



**KILKIVAN SHIRE
COUNCIL**

**PLANNING
SCHEME**

Effective 23rd November 2007

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PART 1 - INTRODUCTION

Division 1 – Relationship to the Integrated Planning Act

1.1 Purpose of the Planning Scheme

- (1) In accordance with the *Integrated Planning Act 1997* (IPA), the local government of Kilkivan Shire has prepared this planning scheme as a framework for managing development in a way that advances the purpose of the IPA¹ by identifying –
- (a) localities, zones, preferred land use areas and special management overlay areas within the local government area; and
 - (b) in respect of the zones and special management overlay areas:
 - (i) Assessment Tables which indicate the assessment categories for development being:
 - (A) exempt development;
 - (B) self assessable development; or
 - (C) assessable development;
 - (ii) assessable development which is:
 - (A) consistent; or
 - (B) inconsistent; and
 - (iii) assessment provisions in the form of:
 - (A) Acceptable Solutions for self assessable development; or
 - (B) Probable Solutions for assessable development; and
 - (C) outcomes sought to be achieved in the local government area as the context for assessing development that is assessable.

1.2 Planning Scheme functions as part of the IDAS

- (1) The planning scheme functions as part of IDAS² and must be read together with the IPA and including the Integrated Planning Regulations.

¹ Under IPA, s1.2.1, the purpose of the Act 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 Act for integrating State and local government assessment processes for development.

Division 2 – Planning Scheme Structure

1.3 Local Government Area divided into Localities, Zones and Preferred Land Use Areas

(1) The planning scheme:

- (a) divides the local government area into three localities being those localities identified in Column 1 of Table 1;
- (b) divides the localities into zones identified in Column 2 of Table 1;
- (c) divides some zones into preferred land use areas identified in Column 3 of Table 1; and
- (d) depicts the localities, zones and preferred land use areas identified in Table 1 on Zoning Map 1³ included at the end of this Part.

Table 1 – Localities, Zones and Preferred Land Use Areas

Column 1- Locality	Column 2 - Zones	Column 3 – Preferred Land Use Areas
Rural	Rural	Open Space
Rural Residential	Rural Residential	
Urban	Residential	
	Business and Commercial	
	Parks and Open Space	
	Industrial	

³ Zoning Map references are Zone Maps 1A and 1B.

1.4 Local Government Area divided into Special Management Overlay Areas (SMOA)

(1) The planning scheme:

- (a) identifies parts of the local government area as being within Special Management Overlay Areas for Natural Features and Resources, Community Facilities or for Cultural Features identified in Column 1 of Table 2;
- (b) depicts the Special Management Overlay Areas for Natural Features and Resources, Community Facilities or for Cultural Features identified in Table 2 on Overlay Maps 2A-F; and
- (c) lists non-indigenous Cultural Heritage Sites shown in Cultural Features Overlay Map 2F, in Schedule 6 to this planning scheme.

Table 2 – Special Management Overlay Areas

	Column 1 Special Management Overlay Areas (SMOA)	Column 2 Overlay Map Reference
NATURAL FEATURES AND RESOURCES	<u>Mineral & Extractive Resources and Buffer Areas:</u> (a) Borrow Pits (Indicative Resource Location and 50 metre Area of Influence) (b) Mining Tenure (c) Indicative 500m Buffer	SMOA – 2A
	<u>Natural Hazard Risk Management Areas:</u> (a) High to Very High Potential Bushfire Risk Areas (Indicative) (b) High to Moderate Potential Bushfire Risk Areas (Indicative)	SMOA - 2B
	<u>Environmental Management Areas:</u> (a) Regional Ecosystems: (i) Critical Nature Conservation Network (ii) Major Wetlands and Indicative 500m Buffer to Wetlands (b) Conservation State Lands: (i) National Park (ii) Forestry Reserve (iii) Environmental Reserves (iv) Indicative 500m Buffer on Abutting Lands (c) Water Quality Elements: (i) Bjelke Peterson Dam – Declared Catchment (ii) Water Resources (iii) Waterways and Indicative Riparian Land 100m Buffer (iv) Other Drainage and Indicative Riparian Land 50m Buffer	SMOA – 2C

