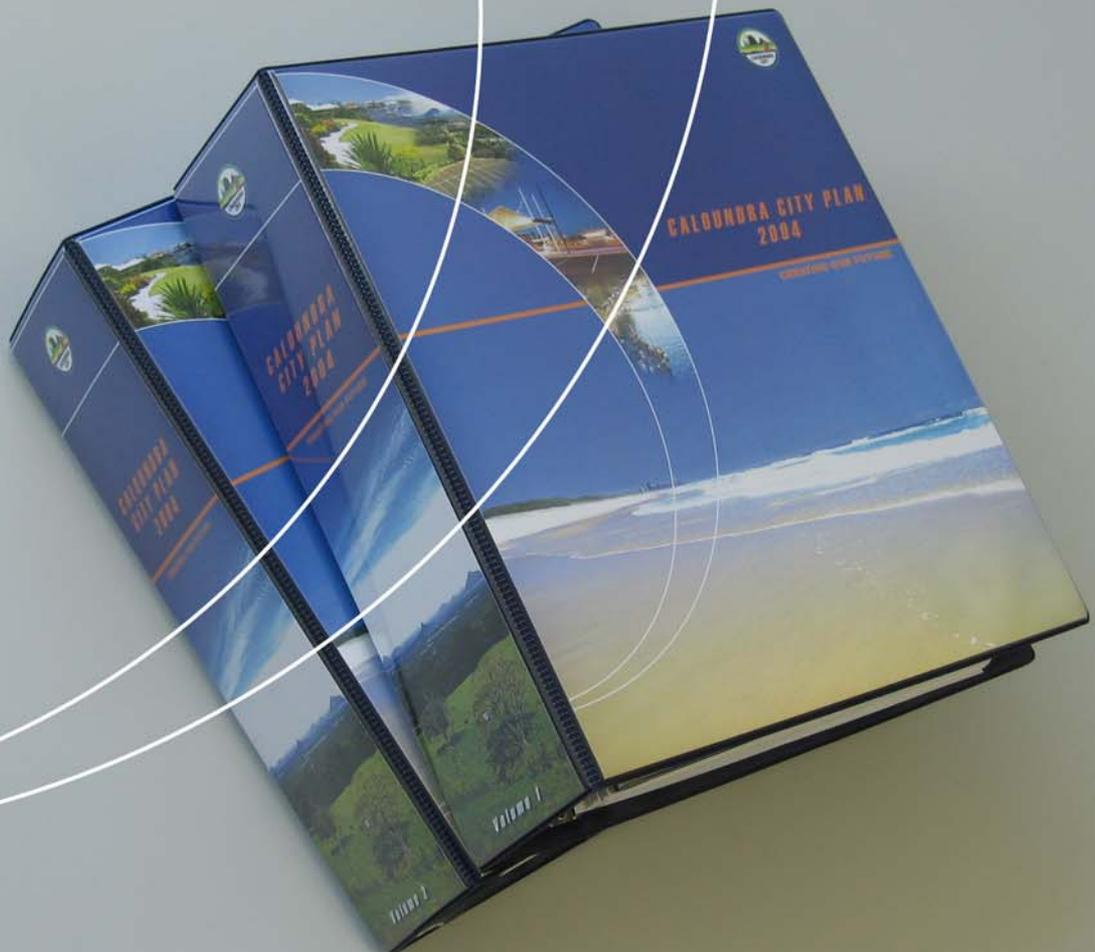




CALOUNDRA CITY PLAN 2004

Users Guide



PLANNING SCHEME FOR THE CITY OF CALOUNDRA – “CALOUNDRA CITY PLAN 2004”

USERS’GUIDE

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I. Overview to Users' Guide

I.1 Introduction

This **Users' Guide** provides information on:

- (a) the structure of Caloundra City Plan;
- (b) the different levels of development assessment;
- (c) using codes;
- (d) making a development application;
- (e) other approvals outside of Caloundra City Plan; and
- (f) background information used in preparing Caloundra City Plan.

I.2 City Plan Structure

Caloundra City Plan is structured in 11 Parts as shown in Table 1 below.

Table 1 Contents of Caloundra City Plan by Part

Part	Summarised Contents of Each Part
Part 1 Introduction	<ul style="list-style-type: none">• Identifies the area covered by Caloundra City Plan• Links Caloundra City Plan to the <i>Integrated Planning Act 1997</i>• Provides a City-wide Vision Statement (derived in part from the Council's Corporate Plan)• Explains the role of Caloundra City Plan in achieving the Vision and promoting Ecological Sustainability• Identifies the structural elements of Caloundra City Plan
Part 2 Desired Environmental Outcomes	<ul style="list-style-type: none">• Outlines the Desired Environmental Outcomes (DEOs) relating to the economic, social, natural and built environment of the City• Includes DEO Maps
Part 3 Interpretation	<ul style="list-style-type: none">• Provides definitions of uses and other development terms• Defines other terms used in Caloundra City Plan
Part 4 Development in Planning Areas	<ul style="list-style-type: none">• Divides Caloundra City into 16 Planning Areas• Divides the Planning Areas into Precincts (e.g. Low Density Residential; Regional Business Centre)• Includes Precinct Maps and Overlay Maps for each Planning Area• Includes Development Assessment Tables that assign a level of assessment to development and identify the applicable codes for development

Part	Summarised Contents of Each Part
<p>Part 5 Precincts and Other Elements Code</p>	<ul style="list-style-type: none"> Establishes outcomes to be achieved in each Precinct and Other Element (e.g. Major Road Corridor) Identifies uses that are consistent or inconsistent in each Precinct States that development should not exceed the height limits specified in the relevant Planning Area Code
<p>Part 6 Planning Area Codes</p>	<ul style="list-style-type: none"> Provides a Planning Area Code for each of the 16 Planning Areas identified in Part 4
<p>Part 7 Overlay Codes</p>	<ul style="list-style-type: none"> Provides an Overlay Code for each of the 13 Overlays identified on the Planning Area Overlay Maps contained in Part 4 (e.g. Acid Sulfate Soils; Flood Management)
<p>Part 8 Use Codes</p>	<ul style="list-style-type: none"> Provides 23 Use Codes that regulate development for a particular purpose (e.g. Multi Unit Code; Business Code)
<p>Part 9 Other Codes</p>	<ul style="list-style-type: none"> Provides 11 Other Codes that regulate development of a particular type (e.g. Reconfiguring a Lot Code, Landscaping Code; Parking and Access Code)
<p>Part 10 Infrastructure</p>	<ul style="list-style-type: none"> Contains the Priority Infrastructure Plan providing the framework for infrastructure planning and charging <p>(Note: this Part is not currently available for incorporation into the Caloundra City Plan)</p>
<p>Part 11 Planning Scheme Policies</p>	<ul style="list-style-type: none"> Provides Planning Scheme Policies that assist in the interpretation and application of Caloundra City Plan but do not regulate development Includes Planning Scheme Policies identifying infrastructure contribution requirements pending the completion of Part 10 (Infrastructure)

