

Part 1 About the planning scheme

1.1 Introduction

- (1) The Gympie Regional Council Planning Scheme (Planning Scheme) has been prepared in accordance with the *Sustainable Planning Act 2009* (the SPAct) as a framework for managing development in a way that advances the purpose of the SPAct.
- (2) The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) by the Minister's rules under section 293 of the Act on 3 July 2017.
- (3) In seeking to achieve this purpose, the Planning Scheme sets out the Gympie Regional Council's intention for the future development in the Planning Scheme Area, over the next 20 years.
- (4) While the Planning Scheme has been prepared with a 20 year horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes of the community at a local, regional and state level.
- (5) The Planning Scheme applies to the Planning Scheme Area of Gympie Regional Council, including all premises, roads, internal waterways and local government tidal areas.

Editor's note—The planning scheme has been amended to align with the regulated requirements as provided in the *Planning Act 2016* with exception to consistency with all zone names used and purpose statements and use and administrative definitions. In accordance with section 16(3) of the Act, the regulated requirements (to the extent chosen) apply to the planning scheme to the extent of any inconsistency.

Editor's note—In accordance with the provisions of section 26 of the *Sustainable Ports Development Act 2015* a port overlay for a master planned area prevails over the planning scheme, to the extent of any inconsistency.

Map 1—Local government planning scheme area



Map 2–Local government context



1.2 Planning scheme elements

- (1) The Planning Scheme comprises the following elements:
 - (a) strategic framework;
 - (b) priority infrastructure plan;
 - (c) the following zones:
 - (i) Residential Living Zone;
 - (A) Cooloola Cove Precinct;
 - (B) Goomeri Precinct;
 - (C) Imbil Precinct;
 - (D) Kilkivan Precinct;
 - (E) Southside Local Development Area Precinct;
 - (ii) Residential Choice Zone;
 - (iii) Character Residential Zone;
 - (iv) Tourist Accommodation Zone;
 - (v) Principal Centre Zone;
 - (vi) District Centre Zone;
 - (vii) Local Centre Zone;
 - (viii) Specialised Centre Zone;
 - (A) Gympie Medical Precinct;
 - (B) Monkland Showroom Precinct;
 - (ix) Sport and Recreation Zone;
 - (x) Open Space Zone;
 - (xi) Low Impact Industry Zone;

- (A) East Deep Creek Local Development Area Precinct;
- (B) Victory Heights Local Development Area Precinct;
- (xii) Medium Impact Industry Zone;
 - (A) East Deep Creek Local Development Area Precinct;
 - (B) Victory Heights Local Development Area Precinct;
- (xiii) High Impact Industry Zone;
 - (A) East Deep Creek Local Development Area Precinct;
- (xiv) Waterfront and Marine Industry Zone;
- (xv) Industry Investigation Zone;
- (xvi) Community Purposes Zone;
 - (A) Aerodrome Precinct;
- (xvii) Environmental Management and Conservation Zone;
- (xviii) Extractive Industry Zone;
- (xix) Limited Development (Constrained Land) Zone;
 - (A) Historic Subdivision Precinct;
- (xx) Rural Zone;
 - (A) Aerodrome Precinct;
- (xxi) Rural Residential Zone;
 - (A) The Dawn Precinct;
 - (B) The Palms Precinct;
 - (C) Curra Precinct;
 - (D) Widgee Precinct; and
- (xxii) Township Zone.
- (d) there are no local plans;
- (e) the following overlays:
 - (i) Bushfire Hazard;
 - (ii) Conservation Significant Areas;
 - (iii) Flood Hazard;
 - (iv) Good Quality Agricultural Land;
 - (v) Heritage and Neighbourhood Character;
 - (vi) Key Resource Areas;
 - (vii) Potential and Actual Acid Sulfate Soils;
- (f) the following codes:
 - (i) Residential Living Zone Code;
 - (ii) Residential Choice Zone Code;
 - (iii) Character Residential Zone Code;
 - (iv) Tourist Accommodation Zone Code;
 - (v) Principal Centre Zone Code;
 - (vi) District Centre Zone Code;
 - (vii) Local Centre Zone Code;
 - (viii) Specialised Centre Zone Code;
 - (ix) Sport and Recreation Zone Code;
 - (x) Open Space Zone Code;
 - (xi) Low Impact Industry Zone Code;
 - (xii) Medium Impact Industry Zone Code;
 - (xiii) High Impact Industry Zone Code;
 - (xiv) Waterfront and Marine Industry Zone Code;
 - (xv) Industry Investigation Zone Code;
 - (xvi) Community Purposes Zone Code;
 - (xvii) Environmental Management and Conservation Zone Code;
 - (xviii) Extractive Industry Zone Code;
 - (xix) Limited Development (Constrained Land) Zone Code;
 - (xx) Rural Zone Code;
 - (xxi) Rural Residential Zone Code;
 - (xxii) Township Zone Code;
 - (xxiii) Reconfiguring a Lot Code;
 - (xxiv) Infrastructure and Operational Work (excluding Advertising Device) Code; and
 - (xxv) Building Matters Code;
- (g) there are no structure plans for declared master planned areas’;
- (h) there are no other master planned areas;
- (i) the following planning scheme policy:
 - (i) Planning Scheme Policy 1: Development Standards.

