

## **PART 1 – INTRODUCTION**

<i>Division 1 – Relationship to Integrated Planning Act</i>	<i>2</i>
1.1.1 Purpose of planning scheme	2
1.1.2 Planning scheme functions as part of IDAS	2
<i>Division 2 – Strategic framework</i>	<i>2</i>
1.2.1 Preliminary	2
1.2.2 Strategic framework	2
<i>Division 3 – Planning scheme structural elements</i>	<i>3</i>
1.3.1 Local government area divided into seven (7) zones	3
1.3.2 Roads, watercourses and reclaimed land	4
1.3.3 Planning scheme has four (4) shire wide codes	4
1.3.4 Determining if development is impact, code or self assessable or exempt under planning scheme	5
1.3.5 Specified exemptions (Superseded planning scheme)	7
1.3.6 Codes	7
1.3.7 Planning scheme seeks to achieve outcomes	8
1.3.8 Acceptable solutions for self assessment development	9
1.3.9 Probable solutions for code assessment development	9
1.3.10 Defined administrative terms	9

## ***Division 1 – Relationship to Integrated Planning Act***

### **1.1**

#### **1.1.1 Purpose of planning scheme**

In accordance with the *Integrated Planning Act 1997 (IPA)*, the local government for Johnstone Shire has prepared this planning scheme as a framework for managing development in a way that advances the purpose of the *IPA*<sup>1</sup> 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 Integrated Development Assessment System (IDAS)**

The planning scheme functions as part of *IDAS*<sup>2</sup> and must be read together with the *IPA*.

## ***Division 2 – Strategic framework***

### **1.2**

#### **1.2.1 Preliminary**

- (1) This division summarises the overall effect of parts 4, 5 and 6 of the planning scheme on the nature and location of development in the local government area.
- (2) This division provides a guide for related decisions by the local government, developers, other infrastructure providers and the community generally.

#### **1.2.2 Strategic framework**

The overriding principle of the Planning Scheme is the promotion of ecological sustainability. Ecological sustainability is the balance between the protection of ecological processes and natural systems, economic development and the maintenance of the well-being of people and communities. The following strategies will encourage the achievement of ecological sustainability:

- Maintain the predominant role of agriculture, whilst increasing diversity within and between economic sectors.

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<sup>1</sup> 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; (b) managing the process by which development occurs; and (c) managing the effects of development on the environment.

<sup>2</sup> *IDAS* – is the system detailed in chapter 3 of the *IPA* for integrating state and local government assessment processes for development.

- Develop tourism in a managed way, founded on the natural and cultural characteristics of the Shire, achieving a role which contributes to the economy, but which has a low impact on the social and physical environment.
- Manage the natural resources of the Shire in such a way to protect and enhance their permanent viability and value for the lasting benefit and enjoyment of future generations, while maintaining economic and social development.
- Preserve and enhance the character of urban, natural and rural areas, including the striking scenic landscape, the relaxed and friendly lifestyle and the strong sense of community identity, which typifies the Shire.
- Foster the efficient, safe and convenient movement of people and goods within the Shire and beyond.
- Plan and manage the Shire in the context of its region and neighbours.

### ***Division 3 – Planning scheme structural elements***

## **1.3**

### **1.3.1 Local government area divided into seven (7) zones**

- (1) The planning scheme divides the local government area into seven (7) zones that cover the entire local government area as identified on zoning maps 1a to 1j –
  - (a) the rural zone which incorporates the rural use and rural conservation precincts; and
  - (b) the conservation zone; and
  - (c) the rural residential zone; and
  - (d) the industry zone which incorporates the industry areas and industry sites precincts; and
  - (e) the Innisfail zone which incorporates the central business, business frame, residential and recreational precincts map 2; and
  - (f) the Mission Beach zone which incorporates the local business, industry, residential and recreational precincts map 3; and
  - (g) the village zone which incorporates the local business, industry, residential and recreational precincts map 4a to 4j.

