated works that do not comply with the limits set in Schedule 6 of the regulation.
    - A. Community residence code
    - B. Forestry for wood production code
  - ii. Use codes
    - A. Dwelling house code
    - B. Residential uses code
  - iii. Other development codes
    - A. Reconfiguring a lot code
    - B. Works code
    - C. Site earthworks code
    - D. Advertising devices code
- k. the following other plans:
- i. Mango Hill Infrastructure Development Control Plan
  - ii. The Mill at Moreton Bay Priority Development Area (PDA) Development Scheme
- l. schedules and appendices.
2. The following planning scheme policies support the planning scheme:
- a. Planning scheme policy - Acid sulfate soils
  - b. Planning scheme policy - Advertising devices

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- c. Planning scheme policy - Bushfire prone areas
- d. Planning scheme policy - Caboolture concept plan
- e. Planning scheme policy - Centre and neighbourhood hub design
- f. Planning scheme policy - Economic impact assessment
- g. Planning scheme policy - Environmental areas and corridors
- h. Planning scheme policy - Extractive industry
- i. Planning scheme policy - Flood hazard, coastal hazard and overland flow
- j. Planning scheme policy - Heritage and landscape character
- k. Planning scheme policy - Integrated design
- l. Planning scheme policy - Landslide hazard
- m. Planning scheme policy - Neighbourhood design
- n. Planning scheme policy - Noise
- o. Planning scheme policy - Operational works inspection, maintenance and bonding procedures
- p. Planning scheme policy - Residential design
- q. Planning scheme policy - Stormwater management
- r. Planning scheme policy - Township character
- s. Planning scheme policy - Integrated transport assessment
- t. Planning scheme policy - Waste
- u. Planning scheme policy - Woodfordia transport and access management

Editor's note - The following provisions within the Regulation and other legislation are also applicable to development assessment for which the Council is the assessment manager:

- Development in koala habitat area - Assessment benchmarks, Schedule 11 of the Planning Regulation 2017
- Certain forms of reconfiguring a lot and associated works - assessment benchmarks, Schedule 12 of the Planning Regulation 2017
- Material change of use and associated works for cropping where forestry for wood production - assessment benchmarks, Schedule 15 of the Planning Regulation 2017
- Brothel - Assessment benchmarks, Schedule 3 of the Prostitution Regulation 2014
- Levee - Schedule 10 of the Water Regulation 2016
- Environmentally relevant activity - Assessment benchmarks, section 19B(2) Environmental Protection Regulation 2008
- Tidal works - Assessment benchmarks, Schedule 4A of the Coastal Protection Management Regulation 2003.

## 1.3 Interpretation

### 1.3.1 Definitions

1. A term used in the planning scheme has the meaning assigned to that term by one of the following:
  - a. the *Planning Act 2016* (the Act); or
  - b. the *Planning Regulation 2017* (the Regulation), other than the definitions for the terms in Schedule 3 and 4 of the Regulation; or
  - c. the definitions in Schedule 1 of the planning scheme; or
  - d. the *Acts Interpretation Act 1954*; or
  - e. the ordinary meaning where that term is not defined in the Act, the Regulation, Schedule 1 of the planning scheme or the *Acts Interpretation Act 1954*.
2. In the event a term has been assigned a meaning in more than one of the instruments listed in sub-section 1.3.1(1), the meaning contained in the instrument highest on the list will prevail.

Note - Section 5(2) of the Planning Regulation provides an exception to this rule for a local planning instrument made under the Sustainable Planning Act. Under that exception, the definitions in Schedule 1 of this planning scheme will prevail to the extent of any inconsistency with the use terms and administrative terms in Schedule 3 and 4 of the Regulation.
3. A reference in the planning scheme to any act includes any regulation or instrument made under it, and where amended or replaced, means the amended or replaced act.
4. A reference in the planning scheme to a specific resource document or standard, means the latest version of the resource document or standard.
5. A reference to a part, section, table or schedule is a reference to a part, section, table or schedule of the planning scheme.

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

1. Standard drawings contained in codes or schedules are part of the planning scheme.
2. Maps provide information to support the outcomes and are part of the planning scheme.
3. Notes are identified by the title “note” and are part of the planning scheme.
4. Editor’s notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*, are identified by the title “editor’s note” and “footnote” and are provided to assist in the interpretation of the planning scheme; they do not have the force of law.

Note - This is an example of a note.

Editor's note - This is an example of an editor's note.

Footnote <sup>(1)</sup> - See example at bottom of page.

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1 This is an example of a footnote.