Table 2 – Special Management Overlay Areas

	Column 1 Special Management Overlay Areas (SMOA)	Column 2 Overlay Map Reference
	<u>Economic Resources:</u> (a) Good Quality Agricultural Land: (i) Class A (ii) Class B (iii) Class C1 (b) Timber Reserve	SMOA – 2D
	<u>Economic Resources:</u> (a) Feedlots (b) Piggery (c) 1km Buffer to the Above (d) Industrial Zone (e) 200 metre Area of Influence to the Industrial Zone	SMOA – 2D(i)
COMMUNITY FACILITY	<u>Community Facility (Major Utilities):</u> (a) Sewerage Treatment Plant (b) Waste Facilities (c) 500 metre to the above described Major Utilities (d) Electricity Transmission Corridors and Substations (e) 200 metre Buffer to Major Electricity Facilities	SMOA – 2E
CULTURAL FEATURES	<u>Non-Indigenous Cultural Heritage Sites:</u> (a) Heritage Listed Sites – Schedule 6 (b) 500m Area of Influence in Rural Locality (c) Adjoining Properties of Influence in Urban Locality	SMOA – 2F

1.5 Roads and Watercourses

- (1) If a road or watercourse in the local government area is not shown as being covered by a zone on the Zoning Maps, the following applies:
 - (a) if the road or watercourse is adjoined on both sides by land in the same zone – the road or watercourse has the same zoning as the adjoining land;
 - (b) if the road 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 or watercourse has the same zoning as the adjoining land and the centreline of the road reserve or watercourse is the boundary between the two zones; or
 - (c) if the road or watercourse is adjoined on one side only by land in a zone – the entire road or watercourse has the same zoning as the adjoining zoned land.
- (2) To remove any doubt, it is declared that subsection (1) also applies to a closed road if the road is closed after the commencement of the planning scheme.

1.6 Determining if Development is Exempt, Self Assessable or Assessable under the Assessment Tables in the Planning Scheme

- (1) The planning scheme provides for the following in Part 3:
 - (a) Assessment Tables identify the assessment categories for development as being:
 - (i) exempt development,
 - (ii) self assessable development, or
 - (iii) assessable development; and
 - (b) Each Assessment Table specified below identifies in that table the levels of assessment for development:
 - (i) in a zone comprising a locality, and
 - (ii) in the special management overlay areas affecting the locality.

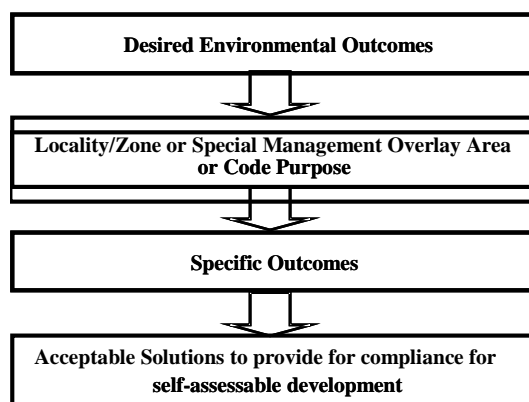
	LOCALITY/ZONE	ASSESSMENT TABLE	TYPE OF DEVELOPMENT	
(i)	Rural	Table 3	A -	Material change of use
			B -	Other forms of development
(ii)	Rural Residential	Table 4	A -	Material change of use
			B -	Other forms of development
(iii)	Urban			
	(a) Residential	Table 5	A -	Material change of use
			B -	Other forms of development
	(b) Business and Commercial	Table 6	A -	Material change of use
			B -	Other forms of development
	(c) Industrial	Table 7	A -	Material change of use
			B -	Other forms of development
	(d) Parks and Open Space	Table 8	A -	Material change of use
			B -	Other forms of development

- (2) The Assessment Tables also distinguish between assessable development that is categorised under the planning scheme as requiring code assessment or impact assessment.
- (3) If a development is affected by both a zoning and one or more special management overlay area, the highest level of assessment nominated within the Assessment Tables shall prevail as follows:
- (a) development that is identified as *exempt*, is exempt from assessment under this planning scheme;
 - (b) code assessable prevails over self assessable; and
 - (c) impact assessable prevails over self assessable and code assessable.
- (4) A temporary event⁴ is not assessable for the purposes of regulating development under this planning scheme.
- (5) Land designated for community infrastructure identified in Schedule 3 to this planning scheme is, pursuant to chapter 2, part 6 of the Act, exempt to the extent that development would otherwise be self assessable or assessable under this planning scheme.