1.3 Levels of Assessment – What are they and how do they work?

The *Integrated Planning Act 1997* (IPA) defines the following four types of development:

- Making a **Material Change of Use** of premises (e.g. starting a new use or substantially expanding an existing use);
- **Reconfiguring a Lot** (e.g. subdivision of land or boundary alteration);
- Carrying out **Building Work** (e.g. building, repairing, altering, moving or demolishing a building);
- Carrying out **Operational Work** (e.g. excavation or filling, landscaping, constructing driveways and car parking areas).

A proposed development may involve one or more of the above types of development.

A proposed development will fall into one of the following four levels of assessment (or assessment categories) identified under the IPA:

- **Exempt Development** does not have to comply with Caloundra City Plan. However approvals or licenses may be required under other State legislation (e.g. *Standard Building Regulation 1993*) or Council local laws (e.g. Local Law No.6 (Licensing)).
- **Self-assessable Development** does not require a development approval under Caloundra City Plan. However it must comply with all of the *acceptable solutions* contained in the codes identified as being applicable to the development. The applicable codes are identified in the *Development Assessment Tables* in Part 4 of the plan.

If a proposed development cannot comply with an *acceptable solution*, a development approval is required and an application for *code assessable development* must be made for assessment by the Council.

- **Code Assessable Development** requires a development approval under Caloundra City Plan. A development application must be made for assessment by the Council against the codes identified as being applicable to the development in the *Development Assessment Tables* in Part 4 (and other matters specified in the IPA). Public notification of the application is not required.
- **Impact Assessable Development** requires a development approval under Caloundra City Plan. A development application must be made for assessment by the Council against any provision of the plan that is relevant to the proposed development and other matters specified in the IPA. Public notification of the application is required. Third parties may make submissions to Council about the proposed development, and may appeal to the Planning and Environment Court if they are dissatisfied with the Council's decision on the application.

How the various parts of Caloundra City Plan apply to *exempt*, *self-assessable*, *code assessable* and *impact assessable development* is summarised in Table 2 below.

Table 2 How the Parts of Caloundra City Plan Apply to Development in the Different Levels of Assessment

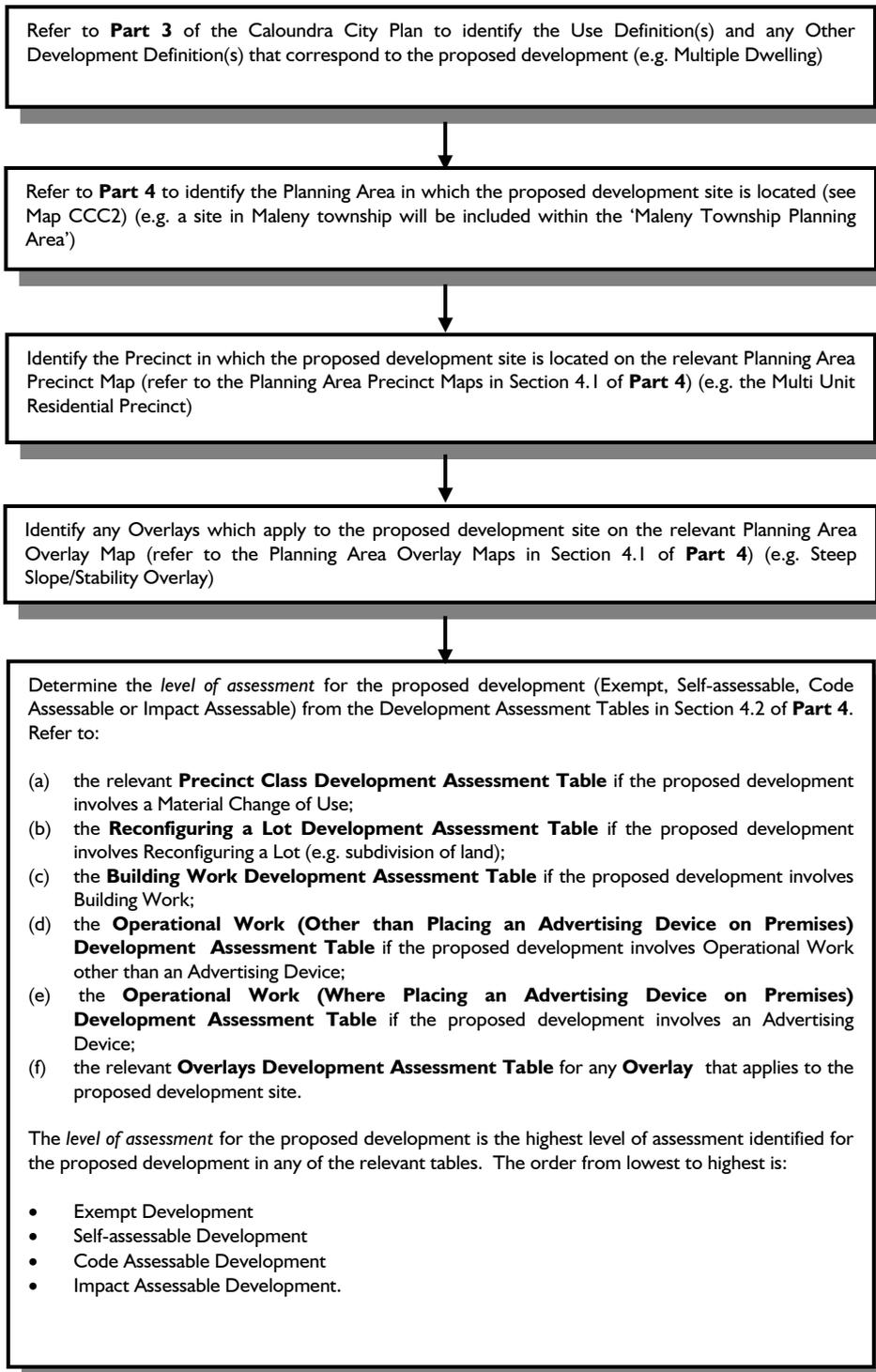
Part	Exempt Development	Self-assessable Development	Code Assessable Development	Impact Assessable Development	Impact Assessable – Inconsistent Development
Part 1 - Introduction	N/A	N/A	N/A	N/A	N/A
Part 2 - Desired Environmental Outcomes	N/A	N/A	Note: Section 3.5.13(3) of the IPA states that the assessment manager’s decision must not compromise the achievement of the Desired Environmental Outcomes for the planning scheme area.	Assess whether the development proposal will compromise the achievement of the Desired Environmental Outcomes.	Assess whether the development proposal will compromise the achievement of the Desired Environmental Outcomes.
Part 3 – Interpretation	Determine the appropriate use or other development definition(s) corresponding to the development proposal.				
Part 4 - Development in Planning Areas	Determine which Planning Area the site is located in. Determine: (a) what precinct(s); and (b) what overlay(s); apply to the site by referring to the relevant Planning Area Precinct Map and Planning Area Overlay Map respectively.				
	Confirm the level of assessment as ‘Exempt’ from the Development Assessment Tables.	Confirm the level of assessment as ‘Self-assessable’ from the Development Assessment Tables. Identify the applicable Code(s) from the Development Assessment Tables.	Confirm the level of assessment as ‘Code Assessable’ from the Development Assessment Tables. Identify the applicable Code(s) from the Development Assessment Tables.	Confirm the level of assessment as ‘Impact Assessable’ from the Development Assessment Tables.	Confirm the level of assessment as ‘Impact Assessable’ from the Development Assessment Tables.
Part 5 - Precincts and Other Elements Code	N/A	N/A	Assess the development proposal against the Precincts and Other Elements Code.	Assess the development proposal against the Precincts and Other Elements Code.	Note: The development proposal will conflict with the Precincts and Other Elements Code. (i.e. a specific outcome is that the use is not located in the precinct)
Part 6 - Planning Area Codes	N/A	Assess the development proposal against the Acceptable Solutions of the relevant Planning Area Code indicated with an asterisk (*).	Assess the development proposal against the relevant Planning Area Code.	Assess the development proposal against the relevant Planning Area Code.	Assess the development proposal against the relevant Planning Area Code.
Part 7 - Overlay Codes	N/A	Generally not applicable if development is self-assessable. (Class 1 and 10 buildings are self-assessable against the Detached House Code under the Bushfire Hazard Management Overlay, Flood Management Overlay and Steep Slope /	Assess the development proposal against any applicable Overlay Code(s).	Assess the development proposal against any applicable Overlay Code(s).	Assess the development proposal against any applicable Overlay Code(s).