## 1.3.3 Punctuation

1. A word followed by “;” or alternatively “; and” is considered to be “and”
2. A word followed by “; or” means either or both options can apply.

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## 1.3.4 Zones for roads, waterways and reclaimed land

1. The following applies to a road, closed road, waterway or reclaimed land in the planning scheme area:
  - a. if adjoined on both sides by land in the same zone—the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land;
  - b. if adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries;
  - c. if the road, closed road, waterway or reclaimed land is adjoined on one side only by land in a zone—the entire waterway or reclaimed land is in the same zone as the adjoining land; or
  - d. if the road, closed road, waterway or reclaimed land is covered by a zone then that zone applies.

Editor's note - The boundaries of the local government area are described by the maps referred to within the *Local Government (Operations) Regulation 2010*.

## 1.4 Categories of development

### 1. The categories of development under the Act are:

#### a. accepted development

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

#### b. assessable development

Editor's note - A development permit is required for assessable development. Schedules 9 and 10 of the Regulation also prescribe specific forms of assessable development.

#### c. prohibited development

Editor's note - A development application may not be made for prohibited development. Schedule 10 of the Regulation prescribes specific forms of prohibited development.

### 2. The planning scheme states the category of development for certain types of development, and specifies the category of assessment for assessable development in the planning scheme area in Part 5.

Editor's note - The schedules within the Regulation also prescribe the category of assessment for specific forms of assessable development.

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

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## 1.5 Hierarchy of assessment benchmarks

1. Where there is inconsistency between provisions within the planning scheme, the following rules apply:
  - a. the strategic framework prevails over all other components, (other than the matters mentioned in b.), to the extent of the inconsistency, but is only applicable to impact assessment;
  - b. for the forms of development identified in section 5.4, assessment benchmarks for assessable development and requirements for accepted development referred to in that section prevail over all other components to the extent of the inconsistency;
  - c. overlays prevail over all other components (other than the matters mentioned in a. and b.) to the extent of the inconsistency;
  - d. local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency;
  - e. zone codes prevail over use codes and other development codes to the extent of the inconsistency;
  - f. provisions of Part 10 override any of the above, (other than the matters mentioned in b.).

## 1.6 Building work regulated under the planning scheme

1. Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a local planning instrument must not change the effect of. This restriction only applies to the extent the development application for the building work is limited by the Regulation to assessment against the building assessment provisions.
2. The building assessment provisions are listed in section 30 of the *Building Act 1975*.

Editor's note - The building assessment provisions are stated in section 30 of the *Building Act 1975* and are assessment benchmarks for the carrying out of building assessment work or where the building work is categorised as accepted development subject to requirements, the requirements applicable to work of that development category (see also section 31 of the *Building Act 1975*).

3. This planning scheme, through Part 5, regulates building work in accordance with sections 32 and 33 of the *Building Act 1975*.

Editor's note - The *Building Act 1975* permits planning scheme to:

- regulate, for the *Building Code of Australia* (BCA) or the *Queensland Development Code* (QDC), matters prescribed under a regulation under the *Building Act 1975* (section 32). For example, building height space for on-site parking. It may also regulate other matters, such as designating floor levels of habitable rooms in flood areas, designating areas as being subject to bushfire hazard, noise corridors and end-of trip facilities;
- deal with an aspect of, or matter related or incidental to building work prescribed under a regulation under section 32 of the *Building Act 1975*;
- specify alternative planning scheme provisions under section 33 of the *Building Act 1975*. This relates to alternative design solutions for boundary clearance and site cover provisions MP 1.1, 1.2 and 1.3 of the QDC.

Refer to Schedule 9 of the Regulation to determine when building work for the Building Act is assessable development, the category of assessment and details of any referrals applying to the building work.

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

**Table 1.6.1 Building assessment provisions in the planning scheme**

Building assessment matter in the planning scheme	Section of the planning scheme
Designation of bushfire prone area for the BCA or QDC. ( <i>Building Act 1975</i> section 32(a) and <i>Building Regulation 2006</i> section 12). Except for the following, the areas shown on Overlay map - Bushfire hazard as Very high potential bushfire intensity, High potential bushfire intensity, Medium potential bushfire intensity, and Potential impact buffer, are designated bushfire prone areas for section 12 of the Building Regulation 2006: <ol style="list-style-type: none"> <li>a. land in the Centre zone;</li> <li>b. land in the General residential zone;</li> <li>c. land in the Industry zone;</li> <li>d. land in the Township zone.</li> </ol>	Schedule 2: <ol style="list-style-type: none"> <li>a. Overlay map - Bushfire hazard</li> </ol>
Designation of flood hazard area ( <i>Building Act 1975</i> section 32(a) and <i>Building Regulation 2006</i> section 13(1)(a))	Schedule 2: Land identified in the Flood planning area of the Flood hazard overlay on the Flood hazard overlay map

