

PART 1

INTRODUCTION

Division 1 Relationship to the Integrated Planning Act 1997

1.1.1 Purpose of the Planning Scheme

In accordance with the *Integrated Planning Act 1997* (IPA), the local government for Fitzroy Shire has prepared this planning scheme as a framework for managing development in a way that advances the purpose of the *Integrated Planning Act 1997*¹ by:

- (a) identifying assessable and self-assessable development; and
- (b) identifying outcomes sought to be achieved in the local government area as the context for assessing development.

1.1.2 Planning Scheme Functions as Part of the Integrated Development Assessment System (IDAS)

The planning scheme functions as part of Integrated Development Assessment System² and must be read together with the *Integrated Planning Act 1997*, and the *Integrated Planning Act Regulation 1998*

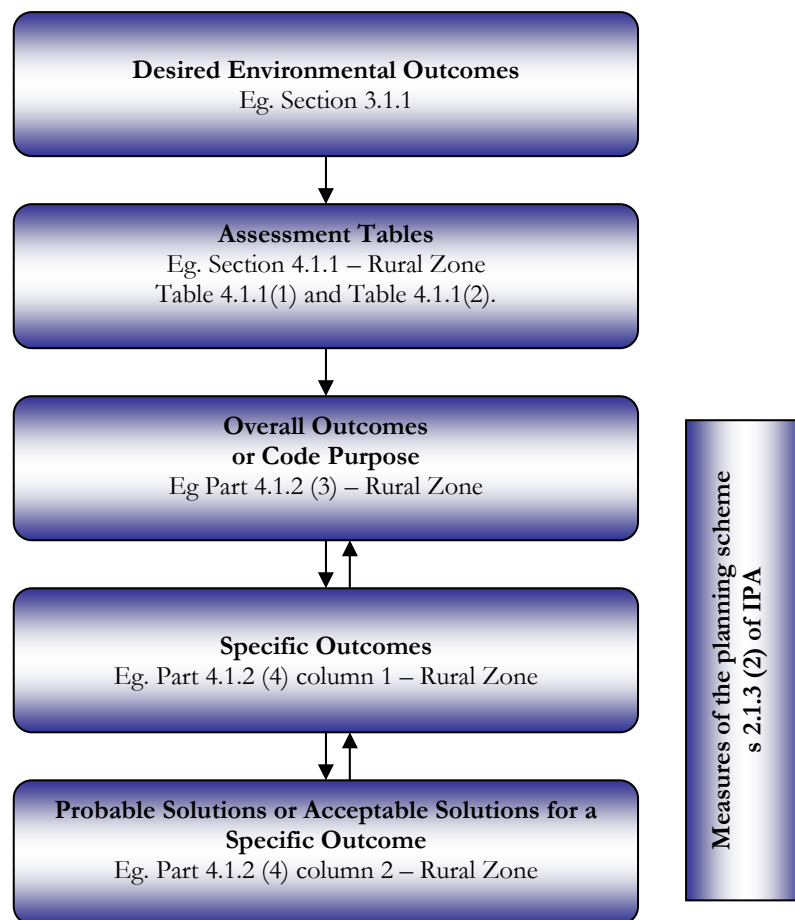
Division 2 Structural Elements and Mechanisms of the Planning Scheme

1.2.1 The Planning Scheme Seeks to Achieve Outcomes

- (1) The Planning Scheme seeks to achieve outcomes that are identified according to the following levels:
 - (a) Desired Environmental Outcomes;
 - (b) Overall Outcomes for Zones and Overlays, or for the purpose of a Code;
 - (c) Specific outcomes for Zones, Overlays and Codes; and
 - (d) Probable Solutions or Acceptable Solutions for a Specific Outcome.
- (2) The relationship between the various levels, or elements of the Planning Scheme structure, is demonstrated by Diagram 1.2.1

¹ The purpose of the IPA is to seek to achieve ecological sustainability by (a) coordinating and integrating planning at the local, regional and State levels; and (b) managing the process by which development occurs; and (c) managing the effects of development on the environment (including managing the use of premises).