Part	Exempt Development	Self-assessable Development	Code Assessable Development	Impact Assessable Development	Impact Assessable – Inconsistent Development
		Stability Overlay).			
Part 8 - Use Codes	N/A	Assess the development proposal against the Acceptable Solutions of the applicable Use Code(s) indicated with an asterisk (*).	Assess the development proposal against any applicable Use Code(s).	Assess the development proposal against any applicable Use Code(s).	Assess the development proposal against any applicable Use Code(s).
Part 9 - Other Codes	N/A	Assess the development proposal against the Acceptable Solutions of any applicable Other Code(s) indicated with an asterisk (*).	Assess the development proposal against any applicable Other Code(s).	Assess the development proposal against any applicable Other Code(s).	Assess the development proposal against any applicable Other Codes.
Part 10 - Infrastructure	This part is not currently available for incorporation into the planning scheme.				
Part 11 - Planning Scheme Policies (PSPs)	N/A	<p>Generally not applicable.</p> <p>(N.B: Not applicable where a PSP deals with the information required to support a development application or explains how Council will exercise discretion, vary a planning scheme requirement or apply a development contribution.</p> <p>Where a PSP provides information about how to comply with the requirement of an Acceptable Solution of a Code, the PSP is applicable. For example, the Parking and Access PSP provides design standards relevant to S8.1* of the Parking and Access Code).</p>	Consider the guidance provided by any applicable Planning Scheme Policies.	Consider the guidance provided by any applicable Planning Scheme Policies.	<p>Consider the guidance provided by any applicable Planning Scheme Policies.</p> <p>The application material should address the “Considering Potentially In Conflict Development Applications” Planning Scheme Policy.</p>

1.4 Determining the Level of Assessment for a Proposed Development

Use the steps set out below to assist in determining the *level of assessment* for a proposed development. The *level of assessment* identifies whether a proposed development is either:

- Exempt Development;
- Self-assessable Development;
- Code Assessable Development; or
- Impact Assessable Development.



Notes and Examples for Determining Level of Assessment

No Overlay

Where no Overlay applies, the level of assessment is determined by reference to:

- the relevant **Precinct Class Development Assessment Table** if the development involves a Material Change of Use; or
- the **Reconfiguring a Lot Development Assessment Table** if the development involves Reconfiguring a Lot; or
- the **Building Work Development Assessment Table** if the development involves Building Work; or
- the **Operational Work (Other than Placing an Advertising Device on Premises) Development Assessment Table** if the development involves Operational Work (other than placing an advertising device on premises); or
- the **Operational Work (Where Placing an Advertising Device on Premises) Development Assessment Table** if the development involves placing an advertising device on premises.

Where the proposed development involves more than one use or more than one type of development, each component of the development has the level of assessment applying to that component identified in the relevant development assessment table.

Overlay

Where an Overlay applies, the level of assessment for the proposed development may be *increased* if the relevant Overlays Development Assessment Table identifies a higher level of assessment than is identified by the relevant Precinct Class Development Assessment Table or Other Development Assessment Table.

In practice, this means an Overlay Development Assessment Table may increase the level of assessment from *self-assessable* to *code assessable*, as no Overlays Development Assessment Table in Caloundra City Plan increases the level of assessment of any development above code assessable.

If the relevant Overlays Development Assessment Table identifies a lower level of assessment than the other development assessment tables, the level of assessment for the development does *not* change.

Where more than one Overlay applies, the level of assessment for the development is the highest level of assessment identified in any of the relevant Development Assessment Tables, including all of the relevant Overlays Development Assessment Tables.

Examples of Effect of Overlays

Note: The following are hypothetical examples.