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<p>Declaration of the following within the Medium and High risk areas of the Flood planning area:</p> <ul style="list-style-type: none"> <li>a. The defined flood event;</li> <li>b. The maximum flow velocity of water;</li> <li>c. A freeboard that is more than 300mm;</li> <li>d. Finished floor level of Class 1 buildings in a flood hazard area</li> </ul>	<p>Flood hazard overlay code</p> <p>Note - All of the relevant building assessment provisions prescribed under part MP3.5 of the Queensland Development Code apply to development within the Medium and High risk areas of the Flood planning area. Except where in a Drainage Investigation Area and the land has been filled to the required level specified in the relevant Drainage master plan. Finished floor levels have also been set for other than Class 1 buildings. Please refer to the Flood hazard overlay code for further information.</p>
<p>Declaration of the following within the Balance flood planning area of the Flood planning area:</p> <ul style="list-style-type: none"> <li>a. Finished floor level of Class 1 buildings;</li> <li>b. A freeboard that is more than 300mm</li> </ul>	<p>Column 3 (Flood planning level) of Table 8.2.2.3 of the Flood hazard overlay code.</p> <p>Note - The relevant building assessment provisions prescribed under the Queensland Development Code specifically for buildings in flood hazard areas do not apply to development within the Balance area of the Flood planning area. Finished floor levels have also been set for other than Class 1 buildings. Please refer to the Flood hazard overlay code for further information.</p>
<p>Alternative provisions to QDC boundary clearance and site cover provisions for a dwelling house, including a class 10 building or structure. (<i>Building Act 1975</i> section 33)</p>	<p>Section 6.2.10 Rural zone code Section 6.2.11 Rural residential zone code Section 9.3.1 Dwelling house code</p>
<p>Planning scheme provisions about performance criteria 4, 5, 7, 8 and 9 under QDC part 1.1 or QDC part 1.2 for a dwelling house, including a class 10 building or structure. (<i>Building Regulation 2006</i> section 10)</p>	<p>Section 6.2.10 Rural zone code Section 6.2.11 Rural residential zone code Section 9.3.1 Dwelling house code</p>
<p>Amenity and aesthetic provisions for a dwelling house, including a class 10 building or structure. (<i>Planning Regulation 2017</i>, schedule 9, Part 3, Division 2, Table 1)</p>	<p>Section 6.2.10 Rural zone code Section 6.2.11 Rural residential zone code Section 9.3.1 Dwelling house code</p>
<p>Planning scheme provisions corresponding to the concurrence agency trigger in Schedule 9, Part 3, Division 2, Table 8 of the Regulation.</p>	<p>Section 9.3.1 Dwelling house code</p>

Editor's note - A decision in relation to building work that is assessable development under the planning scheme should only be issued as a preliminary approval. See section 83(b) of the *Building Act 1975* .

Editor's note - In a development application the applicant may request preliminary approval for building work. The decision on that development application can also be taken to be a referral agency's response under section 57 of the Act, for building work assessable against the *Building Act 1975*. The decision notice must state this to trigger the exemption under section 54(4) of the Act.

## 1.7 Local government administrative matters

### 1.7.1 Planning horizon

1. Section 1.1(3) identifies a planning horizon for the planning scheme of 20 years, which correlates to the Strategic Framework (Part 3) setting the vision for development in the planning scheme area for the next 20 years. In accordance with legislative requirements (as noted in section 1.1(5)) the planning scheme will be reviewed periodically. Therefore a shorter planning horizon of 10 years has been adopted for the zones and overlays in the planning scheme, which means the outcomes and assessment benchmarks for a zone, as well as the requirements for particular forms of accepted development within the zone, may differ from the Strategic Framework.

### 1.7.2 Using Strategic Framework in development assessment

1. Development requiring impact assessment will be assessed against the Strategic Framework to the extent relevant.

### 1.7.3 Refusing Assessable development - code assessment

1. Development requiring code assessment may, to the extent the development does not comply with some or all of the assessment benchmarks, be refused where compliance cannot be reasonably achieved by imposing development conditions.

Note - The decision rules for any development application requiring code assessment are set out in detail in section 60 of the Act.