² IDAS—integrated development assessment system—is the system detailed in chapter 3 of the IPA for integrating State and local government assessment processes for development.

Diagram 1.2.1 Key Elements and Structure of the Planning Scheme**1.2.2 Snapshot of the Fitzroy Shire Planning Scheme Structure**

- (1) Diagram 1.2.2 overleaf, depicts the key elements of the Fitzroy Shire Planning Scheme, and how they relate to one another.
- (2) Sections 1.2.3 – 1.2.5 in this Division further explain the nature of the key elements.

Diagram 1.2.2 Snapshot of the Fitzroy Shire Planning Scheme Structure

| LAND INCLUDED IN THE SHIRE OF FITZROY | | | | | | | | |
|---|---|---|--|---|---|--|--|---|
| Rural Zone | Open Space Zone | Town Zone | Village Zone | Rural Residential Zone | Special Industrial Zone | Alton Downs Zone | Gracemere – Stanwell Zone | |
| Rural Historically Subdivided Area; and Balance of the Rural Zone. | Long Island Environmental Reserve Area; and Balance of Open Space Zone. | Town Commercial Precinct; Town Residential Precinct; Town Residential Accommodation Precinct; Town Industrial Precinct; Town Community Precinct; Town Recreation Precinct; and Town Utilities Precinct. | | | Special Industrial – Marmor Works Area; Special Industrial – Bajool Explosives Magazine Area; and Special Industrial – Brickworks Area. | Alton Downs 1A; Alton Downs Precinct 1B; and Alton Downs Precinct 2. | Gracemere – Stanwell Zone General Industry Precinct A; Gracemere – Stanwell Zone Low Impact Industry Precinct; Gracemere – Stanwell Zone Medium Impact Industry Precinct; Gracemere – Stanwell Zone High Impact Industry Precinct; Gracemere – Stanwell Zone Special Industry Precinct E; Gracemere – Stanwell Zone General Industry Precinct F; Gracemere – Stanwell Zone General Industry Precinct G; Gracemere – Stanwell Zone Special Industry Precinct H; Gracemere – Stanwell Zone General Industry Precinct I; Gracemere – Stanwell Zone General Industry Precinct J; and Gracemere – Stanwell Zone Rural/Village Balance Precinct K. | There are Codes for each Zone (see PART 4 for Zone Codes and see Appendix 1 for maps) |
| Natural Features & Conservation Overlay | Economic Resources Overlays | Major Utilities Overlays | Natural Disaster Overlays | Balance of Shire | | | | |
| Wetlands Overlay; Heritage Places Overlay; Acid Sulfate Soil Overlay; and Erosion Prone Land Overlay. | Agricultural Land Class Overlay; Key Resources Overlay; and Aircraft Affected Land Overlay. | Electricity Transmission Line Overlay. | Flood Prone Land Overlay; Bushfire Prone Land Overlay; and Landslide Prone Land Overlay. | (Some parts of the Shire are not covered by any overlays) | There are Codes for each Overlay | | | |
| There are Codes for a stated purpose or type that may be applicable | | | | | | | | |