⁴ Temporary event is defined in Schedule 7.

1.7 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 Outcomes⁵;
 - (b) Overall Outcomes for zoned land and special management overlay areas respectively, or for the purpose of a code⁶;
 - (c) Specific Outcomes for zones and special management overlay areas and for uses and other forms of development; or
 - (d) Acceptable Solutions to provide for compliance for self assessable development.



⁵ Refer Shire-wide outcomes (Part 2 – Division 1).

⁶ Refer Parts 3 and 4.

1.8 Types and Application of Codes

- (1) The planning scheme includes the following Codes:

Column 1 Code Type	Column 2 Reference
Locality Codes applying to zones identified on Zoning Maps	Part 3 – Division 2
Special Management Overlay Area Codes applying to lands identified on Overlay Maps	Part 3 – Division 3
Use Codes applying to development of a stated purpose	Part 4 – Division 2

- (2) The codes are applicable to self assessable and assessable development in accordance with Section 3.1.2 herein.

1.9 Structure and Content of Codes

- (1) Each code comprises:
- (a) the *Purpose of the Code*, expressed as a series of overall outcomes sought for the relevant location or form of development;
 - (b) the *Specific Outcomes* which identify criteria for achieving the overall outcomes for the relevant location or form of development; and
 - (c) the *Acceptable Solutions* with which self assessable development must comply.
- (2) For assessable development, Probable Solutions:
- (a) provide a guide for achieving the related Specific Outcomes in whole or in part, and
 - (b) do not limit the assessment manager's discretion under the IPA to impose conditions on a development approval.
- (3) A code that is applicable to a material change of use is also applicable to the ongoing use that results from that change⁷

⁷ IPA, s2.1.23(3) (Local planning instruments have force of law) relates with respect to regulating the use of premises, and also IPA, s4.3.4 (Compliance with identified code for use of premises) with respect to an offence under the Act.

Division 3 – Shire Outline

1.10 Introduction

- (1) This division provides an explanation of the strategic framework supporting the planning measures embodied in this planning scheme.
- (2) The explanation of the strategic framework does not provide a basis for development assessment under the planning scheme.

1.11 Shire Outline Map

- (1) Shire Outline Maps 1 to 3 at the end of this Part provide the spatial representation of the achievement of the desired environmental outcomes identifying the broad development pattern and corresponding community infrastructure resulting from the implementation of the planning scheme measures.
- (2) The Shire Outline Maps do not provide a basis for development assessment under the planning scheme.

1.12 Outline of the planning scheme

- (1) The affects of Parts 3, 4 and 5 of this planning scheme on the location and nature of land use and development depicted on the Shire Outline Maps is explained as follows:

(a) Valuable features – nature conservation, scenic landscapes and environmental management (Shire Outline Map 1):

Nomination	Explanation
Regional Ecosystems	Lands, habitats, sites and places possessing significant environmental, cultural heritage and indigenous values requiring careful management
Conservation Areas	Government lands possessing significant environmental values needing protection
Water Quality Elements	<ol style="list-style-type: none">(a) Impoundments possessing significant ecological, recreational, health, scenic and economic values(b) Identified major waterways and associated riparian lands integral to the health of the Shire's land and water resources(c) Land comprising the water catchment area to impoundments involving the declared catchment for Bjelke Peterson Dam

(b) Valuable features and Land use – Rural sector and urban economic development (Shire Outline Map 2):