### 1.7.4 Examples which satisfy Performance outcomes are not the only outcomes

1. The examples included in a code are not necessarily the exhaustive means of meeting the corresponding performance outcome or purpose of the code in full. An example may only meet part of the performance outcome. An example is also only one suggested way of meeting one or more aspects of the performance outcome. The specific circumstances and characteristics of a development may require a different outcome to the example included in the code in order to meet the corresponding performance outcome.

### 1.7.5 Unique use of overlays

1. Overlays in the planning scheme are mapped and those maps are included in Schedule 2. The planning scheme includes overlays that intentionally do not change the category of development or the category of assessment as well as overlays that may change the categories of development and assessment. For those overlays that change the category of development or the category of assessment, these changes are shown in the tables in Part 5, Section 5.10 and their corresponding codes are provided in Part 8, Section 8.2. For those overlays to which the Tables in Section 5.10 do not apply, additional assessment benchmarks for or requirements for specific forms of accepted development on the part of a premises affected by the overlay may be contained in one or more of the following:
  - a. a map for the overlay;
  - b. a zone code included in Part 6;
  - c. a local plan code included in Part 7;
  - d. a development code included in Part 9.

### 1.7.6 Notation of decisions affecting the planning scheme s.89 of the Act

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- Schedule 4.1 notes decisions affecting the planning scheme in accordance with section 89 of the Act. For the purpose of section 89 (1)(a) (approvals that are substantially inconsistent with the planning scheme), notation of the development approval will be included if the development conflicts with overall outcomes or purpose of the applicable code/s.

## 1.7.7 Accepted development

- This section identifies forms of development that, in certain circumstances, are deemed to be accepted development for the planning scheme. The assessment tables in sections 5.5, 5.6, 5.7, 5.8 and 5.9 list the forms of development shown in column 1 of Table 1.7.7.1 as accepted while column 2 of Table 1.7.7.1 lists the circumstances under which the development is accepted development.

**Table 1.7.7.1 Accepted development**

Development	Circumstances for being accepted development
Animal husbandry <sup>(4)</sup> Animal keeping <sup>(5)</sup>	If regulated by Local Law 2 (Animal Management).  OR  If: <ol style="list-style-type: none"> <li>located on Council owned or controlled land; and</li> <li>in accordance with a Council Master Plan approved under Council policy.</li> </ol>
Cemetery <sup>(12)</sup>	If: <ol style="list-style-type: none"> <li>carried out by or on behalf of the local government; and</li> <li>carried out on land owned or administered by the Local Government; and</li> <li>not in the following zones, local plans or overlay maps:                             <ol style="list-style-type: none"> <li>Limited development zone; or</li> <li>Environmental management and conservation zone; or</li> <li>Caboolture West local plan - Green network precinct; or</li> <li>Water supply buffer identified on Overlay map – Infrastructure buffers.</li> </ol> </li> </ol>
Electricity infrastructure (including Major electricity infrastructure <sup>(43)</sup> and Substation <sup>(80)</sup> ) where not identified in the Planning Regulation 2017, Schedule 6, Part 5, section 26(5).  Note - Schedule 6 of the Planning Regulation 2017 identifies development that local categorising instruments are prohibited from stating as assessable development (Act section 43).	If: <ol style="list-style-type: none"> <li>not in the following overlay maps:                             <ol style="list-style-type: none"> <li>Medium risk area or High risk area on Overlay map – Flood hazard; or</li> <li>High risk storm tide inundation area on Overlay map – Coastal hazard (storm tide inundation); or</li> <li>Erosion Prone Area on Overlay map – Coastal hazard (Erosion Prone Area);</li> </ol> </li> </ol> AND <ol style="list-style-type: none"> <li>involving <i>minor electricity infrastructure</i>;</li> </ol>