### **1.3.2 Roads, watercourses and reclaimed land**

- (1) If a road, watercourse or reclaimed land 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, watercourse or reclaimed land is adjoined on both sides by land in the same zone – the road, watercourse or reclaimed land has the same zoning as the adjoining land;
  - (b) if the road, watercourse or reclaimed land is adjoined on one side by land in a zone and adjoined on the other side by land in another zone – the road, watercourse or reclaimed land has the same zoning as the adjoining land and the centre line of the road, watercourse or reclaimed land is the boundary between the two zones;
  - (c) if the road, watercourse or reclaimed land is adjoined on one side only by land in a zone – the entire road, watercourse or reclaimed land has the same zoning as the adjoining zoned land.
- (2) If a road, watercourse or reclaimed land is not shown as being covered by a precinct on the zoning maps, subsection (1) applies as if the precinct were a zone.
- (3) To remove any doubt, it is declared that subsections (1) and (2) also apply to a closed road if the road is closed after the commencement of the planning scheme.

### **1.3.3 Planning scheme has four (4) shire wide measures**

The planning scheme has four (4) types of shire wide measures that apply to –

- (a) historic cultural heritage features listed in schedule 2; and
- (b) natural areas shown on overlay maps 7a to 7e; and
- (c) hazards shown on maps 8a to 8e; and
- (d) scenic amenity shown on maps 9a to 9b.

The shire wide measures may increase the level of assessment of a particular development application.

### 1.3.4 Determining if development is impact, code or self assessable or exempt under planning scheme

- (1) Assessment framework tables for the zones and shire wide measures identify development that is impact, code or self assessable or exempt<sup>3</sup> under the planning scheme<sup>4</sup> as follows –
- (a) Section 4.2.1 – Rural zone assessment framework table;
  - (b) Section 4.3.1 – Conservation zone assessment framework table;
  - (c) Section 4.4.1 – Rural residential zone assessment framework table;
  - (d) Section 4.5.1 – Industry zone assessment framework table;
  - (e) Section 4.6.1 – Innisfail central business precinct assessment framework table;
  - (f) Section 4.6.3 – Innisfail business frame precinct assessment framework table;
  - (g) Section 4.6.5 – Innisfail residential precinct assessment framework table;

<sup>3</sup> The assessment framework tables for various zones, precincts and shire wide measures must be read in conjunction with Schedule 8 of the *IPA*, which identifies development that must be exempt and development that may be self, code or impact assessable, irrespective to the provisions of the planning scheme.

<sup>4</sup> The levels of assessment are:

- (a) Exempt Development – An application under this planning scheme is not required and there are no planning codes or standards which apply to the proposal, (Note that **other approvals may be required** for example approval for building or plumbing and drainage work);
- (b) Self Assessable Development – An application under this planning scheme is not required but the use and works associated with the proposal must comply with any codes or standards specified for the development (e.g. in the Planning Scheme, *Standard Building Regulation 1994* and other legislation). (Note that this **may include the requirement to obtain other approvals** for example approval for building or plumbing and drainage work);
- (c) Code Assessable Development – An application under this planning scheme is required and a development permit is required to be issued prior to undertaking the new use and/or any operational works, building or plumbing and drainage work. The application will be assessed for compliance with the applicable codes or requirements and will not require public notification. (Note that reasonable and relevant conditions can be included in any approval);
- (d) Impact Assessable Development – **Are types of development that may be consistent with the policy direction of the zone or precinct or have not been considered, and require input from submitters through public notification.** An application under this planning scheme is required and a development permit is required to be issued prior to undertaking the new use and/or any operational works, building or plumbing and drainage work. The application is not restricted to assessment against applicable codes but also involves a broader assessment of the environmental effects of the proposal. The planning scheme determines the extent and scope of the assessment. The application is required to be publicly advertised and is subject to third party appeal rights. (Note that reasonably required and relevant conditions can be included in any approval).
- (e) Impact Assessable (inconsistent) Development – **Are types of development that are not consistent with the policy direction of the zone or precinct.** An application under this planning scheme is required and a development permit is required to be issued prior to undertaking the new use and/or any operational works, building or plumbing and drainage work. The application is not restricted to assessment against applicable codes but also involves a broader assessment of the environmental effects of the proposal. The planning scheme determines the extent and scope of the assessment. The application is required to be publicly advertised and is subject to third party appeal rights. (Note that reasonably required and relevant conditions can be included in any approval).