1.2.3 Shire Area is divided into Zones, Precincts and Areas

- (1) The Planning Scheme divides Fitzroy Shire into eight zones that cover the entire Shire area;
 1. The Rural Zone, identified on zoning maps (A1 – A8, A10 – A11 & A13 – A16);
 2. The Open Space Zone, identified on zoning maps (A1 & A2);
 3. The Town Zone identified on zoning maps (A2 & A8);
 4. The Village Zone identified on zoning maps (A1 – A2, A4 – A5, A7, A9 – A10 & A12 – A13);
 5. The Rural Residential Zone, identified on zoning maps (A2, A5 & A8);
 6. The Special Industrial Zone, identified on zoning maps (A2, A4, A6 & A10);
 7. The Alton Downs Zone, identified on zoning maps (A1 – A3); and
 8. The Gracemere – Stanwell Zone, identified on zoning maps (A1 – A2, A8 – A9, A12 & A17).
- (2) The Zones incorporate sub-areas referred to as Precincts in the case of the Town Zone, or Areas in other Zones, in order to distinguish different characteristics of the land within the Zone, and to better regulate the impacts of development on those characteristics. Land generally is included in a Precinct or Area within a Zone. However, in some instances not all land within a Zone is also included in a Precinct or Area.

1.2.4 Shire Area has Overlays

- (1) The planning scheme has four types of Overlays;
 - (a) Natural Features and Conservation Overlays comprising;
 - (i) The Wetlands Overlay as mapped on Maps B13, B14 & B15;
 - (ii) The Heritage Sites Overlay as mapped on Map B16;
 - (iii) The Acid Sulfate Soil Overlay as mapped on B19 & B20; and
 - (iv) The Erosion Prone Overlay as mapped on B21.
 - (b) Economic Resources Overlays, comprising;
 - (i) The Agricultural Land Class Overlay as mapped on Maps B1, B2 & B3;
 - (ii) The Key Resources Overlay as mapped on Maps B11 & B12; and
 - (iii) The Aircraft Affected Land Overlay as mapped on Maps B6 & B7, B17 & B18.
 - (c) Major Utilities Overlays, comprising ;
 - (i) The Electricity Transmission Line Overlay as mapped on Maps B4 & B5;
 - (d) Natural Disaster Overlays, comprising;
 - (i) The Flood Prone Land Overlay as mapped on Map B10;
 - (ii) The Bushfire Prone Land Overlay as mapped on Maps B8 & B9; and

- (iii) The Landslide Prone Land Overlay which applies to all land in the Shire, to the extent that it contains steep slopes, being those of 15% or greater.
- (2) The Overlays refer to land which has specific land and development constraints, and which may exist across the boundaries of Zones, Precincts and Areas. There are separate Assessment tables and Codes for each Overlay.
- (3) To avoid any doubt, the Overlay Codes listed in the Tables of Assessment as being applicable criteria for assessment; apply in addition to any applicable Zone Codes as listed in the Tables of Assessment for that Zone.

1.2.5 Codes Regulate Development

- (1) The Planning Scheme contains Codes for;
 - (i) Each Zone;
 - (ii) Each type of Overlay; and
 - (iii) Development for a stated purpose or development of a stated type.
- (2) The Codes are contained in Parts 4 (Zones), 5 (Overlays) & 6 (Development of a stated purpose or type) of the Planning Scheme.

1.2.6 Applicability of Codes

- (1) The Codes that are applicable to development are indicated in Column 3 “Relevant Criteria” in the Assessment tables for each Zone, and the Assessment tables for each Overlay.
- (2) When a Code is indicated as being applicable to development (as described in (1) above) ALL of the listed Codes are “Relevant Criteria” for the development. (eg. the Zone Code AND the Overlay Code AND the Code for a stated purpose or development of a stated type).
- (3) Zone Codes apply to development in the relevant Zone that is identified as Self assessable or Code assessable in the Assessment Tables for each Zone.
- (4) Zones contain a number of sub-areas known as Precincts or Areas which delineate different land capabilities and constraints. Zone Codes contain specific provisions which are applicable to development in identified Precincts or Areas. The provisions specific to Precincts or Areas prevail over those applicable to development in the Zone.
- (5) Overlay Codes apply to development on the relevant Overlay that is identified as Self assessable and Code assessable in the Assessment Tables for each Overlay.
- (6) Codes for a stated purpose or development of a stated type apply to development for that purpose or type, that is identified as Self assessable or Code assessable in the Assessment Tables for the Zone.
- (7) Codes contain provisions applicable to Uses or Use Classes, and provisions applicable to Works. All provisions may be considered in deciding Material Change of Use applications for developments that are specified in the relevant Table of Assessment as Code or Impact assessable development.
- (8) Codes are applicable at the time development is undertaken, and remain applicable in the instance of:
 - (i) a material change of use – for the ongoing use;
 - (ii) building work – for the period that the building remains on the site;
 - (iii) reconfiguring a lot – for as long as the new lots exist; and