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Development	Circumstances for being accepted development
	<p>OR, where not b. above,</p> <ul style="list-style-type: none"> <li>c. not projecting above the surface of the ground; or</li> <li>b. involving the reconstruction or alteration of an existing building where the design and external appearance is not materially altered; or</li> <li>c. not involving the erection of a new building.</li> </ul>
Environmental facility <sup>(26)</sup>	<p>If:</p> <ul style="list-style-type: none"> <li>a. in the Caboolture West local plan - Green network precinct; and</li> <li>b. not involving building work.</li> </ul>
Home based business <sup>(35)</sup>	<p>If involving home based child care as a “stand-alone service” under the <i>Education and Child Care Services Act 2013</i>.</p>
Park <sup>(57)</sup>	<p>If undertaken on land that is either owned by Council or is otherwise administered by Council as a trustee under the Land Act 1994.</p> <p>Editor's note - Some Park activities may require an approval as a prescribed activity under a local law.</p>
Telecommunications facility <sup>(81)</sup>	<p>If:</p> <ul style="list-style-type: none"> <li>a. not in the following zones or local plans: <ul style="list-style-type: none"> <li>i. Limited development zone; or</li> <li>ii. Environmental management and conservation zone; or</li> <li>iii. Caboolture West local plan - Green network precinct; and</li> </ul> </li> <li>b. not a facility operated by or on behalf of a carrier under the <i>Telecommunications Act 1997</i>; and</li> <li>c. not involving more than one signal receiving satellite dish; and</li> <li>d. involving a dish with a dimension not greater than: <ul style="list-style-type: none"> <li>i. 1.2m in the General residential zone and Township zone - Township residential precinct; or</li> <li>ii. 1.8m in any other zone.</li> </ul> </li> </ul> <p>Editor's note - The <i>Commonwealth Telecommunications Act 1997</i> also exempts certain telecommunications facilities from State planning legislation. These facilities are described in the <i>Commonwealth Telecommunications Act 1997</i>, the <i>Telecommunications (Low-impact Facilities) Determination 1997</i>, and the <i>Telecommunications Code of Practice 1997</i>.</p>
Undefined land use - for Native forest practice	<p>If undertaken in accordance with the code for Managing native forest practice listed in section 3 of the Vegetation Management Regulation 2012.</p>

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Development	Circumstances for being accepted development
Utility installation	<p>If:</p> <ul style="list-style-type: none"> <li>a. not in the following zones, local plans or overlay maps: <ul style="list-style-type: none"> <li>i. Limited development zone; or</li> <li>ii. Environmental management and conservation zone; or</li> <li>iii. Caboolture West local plan - Green network precinct; or</li> <li>iv. Medium risk area or High risk area on Overlay map – Flood hazard; or</li> <li>v. High risk storm tide inundation area on Overlay map – Coastal hazard (storm tide inundation); or</li> <li>vi. Erosion Prone Area on Overlay map – Coastal hazard (Erosion Prone Area); and</li> </ul> </li> <li>b. not projecting above the surface of the ground; or</li> <li>c. carried out by or on behalf of the Local Government or other public sector entity for the reticulation or conveyance of water, sewage, stormwater and recycled water, including ancillary maintenance and storage depots and other facilities for the operation of the use (excluding the storage or treatment of water and sewage); or</li> <li>d. road and rail purposes carried out by or on behalf of the Local Government or Queensland Government including: <ul style="list-style-type: none"> <li>i. activities undertaken for road construction and maintenance;</li> <li>ii. traffic signals and controls;</li> <li>iii. depots;</li> <li>iv. road access works;</li> <li>v. road construction site buildings;</li> <li>vi. drainage works;</li> <li>vii. rest area facilities and landscaping;</li> <li>viii. parking areas;</li> <li>ix. public transport infrastructure;</li> <li>x. train stations;</li> <li>xi. control buildings and structures;</li> <li>xii. toll plazas; or</li> </ul> </li> <li>e. activities and associated facilities that support the effective management of a State Forest, National Park or Conservation Park; or</li> </ul>

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Development	Circumstances for being accepted development
	<ul style="list-style-type: none"> <li>f. ancillary telecommunication infrastructure not protruding more than 5m above the height of the existing structure and not involving a facility of a carrier under the <i>Telecommunications Act 1997</i>; or</li> <li>g. a waste transfer station carried out by or on behalf of the Local Government; or</li> <li>h. not involving a waste handling, treatment and disposal facility, other than a waste transfer station carried out by or on behalf of the Local Government; or</li> <li>i. involving the reconstruction or alteration of an existing building where the design and external appearance is not materially altered.</li> </ul>
<b>Certain uses on Council owned or controlled land where not undertaken as a temporary use</b>	
Bar	If: <ul style="list-style-type: none"> <li>a. located on Council owned or controlled land; and</li> <li>b. in accordance with a Council Master Plan approved under Council policy.</li> </ul>
Childcare centre	
Club	
Community care centre	
Community use	
Educational establishment	
Emergency services	
Food and drink outlet	
Function facility	
Garden centre	
Health care service	
Indoor sport and recreation	
Intensive horticulture	
Landing	
Market	
Motor sport facility	
Nature-based tourism	
Nightclub entertainment facility	
Outdoor sport and recreation	
Parking station	
Research and technology industry	
Service industry	