Nomination	Explanation
Rural Sector	<ul style="list-style-type: none"> (a) Good quality agricultural land supporting mixed farming, rural industry and agro/eco-tourism sectors (b) Good quality pastoral lands supporting pastoral and intensive animal husbandry sectors (c) Balance rural lands: <ul style="list-style-type: none"> (i) not expected to satisfy expected urban or rural residential growth (ii) supporting scope for intensive livestock enterprises (iii) supporting the open rural landscape character and rural sectors integral to the Shire
Natural Resources	<ul style="list-style-type: none"> (a) Committed mining tenures and major extractive industry operations protected from alienation or diminished productivity (b) Committed plantation resources
Tourism Opportunity Areas	<ul style="list-style-type: none"> (a) Natural, rural, mining, heritage, indigenous and water-based attributes and values offer key hubs for visitors and tourists (b) Tourism gateways to the South Burnett region at Kilkivan (c) Strategic links and circuits on major roads facilitating: <ul style="list-style-type: none"> (i) landscape appreciation (ii) convenient access within the Shire (iii) connections to tourism opportunities in the region
Commercial/Community Centres	<ul style="list-style-type: none"> (a) The hub of commercial, community and recreational facilities and services focussed on the towns of: <ul style="list-style-type: none"> (i) Kilkivan for Shire services with a community emphasis (ii) Goomeri for rural and tourism services (b) Other centres providing local and rural services and community functions at Widgee and Woollooga

(c) Major land use and infrastructure relationships (Shire Outline Map 3):

Nomination	Explanation
Key Settlement Pattern	<ul style="list-style-type: none"> (a) Lands accommodating development of land uses, facilities and services supporting the mainstay of urban growth in the Shire through infill and incremental expansion on suitable lands in nominated towns (b) Urban growth and development associated with the villages accommodated through infill and consolidation with an emphasis on serves and trades supporting the rural district (c) Localities identified as convenience service hubs with infill of the existing subdivision pattern (d) Lands close to towns and villages providing for low density to semi-rural style living in a rural setting through infill and consolidation
Solid Waste Management Network	<ul style="list-style-type: none"> (a) Lands accommodating committed solid waste management services protected from alienation or diminished operations
Transport Hierarchy	<ul style="list-style-type: none"> (a) Settlement areas connected within the Shire and to areas outside the Shire by existing highways and major roads protected for the safe and effective movement of passenger, freight and tourist vehicles (b) The Kingaroy to coast/port rail connection maintained via the existing rail corridor as an alternative to road transport
Electricity Network	High voltage electricity transmission corridors and substations protected for effective operations
Water Infrastructure	Essential water storage and supply infrastructure protected so a secure and reliable service is provided to the region

Division 4 – Interpretation

1.13 Definitions – the dictionary

- (1) The dictionary in Schedule 7 defines particular words used in this planning scheme.
- (2) The definitions in Schedule 7 are divided into:
 - (a) defined administrative terms in Division 1; and
 - (b) defined purposes and purpose groups in Division 2.
- (3) Terms used in this planning scheme that are not defined in Schedule 7 or by the IPA, that are defined in a local law have the meaning assigned by the local law.
- (4) Except if defined in the dictionary, by the IPA or in a local law, terms defined in an Act of the Queensland Parliament have the meaning assigned by the legislation, if relevant to development subject to this planning scheme.
- (5) Terms otherwise undefined in this planning scheme shall have the meaning assigned to them in common usage, unless the context otherwise indicates or requires. For undefined terms, a common reference that will be relied on by Council is the *Macquarie Australian Dictionary*⁸.

1.14 Terms defined in the Integrated Planning Act (IPA) 1997

- (1) Terms defined in the IPA have the same meaning as that given in the IPA.

1.15 Explanatory Notes assist interpretation of the Planning Scheme

- (1) The Kilkivan Shire Council Planning Scheme Explanatory Notes are declared to be extrinsic material under the *Statutory Instruments Act 1992*, section 15 that assist interpretation of the provisions of this planning scheme.⁹
- (2) Where footnotes appear in the planning scheme, they provide explanatory information only and do not form part of the planning scheme. Reference should be made to any source document cited in any footnote if further or better details are required on the information provided.

⁸ The latest edition.

⁹ The explanatory notes are in two parts. Part 1 addresses Expectations for the local government area and how the planning scheme responds and Part 2 provides an Explanation of the planning scheme provisions. The Statutory Instruments Act 1992 allows a statutory instrument (such as a planning scheme) to identify material (in the case of the Kilkivan Shire Council Planning Scheme Explanatory Notes) that may be used to assist in the interpretation of provisions of the instrument.