Example A – Increase in the Level of Assessment

Proposed Development – Local Utility (as per Use Definition in Part 3 of Caloundra City Plan)

Precinct – Rural

Level of Assessment in Precinct Class Development Assessment Table – Self-assessable

Relevant Overlays – Flood Management

Level of Assessment in Overlays Development Assessment Table – Code Assessable

Overall Level of Assessment for the Development – Code Assessment (i.e. the highest level of assessment prevails).

Example B – No Change in the Level of Assessment

Proposed Development – Retirement Village (as per Use Definition in Part 3 of Caloundra City Plan)

Precinct – Multi Unit Residential

Level of Assessment in Precinct Class Development Assessment Table – Impact Assessable

Relevant Overlays – Bushfire Hazard Management and Steep Slope/ Stability

Level of Assessment in Overlays Development Assessment Tables – Both Code Assessable

Overall Level of Assessment for the Development – Impact Assessment (i.e. the highest level of assessment prevails).

Example C - Overlays Not Applicable

Proposed Development – Medical Centre (as per Use Definition in Part 3 of Caloundra City Plan)

Precinct – District Business Centre

Level of Assessment in Precinct Class Development Assessment Table – Code Assessable

Relevant Overlays – None

Level of Assessment in Overlays Development Assessment Table – Not applicable

Overall Level of Assessment for the Development – Code Assessment (i.e. the highest level of assessment prevails).

2. Using Codes

2.1 What is a Code?

A *code* is a section of a planning scheme that sets out criteria for the assessment of proposed development (i.e. requirements to be met by development).

Caloundra City Plan has four types of *codes*. The codes are set out in Parts 5 to 9 of the plan. A brief description of each follows.

- **Part 5 - Precincts and Other Elements Code** identifies the nature of development intended for each Precinct by specifying *overall outcomes* and *specific outcomes* for Precincts. The *specific outcomes* identify uses that are consistent or inconsistent in each Precinct, and require that development does not exceed the height limits specified in a Planning Area Code applicable to the site. The code also identifies *overall outcomes* for “Other Elements” of the plan (e.g. Major Road Corridor, Energex subtransmission line corridor).
- **Part 6 - Planning Area Codes** identify the nature, scale and character of development intended for each Planning Area by specifying *overall outcomes* and *specific outcomes* for the Planning Area, and identifying *acceptable solutions* for self-assessable development and *probable solutions* for code assessable development. There are 16 Planning Area Codes – one for each planning area.
- **Part 7 - Overlay Codes** identify the requirements that apply to development affected by an Overlay on the Planning Area Overlay Maps, by specifying *overall outcomes* and *specific outcomes* for each Overlay, and identifying *probable solutions* for code assessable development. There are 13 Overlay Codes.
- **Part 8 - Use Codes** identify the requirements that apply to development for a number of uses (e.g. Detached House Code), by specifying *overall outcomes* and *specific outcomes* for that development and identifying *acceptable solutions* for self-assessable development and *probable solutions* for code assessable development. There are 23 Use Codes.
- **Part 9 - Other Codes** identify the requirements that apply to development of a number of stated types, (e.g. Reconfiguring a Lot Code) by specifying *overall outcomes* and *specific outcomes* for that development and identifying *acceptable solutions* for self-assessable development and *probable solutions* for code assessable development. There are 11 Other Codes.

2.2 Overall Outcomes, Specific Outcomes, Probable Solutions and Acceptable Solutions – what are they and when do they apply?

All of the codes in Caloundra City Plan contain *overall outcomes* and *specific outcomes*. All codes other than the Precincts and Other Elements Code also contain *probable solutions*. Codes that are applicable to self-assessable development also contain *acceptable solutions*. Brief descriptions of these terms follow.

- **Overall outcomes** are statements of the desired outcomes about the subject matter dealt with in a particular code.

In Caloundra City Plan, the *overall outcomes* express the *purpose* of the code. This is important because code assessable development may be approved where it does not comply with a code if there are enough grounds to justify the decision, having regard to the purpose of the code and provided it does not compromise achievement of the Desired Environmental Outcomes (IPA, s.3.5.13(3) & (4)).

Overall outcomes require the exercise of discretion to assess whether proposed development complies.

Code assessable development is assessed against the *overall outcomes* of applicable codes (as well as other things prescribed by the IPA).

Impact assessable development is also assessed against the *overall outcomes* of relevant codes (as well as all other relevant provisions of the plan and other things prescribed by the IPA).

- **Specific outcomes** are more specific statements of the desired outcomes about a particular aspect or issue within the subject matter of a code, and contribute to the achievement of *overall outcomes*.

Specific outcomes require the exercise of discretion to assess whether proposed development complies.

Code assessable development is assessed against the *specific outcomes* of applicable codes (as well as other things prescribed by the IPA).

Impact assessable development is also assessed against the *specific outcomes* of relevant codes (as well as all other relevant provisions of the planning scheme and other things prescribed by the IPA).

- **Probable solutions** are prescriptive requirements or standards that provide a guide for achieving a *specific outcome* in whole or in part, but do not establish compliance with the a code.

Probable solutions represent the Council's preferred approach for achieving the corresponding *specific outcome* in the majority of circumstances.

However adopting the *probable solutions* does **not** necessarily establish compliance with the corresponding *specific outcome*. The Council may require alternative solutions if the circumstances are such that the *probable solutions* will not achieve the *specific outcome*.

A proposed development may put forward an alternative solution but if doing so should demonstrate how the alternative solution achieves the corresponding *specific outcome*.

- **Acceptable solutions** are prescriptive requirements that are sufficiently precise to enable compliance to be determined by a person carrying out self-assessable development.

Self-assessable development only has to comply with the *acceptable solutions* of applicable codes.

In the codes in Caloundra City Plan, *acceptable solutions* appear in the right-hand column of the table in the code and are identified with an asterisk (*).

2.2.1 Applicability of Codes

The Development Assessment Tables in Section 4.2 of Caloundra City Plan identify the codes that are applicable to self-assessable and code assessable development.

For code assessable development involving a material change of use, the relevant Planning Area Code and the Precincts and Other Elements Code are always applicable codes.

Impact assessable development is assessed against all of the provisions of Caloundra City Plan that are relevant to the development, including the Precincts and Other Elements Code, the relevant Planning Area Code, any relevant Overlay Codes, any relevant Use Codes and any relevant Other Codes (as well as other things prescribed by the IPA).

2.2.2 Things to Note

Self-assessable development must comply with the *acceptable solutions* of applicable codes. If it does so, the development complies with the plan and no development approval is required.

If development identified as self-assessable in a development assessment table cannot comply with the *acceptable solutions*, the development becomes code assessable and requires a development approval. An application must be made for assessment by the Council.