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Shop	
Tourist attraction	
Tourist park	
Wholesale nursery	
<p><b>Temporary uses</b></p> <p>Note - For this category of Accepted uses, the following terms and expressions have the meaning ascribed to them in Council's local laws and subordinate local laws:</p> <ul style="list-style-type: none"> <li>● prescribed activity;</li> <li>● "establishment or occupation of a temporary home";</li> <li>● "commercial use of local government controlled areas and roads";</li> <li>● "operation of temporary entertainment events";</li> <li>● "undertaking regulated activities on local government controlled areas and roads";</li> <li>● road;</li> <li>● entertainment event;</li> <li>● public place activity.</li> </ul> <p>Editor's note -At the time of commencement, the relevant Council policy is Policy No: 20-2150-018 Film Production on Council Controlled Land.</p>	
Dwelling house	If undertaken under a local law approval for the prescribed activity, "establishment or occupation of a temporary home".
Food and drink outlet	<p>If undertaken under a local law approval for any of the following prescribed activities:</p> <ul style="list-style-type: none"> <li>● "commercial use of local government controlled areas and roads" as itinerant vending, display of goods or sale of goods; or</li> <li>● "operation of temporary entertainment events"; or</li> <li>● "undertaking regulated activities on local government controlled areas and roads" in the form of a public place activity.</li> </ul>
Function facility	If undertaken under a local law approval for the prescribed activity, "operation of temporary entertainment events".
Indoor sport and recreation	If undertaken under a local law approval for the prescribed activity, "operation of temporary entertainment events".
Market	<p>If undertaken under a local law approval for any of the following prescribed activities:</p> <ul style="list-style-type: none"> <li>● "commercial use of local government controlled areas and roads" in the form of the display or sale of goods; or</li> <li>● "operation of temporary entertainment events"; or</li> <li>● "undertaking regulated activities on local government controlled areas and roads" in the form of a public place activity.</li> </ul>

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Development	Circumstances for being accepted development
Motor sport facility	If undertaken under a local law approval for the prescribed activity, “operation of temporary entertainment events”.
Nightclub entertainment facility	If undertaken under a local law approval for the prescribed activity, “operation of temporary entertainment events”.
Outdoor sport and recreation	If undertaken under a local law approval for the prescribed activity, “operation of temporary entertainment events”.
Roadside stall	If undertaken within Council administered road reserve under a local law approval for the prescribed activity, “commercial use of local government controlled areas and roads”.
Shop	<p>If undertaken under a local law approval for any of the following prescribed activities:</p> <ul style="list-style-type: none"> <li>• “commercial use of local government controlled areas and roads” in the form of the display or sale of goods; or</li> <li>• “operation of temporary entertainment events”.</li> </ul>
Theatre	If undertaken under a local law approval for the prescribed activity, “operation of temporary entertainment events”.
Tourist attraction	If undertaken under a local law approval for the prescribed activity, “operation of temporary entertainment events”.
<b>Building work</b>	
Building work, not associated with a material change of use	<p>If:</p> <ol style="list-style-type: none"> <li>a. not in the following zones, precincts or overlay maps:               <ol style="list-style-type: none"> <li>i. Limited development zone; or</li> <li>ii. Environmental management and conservation zone; or</li> <li>iii. Township zone - Township centre precinct; or</li> <li>iv. Township zone - Township convenience precinct; or</li> <li>v. Coastal planning area on Overlay map – Coastal hazard (Erosion Prone Area); or</li> <li>vi. Overlay map - Heritage and landscape character; and</li> </ol> </li> <li>b. not associated with a secondary dwelling; and</li> <li>c. results in no net reduction in the minimum quantity and standard of landscaping, private or communal open space or car parking spaces required under the planning scheme or under an existing Development Permit for the use; and</li> <li>d. complies with setback, site cover, building height and roofed area requirements for the applicable zone, precinct or development code; and</li> <li>e. results in:</li> </ol>