- (iv) operational works – for as long as the works are undertaken and remain on the site.
- (9) Any standard, document, manual, database or map referred to by the Planning Scheme, but administered separately to the Scheme, is to mean also any subsequent update or revision of that stated source.

1.2.7 Roads, Rail and Watercourses

- (1) Where roads, railway land and watercourses in Fitzroy Shire are not shown as being covered by a Zone on the Zoning Maps, the following applies;
 - (i) if the road, railway land or watercourse is adjoined on both sides by land in the same Zone — the road, railway land or watercourse has the same zoning as the adjoining land;
 - (ii) if the road, railway land or watercourse is adjoined on one side by land in a Zone and adjoined on the other side by land in another Zone —the road, railway land or watercourse has the same zoning as the adjoining land and the centreline of the road, railway land or watercourse is the boundary between the two Zones; and
 - (iii) if the road, railway land or watercourse is adjoined on one side only by land in a Zone —the entire road, railway land or watercourse has the same zoning as the adjoining zoned land.
- (2) If a road, railway land or watercourse is adjoined by land covered by a Precinct or Area on the Zoning Maps, subsection (1) applies as if the Precinct or Area were a Zone.
- (3) The provisions of subsection (1) apply to the extent of the boundaries of Fitzroy Shire only, and not to roads, railway land or watercourses which form the boundary with, or are in, adjoining Shires.
- (4) To remove any doubt, it is declared that subsections (1) and (2) also applies to a closed road if the road is closed after the commencement of the planning scheme.
- (5) Subsection (1) applies to all roads, except where the road adjoins land in the Town Zone or in the Village Zone. The use of roads in these areas is governed by Council's Local Laws.

1.2.8 Determining if Development is Assessable or Self-assessable under the Planning Scheme

- (1) Assessment tables for the Zones and Overlays identify development that is Assessable, Self-assessable or Exempt under the Planning Scheme as follows;
 - (i) Tables 4.1.1(1) & 4.1.1(2)—Rural Zone;
 - (ii) Tables 4.2.1(1) & 4.2.1(2)—Open Space Zone;
 - (iii) Tables 4.3.1(1) & 4.3.1(2)—Town Zone;
 - (iv) Tables 4.4.1(1) & 4.4.1(2)—Village Zone;
 - (iv) Tables 4.5.1(1) & 4.5.1(2)—Rural Residential Zone;
 - (v) Tables 4.6.1(1) & 4.6.1(2)—Special Industrial Zone;
 - (vi) Tables 4.7.1(1) & 4.7.1(2)—Alton Downs Zone;
 - (vii) Tables 4.8.1(1) & 4.8.1(2)—Gracemere – Stanwell Zone;
 - (ix) Tables 5.1.1(1) & 5.1.1(2)—Natural Features and Conservation Overlays;
 - (x) Tables 5.2.1(1) & 5.2.1(2)—Economic Resources Overlays;
 - (xi) Tables 5.3.1(1) & 5.3.1(2)—Major Utilities Overlays; and
 - (xii) Tables 5.4.1(1) & 5.4.1(2)—Natural Disaster Overlays.
- (2) The Assessment tables also identify Assessable development under the Planning Scheme that requires Code assessment or Impact assessment.
- (3) If development is identified as having a different Assessment category under a Zone than under an Overlay, the higher Assessment category applies as follows;
 - (i) Self-assessable prevails over Exempt;