If a code is identified as an applicable code for self-assessable development but has no *acceptable solutions* within it (identified with an asterisk*), no further consideration need be given to that code.

Code assessable development is assessed against the *overall outcomes* and *specific outcomes* of applicable codes.

The *probable solutions* of applicable codes are the Council's preferred way, but not the only way, of demonstrating compliance with the corresponding *specific outcome*. Adopting the *probable solutions* does not ensure that the proposed development complies with the corresponding *specific outcome*.

Code assessable development **may** be approved by the Council even if it does not comply with the *specific outcomes* of applicable codes, if it is consistent with the *purpose* of the code (as expressed in the *overall outcomes*) and it does not compromise achievement of Caloundra City Plan's Desired Environmental Outcomes (in Part 2 of the plan).

Code assessable development must be approved if the Council is satisfied that it complies with applicable codes, including if it can be brought into compliance by imposing a condition of approval. This means that code assessable development **may** be refused if:

- it does not comply with one or more of the *overall outcomes* or *specific outcomes* of an applicable code; **and**
- it cannot be brought into compliance by a condition(s) of approval.

(Refer to section 3.5.13 of the IPA).

The Council's decision on an **impact assessable development must not:**

- compromise achievement of the Desired Environmental Outcomes; or
- conflict with the planning scheme unless there are sufficient planning grounds to justify the decision.

(Refer to section 3.5.14 of the IPA).

3. Making a Development Application – Navigating Caloundra City Plan – A Step by Step Guide

In making a development application it is first necessary to determine the type of development involved: *Material Change of Use*, *Reconfiguring a Lot*, *Building Work* or *Operational Work*. These terms are defined in section 1.3.5 of the IPA. A proposed development may involve one or more of these types of development.

This part of the Users' Guide identifies how to work through Caloundra City Plan when making or assessing a development application involving one or more of the four types of development.

The step-by-step guide for each type of development commences on a new page, for ease of identification and separate use.

3.1 A Step by Step Guide for Material Change of Use

1. Identify the Caloundra City Plan definition for the proposed use. **Refer to Section 3.2** in Part 3.
2. Identify in which Planning Area the development site is located and the Planning Area Precinct Map and Planning Area Overlay Map that apply. **Refer to Map CCC2** in Part 4.
3. Identify in which Precinct the proposed development site is included. **Refer to the relevant Planning Area Precinct Map in Section 4.1.4 of Part 4.**
4. Identify whether any Overlays apply to the site. **Refer to the relevant Planning Area Overlay Map in Section 4.1.4 of Part 4.**
5. Identify the:
 - level of assessment; and
 - applicable codes

for the proposed Material Change of Use, by reference to the Precinct in which the proposed development site is located and the relevant use definition. **Refer to the relevant Precinct Class Development Assessment Table in Section 4.2.2 in Part 4.**

The Precinct name is in the header of the table. The use is listed in the left hand column of the table under the heading “Defined Use”, the level of assessment in the centre column under the heading “Assessment Category” and the applicable codes in the right hand column under the heading “Applicable Codes”.

Check whether the notes in the header of the table are relevant to the proposed development.

6. If an Overlay(s) applies to the site, identify the level of assessment for the proposed use in the Material Change of Use section of the relevant Overlays Development Assessment Table(s). **Refer to Section 4.2.4 in Part 4.**

Check whether any notes in the header of the table are relevant to the proposed development.

7. The level of assessment for the proposed Material Change of Use is:
 - that identified at step 5 if no overlay applies to the site;
 - OR
 - the highest of the levels of assessment identified at steps 5 and 6 if one or more Overlays applies to the site.

(For more information about this see the ‘Determining the Level of Assessment for a Proposed Development’ section in this Users’ Guide).

8. If the level of assessment is identified as:
 - **self-assessable, go to step 9; OR**
 - **code assessable, go to step 10; OR**
 - **impact assessable, go to step 11.**
9. Assess the proposed Material Change of Use against the acceptable solutions of the applicable codes (i.e. the relevant Planning Area Code in Part 6, the relevant Use Code(s) in Part 8 and the relevant Other Code(s) in Part 9).

The acceptable solutions are listed in the right hand column of the table in each code, under the heading “Acceptable solutions for self-assessable development*” and probable solutions for assessable development”, and are identified with an asterisk(*).

Does the proposal comply with **all** of the acceptable solutions of the applicable codes? If yes, no further reference to Caloundra City Plan is required and the proposal complies with the requirements of the plan. **If not, the proposal is code assessable. Go to step 10.**

10. If code assessable, a development application must be made to Council for code assessment. The proposed Material Change of Use will be assessed against the:

- overall outcomes (the purpose);
- specific outcomes; and
- probable solutions (as the preferred way of complying with the specific outcomes)

of all applicable codes (i.e. the Precinct and Other Elements Code in Part 5, the relevant Planning Area Code in Part 6, the relevant Overlay Code(s) in Part 7, the relevant Use Code(s) in Part 8 and the relevant Other Code(s) in Part 9)¹.

11. If impact assessable, a development application must be made to Council for impact assessment. The proposed Material Change of Use will be assessed against the entire Caloundra City Plan including:

- Desired Environmental Outcomes in Part 2 of the plan; and
- overall outcomes (the purpose) and specific outcomes of any relevant codes (i.e. the Precinct and Other Elements Code in Part 5, the relevant Planning Area Code in Part 6, the relevant Overlay Code(s) in Part 7, the relevant Use Code(s) in Part 8 and the relevant Other Code(s) in Part 9)².

¹ Section 3.5.4 of the IPA identifies other matters that code assessable development is assessed against.

² Section 3.5.5 of the IPA identifies other matters that impact assessable development is assessed against.

3.2 A Step by Step Guide for Reconfiguring a Lot

1. Identify in which Planning Area the development site is located and the Planning Area Precinct Map and Planning Area Overlay Map that apply. **Refer to Map CCC2 in Part 4.**
2. Identify in which Precinct the proposed development site is included. **Refer to the relevant Planning Area Precinct Map in Section 4.1.4 of Part 4.**
3. Identify whether any Overlays apply to the site. **Refer to the relevant Planning Area Overlay Map in Section 4.1.4 of Part 4.**
4. Identify the:
 - level of assessment; and
 - applicable codes

for the type of reconfiguring proposed. **Refer to the Reconfiguring a Lot Development Assessment Table (Table 4.2.3(a) in Part 4).**

The types of reconfiguring are listed in the left hand column of the table under the heading “Development Activity”, the level of assessment in the centre column under the heading “Assessment Category” and the applicable codes in the right hand column under the heading “Applicable Codes”.