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Development	Circumstances for being accepted development
	<ul style="list-style-type: none"> <li>i. an increase in gross floor area or roofed area of not more than:               <ul style="list-style-type: none"> <li>A. 50m<sup>2</sup> in the General residential zone, Rural residential zone, Emerging community zone, Rural zone or Township zone - Township residential precinct; or</li> <li>B. 80m<sup>2</sup> in any other zone and precinct.</li> </ul> </li> <li>OR</li> <li>ii. raising an existing dwelling house up to the maximum height allowed by the requirements for accepted developments and examples that achieve aspects of the performance outcomes for the relevant zone or precinct.</li> </ul> <p>Includes any previous increases in gross floor area and roofed area undertaken as accepted development or accepted development subject to requirements under the MBRC Planning Scheme.</p>
<p>Building work, restoration or reconstruction of a damaged building or structure</p>	<p>If:</p> <ul style="list-style-type: none"> <li>a. involving the restoration to its original approved condition of any building that has been accidentally damaged or destroyed; and</li> <li>b. not in the following zones, precincts or overlay maps:               <ul style="list-style-type: none"> <li>i. the Limited development zone; or</li> <li>ii. Overlay map - Heritage and landscape character; or</li> <li>iii. Flood planning area on Overlay map – Flood hazard; or</li> <li>iv. Coastal planning area on Overlay map – Coastal hazard (storm tide inundation); or</li> <li>v. Coastal planning area on Overlay map – Coastal hazard (Erosion Prone Area).</li> </ul> </li> </ul>
<b>Operational work</b>	
<p>Operational work, filling or excavation (other than the placement of top soil), not associated with a material change of use or reconfiguring a lot</p>	<p>If:</p> <ul style="list-style-type: none"> <li>a. in the Rural zone, Rural residential zone or Emerging community zone - Interim precinct; and</li> <li>b. on a lot having an area of 5 ha or more; and</li> <li>c. involving filling or excavation with an aggregate volume of 150m<sup>3</sup> or less of material; and</li> <li>d. not mapped as:               <ul style="list-style-type: none"> <li>i. Medium risk area or High risk area on Overlay map – Flood hazard; or</li> </ul> </li> </ul>

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Development	Circumstances for being accepted development
	<ul style="list-style-type: none"> <li>ii. Medium risk storm tide inundation area or High risk storm tide inundation area on Overlay map – Coastal hazard (storm tide inundation); or</li> <li>iii. Erosion Prone Area on Overlay map – Coastal hazard (Erosion Prone Area); or</li> <li>iv. Overland flow path area on Overlay map - Overland flow path; or</li> <li>v. Land at or below 5m AHD or land above 5m AHD and below 20m AHD on Overlay map - Acid sulfate soils; or</li> <li>vi. Extractive resources transport route buffer where in private land on Overlay map - Extractive resources; or</li> <li>vii. Significant tree or Local heritage area on Overlay map - Heritage and landscape character; or</li> <li>viii. Bulk water supply infrastructure buffer, Gas pipeline buffer or High voltage electricity line buffer on Overlay map – Infrastructure buffers; or</li> <li>ix. Landslide hazard area on Overlay map - Landslide hazard; or</li> <li>x. Riparian and wetland setback buffer on Overlay map - Riparian and wetland setbacks.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>a. in all other Zones except the Limited development zone;</li> <li>b. involving filling 5m<sup>3</sup> or less of material;</li> <li>c. involving excavation of 5m<sup>3</sup> or less of material;</li> <li>d. not mapped as:               <ul style="list-style-type: none"> <li>i. Medium risk area or High risk area on Overlay map – Flood hazard; or</li> <li>ii. High risk storm tide inundation area on Overlay map – Coastal hazard (storm tide inundation); or</li> <li>iii. Erosion Prone Area on Overlay map – Coastal hazard (Erosion Prone Area); or</li> <li>iv. Overland flow path area on Overlay map - Overland flow path; or</li> <li>v. Extractive resources transport route buffer where in private land on Overlay map - Extractive resources; or</li> <li>vi. Significant tree or Local heritage area on Overlay map - Heritage and landscape character; or</li> </ul> </li> </ul>

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Development	Circumstances for being accepted development
	<ul style="list-style-type: none"> <li>vii. Bulk water supply infrastructure buffer, Gas pipeline buffer or High voltage electricity line buffer identified on Overlay map – Infrastructure buffers; or</li> <li>viii. Riparian and wetland setback buffer on Overlay map - Riparian and wetland setbacks.</li> </ul>
Operational work, placing an Advertising device on land	<p>If an advertising device is located on publicly owned land (e.g. road reserve, Council sporting facilities, crown land, etc.) and/or it does not comply with the definition of 'Advertising device' (e.g. temporary or mobile devices).</p> <p>Note - Advertising devices as described above are regulated by the Moreton Bay Regional Council Local Law for advertising devices.</p>
Operational work, clearing vegetation, not associated with a material change of use or reconfiguring a lot	<p>If:</p> <ul style="list-style-type: none"> <li>a. In the Environmental management and Conservation Zone; and               <ul style="list-style-type: none"> <li>i. Located on Council owned or controlled land and is in accordance with a Council Master Plan approved under Council Policy; or</li> <li>ii. Located on State owned land or other Crown holdings and is in accordance with the relevant controlling legislation (for example, but not limited to, Forestry Act 1959, Nature Conservation Act 1992) under which the land is administered.</li> </ul> </li> </ul> <p>OR, where not a. above,</p> <ul style="list-style-type: none"> <li>b. not in the following zones, precincts, local plan or overlay maps:               <ul style="list-style-type: none"> <li>i. Limited development zone; or</li> <li>ii. Caboolture West local plan - Green network precinct; or</li> <li>iii. Overlay map - Riparian and wetland setbacks; or</li> <li>iv. Water supply buffer on Overlay map – Infrastructure buffers;</li> </ul> </li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>c. not vegetation or a significant tree listed in Schedule 1 or Schedule 2 of Planning scheme policy – Heritage and landscape character;</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>d. not mapped as High Value Area and Value Offset Area in Overlay map - Environmental areas; and               <ul style="list-style-type: none"> <li>i. the vegetation is not native; or</li> <li>ii. the vegetation is native and is:                   <ul style="list-style-type: none"> <li>A. within an approved development footprint; or</li> </ul> </li> </ul> </li> </ul>