1.3 Interpretation

1.3.1 Definitions

- (1) A term used in the planning scheme has the meaning assigned to that term by one of the following:
 - (a) the Planning Act 2016 (the Act);
 - (b) the Planning Regulation 2017 (the Regulation) to the extent they have been identified in Schedule 1 of the planning scheme;
 - (c) the definitions in Schedule 1 of the planning scheme;
 - (d) the *Acts Interpretation Act 1954*;
 - (e) the ordinary meaning where that term is not defined in any of the above (a) - (d).
- (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.
- (3) A reference in the planning scheme to any act includes any regulation or instrument made under it, and where amended or replaced, if the context permits, means the amended or replaced act.
- (4) A reference in the planning scheme to a specific resource document or standard, means the latest version of the resource document or standard.
- (5) A reference to a part, section, table or schedule is a reference to a part, section, table or schedule of the planning scheme.

Editor's note—In accordance with section 5(2)(a) of the Planning Regulation 2017, the regulated requirements apply to this planning scheme only where specifically identified as regulated requirements in the sections containing the zones and/or definitions as relevant. Refer to Section 2.4.

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*, and 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—See example at bottom of page.

1.3.3 Punctuation

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

1.3.4 Zones for roads, closed roads, waterways and reclaimed land

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

Editor's note—The boundaries of the local government area are described by the maps referred to in the Local Government Regulation 2012.

1.4 Categories of development

- (1) The categories of development under the Act are:
 - a. accepted development

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

- b. assessable development
 - i. code assessment
 - ii. impact assessment

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

- c. prohibited development.

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

- (2) The planning scheme states the category of development for certain types of development, and specifies the category of assessment for assessable development in the planning scheme area in Part 5 Section 5.5 to 5.7.

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

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 to the extent of the inconsistency for impact assessment;
 - (b) relevant codes as specified in schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency;
 - (c) overlays prevail over all other components (other than mentioned in (a) and (b)) to the extent of the inconsistency;

Editor's note: The planning scheme includes overlay maps to which trigger provisions within the particular zone codes.

- (d) zone codes prevail over use codes and other development codes to the extent of the inconsistency.

Editor's note – The planning scheme includes only other development codes for the purposes of assessment, as nominated.

1.6 Building work regulated under a planning scheme

- (1) Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a local planning instrument must not change the effect to the extent the building work is regulated under the building assessment provisions, unless permitted under the *Building Act 1975*.
- (2) The building assessment provisions are listed in section 30 of the *Building Act 1975*.

Editor's note—The building assessment provisions are stated in section 30 of the *Building Act 1975* and are assessment benchmarks for the carrying out of building assessment work or building work that is Accepted development subject to requirements (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 schemes to:

- regulate, for the Building Code of Australia (BCA) or the Queensland Development Code (QDC), matters prescribed under a regulation under the *Building Act 1975* (section 32). These include variations to provisions contained in parts MP1.1, MP 1.2 and MP 1.3 of the QDC such as heights of buildings related to obstruction and overshadowing, siting and design of buildings to provide visual privacy and adequate sight lines, on-site parking and outdoor living spaces. It may also regulate other matters, such as designating land liable to flooding, designating land as bushfire prone areas and transport noise corridors
- deal with an aspect of, or matter related or incidental to building work prescribed under a regulation under section 32 of the *Building Act 1975*
- specify alternative boundary clearances and site cover provisions for Class 1 and 10 structures under section 33 of the *Building Act 1975*.

Refer to Schedule 9 of the Regulation to determine assessable development, the categories of assessment and any referrals applying to the building work.

- (4) There are no building assessment provisions in this planning scheme.

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 56 of the Act, for building work assessable against the *Building Act 1975*. The decision notice must state this.

1.7 Local government administrative matters

Editor's note: No matters at this time subject to future further amendment of the Gympie Regional Council Planning Scheme.

1.8 Waterways and reclaimed land

- (1) Where a waterway or reclaimed land in the Planning Scheme Area is not covered by a zone the following applies:
 - (a) if adjoined on both sides by land in the same zone—the waterway or reclaimed land is in the same zone as the adjoining land; or
 - (b) if adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries; or
 - (c) if the 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.

1.9 Foreshores

- (1) The Planning Scheme Area includes all land within the basic territorial unit of the local government area. However, the area may also include additional territorial units such as foreshore areas and bathing reserves.
- (2) Where a foreshore area or bathing reserve (which is included in an additional territorial unit of the local government area under the *Local Government Act 2009*) is not shown as being included in a zone the following applies:
 - (a) where included wholly or partly in the Open Space Zone, the foreshore or bathing reserve is included in the Open Space Zone; or
 - (b) where included wholly or partly in a zone other than the Open Space Zone, the foreshore or bathing reserve is included in the Environmental Management and Conservation Zone; or
 - (c) where not included in a zone, the foreshore or bathing reserve is included in the Environmental Management and Conservation Zone.