

Part 1 About the planning scheme

1.1 Introduction

- (1) The Our Place Our Plan Gladstone Regional Council Planning Scheme has been prepared in accordance with the *Sustainable Planning Act 2009* (the SP Act) as a framework for managing development in a way that advances the purpose of the SP Act.
- (2) The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) 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 Gladstone Regional Council's intention for the future development in the planning scheme area, over the next seventeen years to 2031.
- (4) The planning scheme seeks to advance state and regional policies through more detailed local responses, taking into account the local context.
- (5) While the planning scheme has been prepared with a seventeen 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.
- (6) The planning scheme applies to the planning scheme area of the Gladstone Regional Council including all premises, roads, internal waterways and local government tidal areas and interrelates with the surrounding local government areas illustrated in Map 1.

Editor's note — The planning scheme has been amended to align with the regulated requirements as provided in the *Planning Act 2016*. In accordance with section 16(3) of the Act, the regulated requirements apply to the planning scheme to the extent of any inconsistency. State legislation may state that the planning scheme does not apply to certain areas, e.g. strategic port land where there is a land use plan only to the extent of any inconsistency. In accordance with the provisions of section 246 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 and context



1.2 Planning scheme components

(1) The planning scheme comprises the following components:

- (a) about the planning scheme
- (b) state planning provisions
- (c) the strategic framework
- (d) the local government infrastructure plan
- (e) tables of assessment
- (f) the following zones:

Editor's Note - Mapping is accessible through Council's [online mapping site](http://www.grcplanningscheme.com.au/) (<http://www.grcplanningscheme.com.au/>)

Zone	Precinct
Low density residential	Calliope neighbourhood precinct
Low-medium density residential	
Medium density residential	Gladstone hospital precinct
Character residential	
Centre	
Principal centre	
Neighbourhood centre	
Sport and recreation	Benaraby motor sport precinct
Open space	
Environmental management	
Conservation	
Low impact industry	Hanson Road precinct
Medium impact industry	Red Rover industrial precinct
Special industry	
Industry investigation	
Major tourism	
Minor tourism	
Community facilities	
Emerging community	
Limited development	Flood affected lands precinct Major industry buffer precinct
Mixed use	Jeffrey Court precinct
Rural	
Rural residential	Bicentennial Drive enterprise precinct Beecher/Burua constant flow precinct
Special purpose	Gladstone airport precinct
Specialised centre	Clinton precinct Central Gladstone precinct Toolooa Street east precinct

Zone	Precinct
Township	

- (g) there are no local plans
(h) the following overlays:

Editor's Note - Mapping is accessible through Council's [online mapping site](http://geocortex.gladstonerc.qld.gov.au/GRCMapping/?Viewer=DraftPlanningScheme)
(<http://geocortex.gladstonerc.qld.gov.au/GRCMapping/?Viewer=DraftPlanningScheme>)

Mapping overlays	Overlay codes
Acid sulfate soils 0–5m AHD Acid sulfate soils 5–20m AHD	Acid sulfate soils
Runway centre line Approach and departure limitation surface lines 5m OLS contours Airport buffer 3km Airport buffer 8km Airport buffer 13km Airport runway OLS contours Inner horizontal Outer horizontal ANEF 25 - 30 contour ANEF 30 - 35 contour Public safety area Aviation facilities	Airport environs
Stock route reserves Stock routes Agricultural land classification	No overlay code
Turtle nesting sites & buffer MSES – regulated vegetation (intersecting a watercourse) MSES – high ecological value waters MSES – high ecological value waters (wetland) MSES – wild rivers (high preservation area) MSES – 'high ecological significance' wetlands MSES – wildlife habitat MSES – regulated vegetation MSES – protected area MSES – declared fish habitat MSES – marine park MSES – legally secured offset area	Biodiversity
Building height and frontages	No overlay code
Potential impact buffer Very high potential bushfire intensity	Bushfire hazard