- (h) Section 4.6.7 – Innisfail recreational precinct assessment framework table;
  - (i) Section 4.7.1 – Mission Beach local business precinct assessment framework table;
  - (j) Section 4.7.3 – Mission Beach industry precinct assessment framework table;
  - (k) Section 4.7.5 – Mission Beach residential precincts assessment framework table;
  - (l) Section 4.7.7 – Mission Beach recreational precinct assessment framework table; and
  - (m) Section 4.8.1 – Village zone assessment framework table.
  - (n) Section 5.2.1 – Historic cultural heritage shire wide assessment framework table;
  - (p) Section 5.3.1 – Natural area shire wide assessment framework table;
  - (q) Section 5.4.1 – Hazards shire wide assessment framework table; and
  - (r) Section 5.5.1 – Scenic amenity shire wide assessment framework table.
- (2) If development is identified as having a different assessment category under a zone than under a shire wide measure, the higher assessment category applies as follows –
- (a) self assessable prevails over exempt;
  - (b) code assessable prevails over self assessable and exempt;
  - (c) impact assessable prevails over code assessable, self assessable and exempt.

Zone assessment category	Shire wide measure assessment category			
	Exempt	Self Assessable	Code assessable	Impact assessable
Exempt	Exempt	Self assessable	Code assessable	Impact assessable
Self-assessable	Self assessable	Self assessable	Code assessable	Impact assessable
Code assessable	Code assessable	Code assessable	Code assessable	Impact assessable
Impact assessable	Impact assessable	Impact assessable	Impact assessable	Impact assessable

- (3) If development is identified as having more than one shire wide measure applying to it then the higher assessment category applies.

### 1.3.5 Specified exemptions (Superseded planning scheme)

- (1) Under the superseded planning scheme a number of sites in the Johnstone Shire were included as specified exemptions. Each specified exemption details specific land uses, development requirements and conditions of approval applicable only to the site in question.

Sites included in the specified exemptions under the superseded planning scheme, and on which permitted development has been completed have, under this planning scheme have been incorporated into a relevant zone. Accordingly, any further development on these sites is subject to the provisions of this planning scheme. Existing use rights applicable to these sites are protected under the *IPA*.

There are however other sites included in the specified exemptions under the superseded planning scheme where permitted development has not yet occurred or is not yet completed. In some, but not all instances, established use rights for these sites under the specified exemptions are continued under this planning scheme. The sites included in these specified exemptions (including their real property description) are listed in the relevant zone measures and are shown on the zone maps. Prospective owners and/or developers of these sites are advised to refer to relevant Council files in order to ensure all development requirements for these sites are identified.

### 1.3.6 Codes

There are codes for –

Each zone/ precinct, these being:

- (a) Section 4.2.2 – Rural zone code;
- (b) Section 4.3.2 – Conservation zone code;
- (c) Section 4.4.2 – Rural residential zone code;
- (d) Section 4.5.2 – Industry zone code;
- (e) Section 4.6.2 – Innisfail central business precinct code;
- (f) Section 4.6.4 – Innisfail business frame precinct code;
- (g) Section 4.6.6 – Innisfail residential precinct code;
- (h) Section 4.6.8 – Innisfail recreational precinct code;
- (i) Section 4.7.2 – Mission Beach local business precinct code;
- (j) Section 4.7.4 – Mission Beach industry precinct code;
- (k) Section 4.7.6 – Mission Beach residential precinct code;
- (l) Section 4.7.8 – Mission Beach recreational precinct code; and
- (m) Section 4.8.2 – Village zone code.

Each shire wide measure, these being:

- (a) Section 5.2.2 – Historic cultural heritage shire wide code;
- (c) Section 5.3.2 – Natural area shire wide code;
- (d) Section 5.4.2 – Hazards shire wide code; and
- (e) Section 5.5.2 – Visual amenity shire wide code.