The proposed reconfiguring will be identified as either code assessable or impact assessable.

(Note: The exempt and self-assessable levels of assessment are not used in the Reconfiguring a Lot Development Assessment Table).

5. If an Overlay(s) applies, identify the level of assessment for the type of reconfiguring in the Other Development (Reconfiguring a Lot) section of the relevant Overlays Development Assessment Table(s). **Refer to Section 4.2.4 in Part 4.**
6. The level of assessment for the proposed Reconfiguring a Lot is:
 - that identified at step 4 if no Overlay applies to the site; OR
 - the highest of the levels of assessment identified at steps 4 and 5 if one or more Overlays applies to the site.

(For more information about this see the ‘Determining the Level of Assessment for a Proposed Development’ section in this Users’ Guide).

7. If the level of assessment is identified as:
 - **code assessable, go to step 8; OR**
 - **impact assessable, go to step 9.**
8. If code assessable, a development application must be made to Council for code assessment. The proposed Reconfiguring a Lot will be assessed against the:
 - overall outcomes (the purpose);
 - specific outcomes; and
 - probable solutions (as the preferred way of complying with the specific outcomes)

of all applicable codes (i.e. the relevant Planning Area Code in Part 6, the relevant Overlay Code(s) in Part 7 and the relevant Other Code(s) in Part 9, including the Reconfiguring a Lot Code)³.

9. If impact assessable, a development application must be made to Council for impact assessment. The proposed Reconfiguring a Lot will be assessed against the entire Caloundra City Plan including:
 - Desired Environmental Outcomes in Part 2 of the plan; and
 - overall outcomes (the purpose) and specific outcomes of any relevant codes (i.e. the Precinct and Other Elements Code in Part 5, the relevant Planning Area Code in Part 6, the relevant Overlay Code(s) in Part 7, the relevant Use Code(s) in Part 8 and the relevant Other Code(s) in Part 9)⁴.

³ Section 3.5.4 of the IPA identifies other matters that code assessable development is assessed against.

⁴ Section 3.5.5 of the IPA identifies other matters that impact assessable development is assessed against.

3.3 A Step by Step Guide for Building Work

Introductory note:

Caloundra City Plan regulates development involving Building Work that is more than “minor building work” (as defined in the plan), but is not of a scale that can be considered to be a Material Change of Use (as defined in the IPA).

An example of this includes renovating an older block of flats to sell as separately titled apartments, which may involve significant changes to the building (e.g. adding or removing balconies, relocating or enlarging windows, changing the roof line), but does not increase the number of dwelling units or the number of storeys of the building.

Development of this type has the potential to have significant amenity, privacy and character impacts that may be similar to those of a new development, and should be assessed against the relevant provisions of the plan.

The process to be followed is set out below:

1. Determine whether the proposed Building Work is associated with a Material Change of Use.

If yes, the Building Work is not separately regulated by Caloundra City Plan and will be assessed as part of any assessment required for the Material Change of Use. (Note: Assessment of the proposed Building Work may still be required under the *Standard Building Regulation 1993*).

If not, go to step 2.

2. Identify whether the Caloundra City Plan definition “minor building work” applies to the proposed Building Work. **Refer to Section 3.3.1 in Part 3.**

If yes, the proposed Building Work is exempt development provided that the site is not affected by the Acid Sulfate Soils Overlay. In this case, no assessment and no further reference to Caloundra City Plan is required for the Building Work. (Note: Assessment of the proposed Building Work may still be required under the *Standard Building Regulation 1993*).

If not, the proposed Building Work is assessable development under Caloundra City Plan. Go to steps 3, 4 and 5.

3. Identify in which Planning Area the development site is located. **Refer to Map CCC2 in Part 4.**
4. Identify whether any Overlays apply to the site. **Refer to the relevant Planning Area Overlay Map in Section 4.1.4 of Part 4.**
5. The Building Work Development Assessment Table regulates the development.

Check whether the notes in the header of the table are relevant to the proposed Building Work.

6. Identify the Planning Area Code that corresponds to the relevant Planning Area. **Refer to Part 6.**
7. Identify any applicable Use Code(s) that corresponds to the use conducted on the site of the proposed Building Work. **Refer to Part 8.**

(e.g. if the site contains a detached house the Detached House Code is applicable; if the site contains a multiple dwelling the Multi Unit Code is applicable; if the site contains an industrial premises the Industry Code is applicable; if the site contains a shop or office the Business Code is applicable; if the site contains a service station the Service Station Code is applicable, etc).

8. Identify whether the applicable Use Code(s) in Part 8 contains acceptable solutions for self-assessable development. The acceptable solutions are listed in the right hand column of the table in each code, under the heading “Acceptable solutions for self-assessable development* and probable solutions for assessable development”, and are identified with an asterisk(*).

If yes, the proposed Building Work **may** be self-assessable (i.e. it will be self-assessable unless an Overlays Development Assessment Table states otherwise). **Go to steps 9 and 10.**

If not, the proposed Building Work is code assessable. Go to step 12.

9. If an Overlay(s) applies, identify the level of assessment for the proposed Building Work in the Other Development (Building Work where not associated with a Material Change of Use) section of the relevant Overlays Development Assessment Table(s). **Refer to Section 4.2.4 in Part 4.**

Check whether any notes in the header of the table are relevant to the proposed development.

10. The level of assessment for the proposed Building Work is:

- self-assessable if no Overlay applies to the site. **Go to step 11;**
OR
- self-assessable if the proposed Building Work is identified as self-assessable in the relevant Overlays Development Assessment Table(s) at step 9. **Go to step 11;**
OR
- code assessable if the proposed Building Work is identified as code assessable in the relevant Overlays Development Assessment Table(s) at step 9. **Go to step 12.**

(For more information about this see the ‘Determining the Level of Assessment for a Proposed Development’ section in this Users’ Guide).

11. If self-assessable, assess the proposed Building Work against the acceptable solutions for self-assessable development in the applicable Planning Area Code, the applicable Use Code(s) and the Parking and Access Code.

The acceptable solutions are listed in the right hand column of the table in each code, under the heading “Acceptable solutions for self-assessable development* and probable solutions for assessable development”, and are identified with an asterisk(*).