Mapping overlays	Overlay codes
High potential bushfire intensity Medium potential bushfire intensity	
Top of HAT + 40 Erosion prone Medium storm tide inundation zone High storm tide inundation zone	Coastal hazard
Transport route Resource processing area Resource processing separation area Transport route separation area	Extractive resources and minerals
Calliope river Q100 Awoonga country DA07_0049 Boyne river Q100 Riverdowns 5ADA04_0389 Auckland creek Q100 Flood Hazard Investigation Area	Flood hazard
Heritage	Heritage
Historic mine sites	Hazardous activities
Substations Ergon 66kv Ergon 132kv PQ Substation Powerlink	Regional infrastructure
District significance 7.5 Regional significance 8 Regional significance 9 Regional significance 10	Scenic amenity
Steep land	Steep land
40m inundation level Awoonga dam catchment Water bore locations Water bore buffer	Water resource catchment
Railway corridor Future railway corridor State controlled roads Future state controlled roads Transport Noise corridor category 1 Transport Noise corridor category 2 Transport Noise corridor category 3 Transport Noise corridor category 4	No overlay code
Road hierarchy details Road details	No overlay code
Mineral development licence Mining leases	No overlay code

- (i) the following development codes:
 - (i) Development design
 - (ii) Extractive industry
 - (iii) Home based business
 - (iv) Landscaping
 - (v) Operational works
 - (vi) Reconfiguring of a lot
 - (vii) Telecommunication facility
 - (j) the following other plans:
 - (i) State Development Areas – *State Development and Public Works Organisation Act 1971*
 - (A) Gladstone
 - (B) Callide Infrastructure Corridor
 - (C) Stanwell–Gladstone Infrastructure Corridor
 - (ii) Port of Gladstone and Port Alma (part)
 - (iii) Priority Development Areas – *Economic Development Act 2012*
 - (A) Clinton, Gladstone
 - (B) Tannum Sands
 - (C) Toolooa
 - (k) schedules and appendices.
- (2) The following planning scheme policies support the planning scheme:
- (a) Engineering design
 - (b) Plans of development
 - (c) Community and economic needs assessment
 - (d) CBD redevelopment
 - (e) Beecher/Burua constant flow precinct
 - (f) Flooding
 - (g) Heritage
 - (h) Non–resident
 - (i) Vehicle parking rates
 - (j) Waste management.

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), other than the regulated requirements
 - (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 the Act, the Regulation, Schedule 1 of the planning scheme or the *Acts Interpretation Act 1954*.
- (2) In the event a term has been assigned a meaning in more than one of the instruments listed in sub-section 1.3.1(1), the meaning contained in the instrument highest on the list will prevail.
- (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—The regulated requirements do not apply to this planning scheme.

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.

Footnote¹ —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 '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.

¹Footnote —this is an example of a footnote

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 14 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 Part 4 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.

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 in 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 the matters mentioned in (a) and (b)) to the extent of the inconsistency
 - (d) local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency
 - (e) zone codes prevail over use codes and other development codes to the extent of the inconsistency
 - (f) provisions of Part 10 may override any of the above.

1.6 Building work regulated under the planning scheme

- (1) Section 17(b) of the Regulation identifies that 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 any 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 type of assessment and any referrals applying to the building work.

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

Building assessment matter addressed in the planning scheme	Relevant section of the planning scheme
Flood hazard	
Identification of part of the planning scheme area as a natural hazard management area (flood).	Schedule 2 Flood hazard overlay maps.
Identification of the level to which floor levels of habitable rooms of a building must be built.	Section 8.2.7 Flood hazard overlay code.
Bushfire hazard	
Designation of part of the planning scheme area as a designated bushfire prone area for the NCC and the QDC.	Schedule 2 Bushfire hazard overlay maps (medium hazard, high hazard and very high bushfire areas).

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

There are no local government administrative matters for the planning scheme.