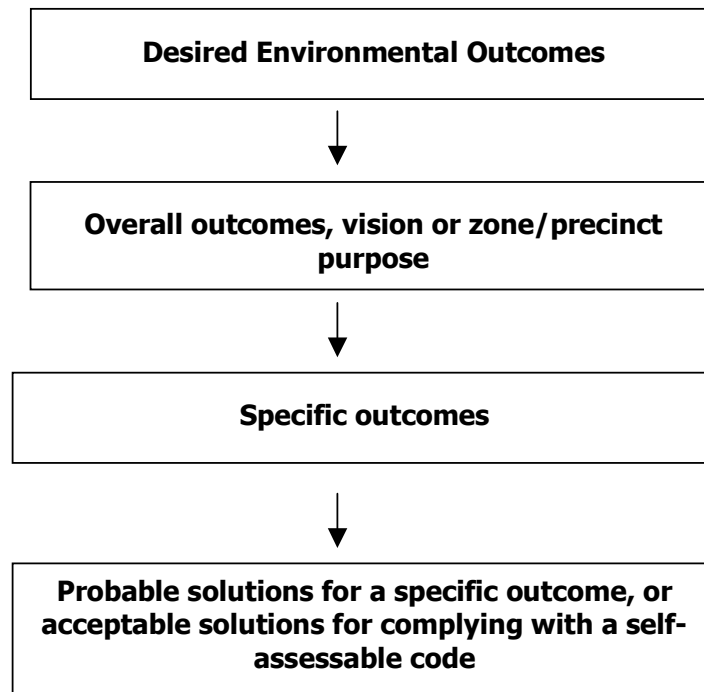
Development for a stated purpose or development of a stated type, these being:

- (a) Section 6.1.1 – Agriculture code
- (b) Section 6.1.2 - Caravan park code
- (b) Section 6.1.3 – Commercial use code
- (c) Section 6.1.4 – Community activities code
- (d) Section 6.1.5 – Community installation code
- (e) Section 6.1.6 – Extraction and quarry code
- (f) Section 6.1.7 – Multiple unit residential code
- (g) Section 6.1.8 – Home business code
- (h) Section 6.1.9 – Industry uses code
- (i) Section 6.1.10 – Intensive agriculture code
- (j) Section 6.1.11 – Multiple rural occupancy code
- (k) Section 6.1.12 – Outdoor recreational facilities code
- (l) Section 6.1.13 - Single residential code
- (m) Section 6.1.14 – Telecommunication facility code
- (n) Section 6.1.15 – Tourist facility code
- (n) Section 6.1.16 – Transport facilities code
- (o) Section 6.2.1 Reconfiguration code
- (p) Section 6.3.1 – Advertisement device code
- (q) Section 6.3.2 – Filling and excavation code
- (r) Section 6.3.3 – Native vegetation clearing code
- (s) Section 6.4.1 – Crime prevention code
- (t) Section 6.4.2 – Infrastructure code
- (u) Section 6.4.3 – Landscaping code
- (v) Section 6.4.4 – Non-discriminatory access code
- (w) Section 6.4.5 – Open space code
- (x) Section 6.4.6 – Vehicle access, parking and loading code

### **1.3.7 Planning scheme aims to achieve outcomes**

The planning scheme aims to achieve outcomes that are identified according to the following levels –

- (a) desired environmental outcomes;
- (b) overall outcomes for zones and shire wide measures, or for the purpose of a code;
- (c) specific outcomes for zones, shire wide measures and codes;
- (d) probable solutions for a specific outcome, or acceptable solutions for complying with a self-assessable code.



### **1.3.8 Acceptable solutions for self assessable development**

Acceptable solutions are the criteria comprising a code that self assessable development must comply with. If self assessable development does not comply with the acceptable solutions it defaults to code assessable development.

### **1.3.9 Probable solutions for code assessable development**

A probable solution for a specific outcome offers a potential solution for achieving that outcome in whole or in part, but does not limit the assessment manager's discretion under the *IPA* to impose conditions on a development approval, nor does it limit the applicant from providing other solutions to the specific outcome.

### **1.3.10 Defined administrative terms**

Defined administrative terms used in this planning scheme are listed in Schedule 1 –1.1.2. Defined administrative terms. Where a defined administrative term is used in the text of the planning scheme it is identified by the use of *italics*. For example *intensification of agricultural use*.

This flow chart is a guide to assist in following the structure of the planning scheme.