- (ii) Code assessable prevails over Self-assessable or Exempt; and
 - (iii) Impact assessable prevails over Self-assessable, Code assessable or Exempt.
- (4) The relationship between Assessment categories for Zones and Overlays is shown in Diagram 1.2.8 below:

Diagram 1.2.8 Relationship between Assessment categories for Zones and Overlays

| Zone assessment Category | Overlay assessment category | | | |
|--------------------------|-----------------------------|-----------------|--------|--------|
| | Exempt | Self-assessable | Code | Impact |
| Exempt | Exempt | Self-assessable | Code | Impact |
| Self-assessable | Self | Self-assessable | Code | Impact |
| Code | Code | Code | Code | Impact |
| Impact | Impact | Impact | Impact | Impact |

1.2.9 Self Assessable and Code Assessable Development

- (1) Development is identified as being Self assessable or Code assessable in Column 2 the Assessment tables for each Zone or Overlay.
- (2) The relevant assessment criteria for Self assessable and Code assessable development are the applicable codes that are listed in Column 3 of the Assessment tables for each Zone or Overlay. The applicable codes set out Specific Outcomes (S), and Probable Solutions (P) and Acceptable Solutions (A).
- (3) Self assessable development need only comply with the Acceptable Solutions (A) in each of the applicable codes. Where the Acceptable Solutions are not met, the development then requires Code assessment.
- (4) For Code assessable development, a Probable Solution for a Specific Outcome provides a guide for achieving that outcome in whole or in part, and does not limit the assessment manager's discretion under the *Integrated Planning Act 1997*³ to impose conditions on a development approval.

1.2.10 Impact Assessable Development

- (1) Development is identified as being Impact assessable in Column 2 the Assessment tables for each Zone or Overlay.
- (2) Impact assessable development is assessed against the whole Planning Scheme, in accordance with the *Integrated Planning Act 1997*. The relevant assessment criteria listed in the Assessment tables are provided only to assist the preparation of an application for Impact assessable development.

1.2.11 Exempt development

- (1) Development identified as being Exempt development **does not** require an application under this Planning Scheme, and is **not** required to comply with the codes in this Planning Scheme.
- (2) Schedule 9 of the Act identifies exempt development that may not be made assessable or self assessable by the Planning Scheme.

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

- (3) Development may also become exempt development if it is designated as Community Infrastructure under Chapter 2, Part 6 of the Act (to the extent that the development would otherwise be self assessable development or assessable development under this Planning Scheme).
- (4) Despite anything to the contrary in this Planning Scheme, the following is also exempt development;
- (i) plumbing and drainage work;
 - (ii) building work where requiring only code assessment against Standard Building Regulations;
 - (iii) any development required to be carried out by a lawful order or instruction issued under any Act;
 - (iv) temporary buildings associated with a material change of use, building works or operational works;
 - (v) building work for the restoration to its original condition of any building that has been accidentally damaged or destroyed;
 - (vi) erecting no more than one satellite dish on a premises, where the satellite dish has no dimension greater than;
 - (a) 1.2 metres in a Residential Area or Residential Consolidation Area; and
 - (b) 1.8 metres in any other Area.
 - (vii) Reconfiguration of a lot involving road widening and truncations required as a condition of development approval;
 - (viii) A Temporary Sign; and
 - (ix) Operational work associated with:
 - (a) management practices for the conduct of an agricultural use, other than—
 - (i) the clearing of native vegetation on freehold land; or
 - (ii) operations of any kind and all things constructed or installed for taking, or interfering with, water (other than using a water truck to pump water) if the operations are for taking, or interfering with, water under the *Water Act 2000*.
 - (b) weed or pest control, unless it involves the clearing of native vegetation that is assessable development under item 3A;
 - (c) the use of fire under the *Fire and Rescue Authority Act 1990*;
 - (d) the conservation or restoration of natural areas; and
 - (e) the use of premises for forest practices.