Does the proposed Building Work comply with **all** of the acceptable solutions of the applicable codes? If yes, no further reference to Caloundra City Plan is required and the proposal complies with the requirements of the plan.

If not, the proposed Building Work is code assessable. Go to step 12.

12. If code assessable, a development application must be made to Council for code assessment. The proposed Building Work will be assessed against the:

- overall outcomes (the purpose);
- specific outcomes; and
- probable solutions (as the preferred way of complying with the specific outcomes)

of the applicable codes (the relevant Planning Area Code in Part 6, the relevant Overlay Code(s) in Part 7, the relevant Use Code(s) in Part 8 and the Parking and Access Code in Part 9)⁵.

⁵ Section 3.5.4 of the IPA identifies other matters that code assessable development is assessed against.

3.4 A Step by Step Guide for Operational Work (other than placing an Advertising Device on premises)

1. Identify whether the Caloundra City Plan definition “minor operational work” applies to the proposed Operational Work. **Refer to Section 3.3.1 in Part 3.**

If yes, the proposed Operational Work is exempt development, and no assessment and no further reference to Caloundra City Plan is required for this component of the development.

If not, go to step 2.

2. Identify whether the Caloundra City Plan definition “Advertising Device” applies to the proposed Operational Work. **Refer to Section 3.3.1 in Part 3.**

If yes, the Operational Work (Where Placing an Advertising Device on Premises) Development Assessment Table regulates the development. **Go to section 3.5 of this Users’ Guide.**

If not, go to step 3.

3. Identify in which Planning Area the development site is located. **Refer to Map CCC2 in Part 4.**
4. Identify whether any Overlays apply to the site. **Refer to the relevant Planning Area Overlay Map in Section 4.1.4 of Part 4.**
5. The Operational Work (Other than Placing an Advertising Device on Premises) Development Assessment Table regulates the development. **Refer to Table 4.2.3(c) in Part 4.**

6. Identify the:

- level of assessment; and
- applicable codes

for the proposed Operational Work.

The types of Operational Work regulated are listed in the left hand column of the table under the heading “Development Activity”, the level of assessment in the centre column under the heading “Assessment Category” and the applicable codes in the right hand column under the heading “Applicable Codes”.

Check whether the note in the header of the table is relevant to the proposed development.

(Note: The self-assessable and impact assessable levels of assessment are not used in the Operational Works (Other than Placing an Advertising Device on Premises) Development Assessment Table).

7. If code assessable, a development application must be made to Council for code assessment. The proposed Operational Works will be assessed against the:
 - overall outcomes (the purpose);
 - specific outcomes; and
 - probable solutions (as the preferred way of complying with the specific outcomes)

of the applicable codes (i.e. the relevant Other Codes in Part 9 and, if an Overlay(s) applies, the relevant Overlay Code(s) in Part 7)⁶.

⁶ Section 3.5.4 of the IPA identifies other matters that code assessable development is assessed against.

3.5 A Step by Step Guide for Operational Work (Advertising Device)

1. Identify whether the Caloundra City Plan definition “advertising device” applies to the proposed advertising action. **Refer to Section 3.3.1 in Part 3.**

If yes, go to step 2. If no, the advertising action is not regulated by Caloundra City Plan and requires no assessment and no further reference to Caloundra City Plan⁷.

2. Identify in which Planning Area the site of the proposed advertising device is located and the Planning Area Precinct Map that applies. **Refer to Map CCC2 in Part 4.**
3. Identify in which Precinct the proposed site is included. **Refer to the relevant Planning Area Precinct Map in Section 4.1.4 of Part 4.**
4. The Operational Work (Where Placing an Advertising Device on Premises) Development Assessment Table regulates the development. **Refer to Table 4.2.3(d) in Part 4.**

Identify the Caloundra City Plan definition for the type of advertising device that is proposed. **Refer to the definitions contained in the Advertising Devices Code in Part 9.** This code is the applicable code for development regulated by Table 4.2.3(d).

Identify the level of assessment for the proposed advertising device by reference to the type of advertising device and the relevant Precinct in which the site is included.

The type of advertising device is listed in the left hand column of the table under the heading “Type of Advertising Device” and the Precincts are identified by an alphabetical symbol in the headings of the remaining columns.

If the proposed Advertising Device is of a type that is exempt development, no assessment and no further reference to Caloundra City Plan is required for the proposed Advertising Device.⁷

6. If the level of assessment is identified as:

- **self-assessable, go to step 7; OR**
- **impact assessable, go to step 9.**

(Note: The code assessable level of assessment is not used in the Operational Work (Where Placing an Advertising Device on Premises) Development Assessment Table. However an Advertising Device may still be code assessable if it does not comply with the acceptable solutions of the Advertising Devices Code - see below.)

7. Assess the proposed Advertising Device against the acceptable solutions of the Advertising Devices Code in Part 9.

The acceptable solutions are listed in the right hand column of the table in the code, under the heading “Acceptable solutions for self-assessable development*” and probable solutions for assessable development”, and are identified with an asterisk(*).

Does the proposed Advertising Device comply with **all** of the acceptable solutions of the code? If yes, no further reference to Caloundra City Plan is required and the proposal complies with the requirements of the plan.

If not, the proposed Advertising Device is code assessable. Go to step 8.

8. If code assessable, a development application must be made to Council for code assessment. The proposed Advertising Device will be assessed against the:

⁷ A licence may be required under Council’s Local Law No.6 (Licensing) and Subordinate Local Law No. 6.5 (Advertising) whether or not the advertising device is regulated by Caloundra City Plan.

- overall outcomes (the purpose);
- specific outcomes; and
- probable solutions (as the preferred way of complying with the specific outcomes)

of the Advertising Devices Code⁸.

9. If impact assessable, a development application must be made for impact assessment by the Council. The proposed development will be assessed against the entire Caloundra City Plan including:

- Desired Environmental Outcomes in Part 2 of the plan; and
- overall outcomes (the purpose) and specific outcomes of any relevant codes⁹.

⁸ Section 3.5.4 of the IPA identifies other matters that code assessable development is to be assessed against.

⁹ Section 3.5.5 of the IPA identifies other matters that impact assessable development is assessed against.