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Development	Circumstances for being accepted development
	<p>B. within 10m of a lawfully established building; or</p> <p>C. reasonably necessary for emergency access or immediately required in response to an accident or emergency; or</p> <p>D. reasonably necessary to remove or reduce the risk vegetation poses to serious personal injury or damage to infrastructure where pruning of a limb is not reasonable to remove the risk; or</p> <p>E. reasonably necessary to construct and maintain a property boundary fence and not exceed 4m in width either side of the fence where in the Rural, Rural residential and Environmental management and conservation zones. In any other zone, clearing is not to exceed 2m in width either side of the fence; or</p> <p>F. within a registered easement where the clearing is necessary for maintenance; or</p> <p>G. for works involving the maintenance of public infrastructure; or</p> <p>H. reasonably necessary to maintain existing man-made infrastructure used for drainage purposes (e.g swale); or</p> <p>I. in accordance with a bushfire management plan prepared by a suitably qualified person submitted to and accepted by Council; or</p> <p>J. associated with removal of recognised declared weed species required by legislation; or</p> <p>K. maintaining existing open pastures and cropping land, windbreaks, created lawns and gardens;</p> <p>OR, where not A. to K., above, less than 80cm in diameter when measure at 1.3m from the ground.</p> <p>OR, where not d. above,</p> <p>e. mapped as High Value Area and Value Offset Area on Overlay map - Environmental areas; and</p> <p>i. the vegetation is not native; or</p> <p>ii. the vegetation is native and is:</p> <p>A. within an approved development footprint; or</p> <p>B. within 10m of a lawfully established building; or</p> <p>C. reasonably necessary for emergency access or immediately required in response to an accident or emergency; or</p>

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Development	Circumstances for being accepted development
	<p>D. reasonably necessary to remove or reduce the risk vegetation poses to serious personal injury or damage to infrastructure where pruning of a limb is not reasonable to remove the risk; or</p> <p>E. reasonably necessary to construct and maintain a property boundary fence and not exceed 4m in width either side of the fence where in the Rural, Rural residential and Environmental management and conservation zones. In any other zone, clearing is not to exceed 2m in width either side of the fence; or</p> <p>F. within a registered easement where the clearing is necessary for maintenance; or</p> <p>G. for works involving the maintenance of public infrastructure; or</p> <p>H. reasonably necessary to maintain existing man-made infrastructure used for drainage purposes (e.g swale); or</p> <p>I. in accordance with a bushfire management plan prepared by a suitably qualified person submitted to, and accepted by Council; or</p> <p>J. associated with removal of recognised declared weed species required by legislation; or</p> <p>K. maintaining existing open pastures and cropping land, windbreaks, created lawns and gardens.</p> <p>Note - Definition for native vegetation is located in Schedule 1 Definitions.</p> <p>Editor's note - Information detailing how the measurement in H. is undertaken is provided in Australian Standard AS 4970 2009 Protection of Trees on Development Sites - Appendix A.</p> <p>Editor's note - A native tree measuring greater than 80cm in diameter when measured 1.3m from the ground is recognised as a 'habitat tree'. For further information on habitat trees, refer to Planning Scheme Policy - Environmental Areas.</p>

Editor's note - There are other forms of development not listed in Table 1.7.7.1 which are also accepted development under this planning scheme. Those forms of development are shown as accepted development subject to requirements in the Tables of assessment in Part 5. The specific requirements for those forms of development are set out in the Assessment benchmarks and requirements for accepted development column of those Tables of assessment.