3.6 Other Approvals (outside Caloundra City Plan) Required for Development

Development proposals may require approvals or consideration of matters other than, or in addition to, those required by Caloundra City Plan. *Examples include:*

- Matters identified in Schedule 8 of the *Integrated Planning Act 1997*;
- Building approvals under and Council resolutions made under the *Standard Building Regulation 1993*;
- Approvals for Environmentally Relevant Activities under the *Environmental Protection Act 1994*;
- Development within road reserves (e.g. footpath dining) which requires Department of Natural Resources, Mines and Energy authorisation;
- Approvals for development within a Coastal Management District under the *Coastal Protection and Management Act 1995*.
- State Government approvals under the *Fisheries Act 1994* for disturbance of marine plants and/or works within a declared Fish Habitat Area;
- Approvals for removal of native vegetation under the *Vegetation Management Act 1999*;
- Commonwealth Government approvals in relation to the:
 - *Environment Protection (Impact of Proposals) Act 1974*;
 - *Endangered Species Protection Act 1992*;
 - *Australian Heritage Commission Act 1975*;
 - *Environment Protection and Biodiversity Conservation Act 1999*;
 - *Native Title Act 1993*; and
 - *Telecommunications Act 1997*;
- The duty of care requirements under the *Aboriginal Cultural Heritage Act 2003*;
- Requirements associated with the allocation of resources or the conduct of works within the bed and banks of watercourses as required under the *Water Act 2000*;
- Approvals or consents from the State Government in relation to the development of State-owned land under the *Land Act 1994* or *Forestry Act 1959*;
- Approvals required under the *Prostitution Act 1999* and *Prostitution Regulation 2000*;
- Approvals required under the *Mineral Resources Act 1989*;
- Approvals required under the *State Development and Public Works Organisation Act 1971*;
- Requirements of the *Building (Flammable and Combustible Liquids) Regulation 1994*.

4. Other Information about Caloundra City Plan

4.1 Caloundra City Plan Planning Study

To support the preparation of Caloundra City Plan, a comprehensive Planning Study was prepared. This Planning Study consolidated the findings of a number of detailed reports and studies commissioned by the Council prior to drafting the plan. These reports and studies included:

- *Bushfire Hazard Assessment Report*, prepared by Chenoweth Environmental Planning and Landscape Architecture;
- *Habitat and Biodiversity Study*, prepared by Chenoweth Environmental Planning and Landscape Architecture;
- *Landscape Assessment Study*, prepared by Chenoweth Environmental Planning and Landscape Architecture;
- *Good Quality Agricultural Land Report*, prepared by Chenoweth Environmental Planning and Landscape Architecture;
- *Commercial Centres Hierarchy Review Report*, prepared by Urban Economics;
- *Review of Industrial Lands Needs Report*, prepared by Urban Economics;
- *European Cultural Heritage Report*, prepared by Thom Blake Heritage Consultant;
- *Coastal Area Urban Design Report*, prepared by Geoffrey Walker Urban Design and Planning; and
- *Community Planning Study*, prepared by Andrea Young Planning Services and Elliott Whiteing & Associates.

The above studies may be viewed or purchased at the Council Administration Building, 1 Omrah Avenue, Caloundra.

4.2 Other Standards, Guidelines and Policies

Within Caloundra City Plan, particularly the Codes, a range of supporting documents are referenced including best practice guidelines, Australian Standards and codes of practice. A list of these documents is provided below:

- *State Planning Policy 1/92 Development and Conservation of Good Quality Agricultural Land and Guidelines 1 and 2*, Queensland Government;
- *State Coastal Management Plan*, Queensland Government;
- *State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities and Guideline*, Queensland Government;
- *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils and Guideline*, Queensland Government;
- *State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide and Guideline*, Queensland Government;
- *AS1158 – Public Lighting Code*;
- *AS1428 – Design for Access and Mobility*;
- *AS1547 – On-site Domestic Waste Water Management*;
- *AS1940 – The Storage and Handling of Flammable and Combustible Liquids*;
- *AS2021 – Acoustic Aircraft Noise Intrusion – Building Siting and Construction*;
- *AS2027 – Acoustics – Methods for Measurement of Road Traffic Noise*;
- *AS2772.1 – Radio Frequency Radiation Maximum Exposure Levels*;

- AS4282 – Control of the Obtrusive Effects of Outdoor Lighting;
- AS4373 – Pruning of Amenity Trees;
- AS4360 - Australian and New Zealand Risk Management Standard;
- Environmental Protection (Noise) Policy;
- Environmental Protection (Air) Policy;
- Environmental Protection (Waste Management) Policy;
- Environmental Code of Practice for Agriculture, Queensland Farmers Federation;
- Sustainable Cane Growing in Queensland, Queensland Canegrowers;
- Sustainable Fruit and Vegetable Production in Queensland, Queensland Fruit and Vegetable Growers;
- Queensland Dairy Farming Code of Practice, Queensland Dairyfarmers Organisation and Department of Primary Industries;
- Code of Practice – Plantations for Wood Production;
- Queensland Dairy Farm Effluent Manual;
- Code of Practice for Native Forest Timber Production;
- Guidelines for Disposal of Animal Manure;
- Australian Water Quality Guidelines (AWG);
- Queensland Residential Design Guidelines, Department of Local Government and Planning;
- Guidelines on Good Design for Caravan Parks and Relocatable Home Parks 1998, Department of Local Government and Planning;
- Australia ICOMOS Charter – The Burra Charter;
- The Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (LASS) in Queensland;
- The Commonwealth Emergency Risk Management Application Guide;
- Disaster Risk Management Handbook, Queensland Department of Emergency Services;
- Soil Erosion and Sediment Control Guidelines, IE Aust 1996;
- Water Supply Guidelines, Queensland Water Resources Commission;
- Lighting in the Vicinity of Aerodromes – Advice to Designers, Civil Aviation Safety Authority;
- On-Site Sewerage Code, Department of Natural Resources, Mines and Energy;
- Creating Shade for Public Facilities: Policy and Guidelines for Local Government;
- The Road Landscape Manual, Department of Main Roads.

Many of the identified standards, guidelines and policies can be found at the following websites:

- Integrated Planning Act 1997(IPA) - <http://www.ipa.qld.gov.au/>
- Environmental Protection Agency (EPA) - <http://www.epa.qld.gov.au/>
- Queensland Legislation - <http://www.legislation.qld.gov.au/Legislation.htm>
- Standards Australia - <http://www.standards.com.au/>

4.3 Further Information

For further information about Caloundra City Plan contact the Council's Customer Service Centre or visit the Caloundra City Plan Website.



Phone: 1300 650 112 (within local area)
 (07) 5420 8200 (outside local area or mobile phone)

Website: <http://www.caloundra.qld.gov.au/caloundracityplan/>

Email: csr@caloundra.qld.gov.au