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Part 1 About the planning scheme

1.1 Introduction

- (1) The Fraser Coast Planning Scheme 2014 (the 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 the Fraser Coast Regional Council's intention for the future development in the planning scheme area, over the next eighteen years to 2031.
- (4) The planning scheme seeks to advance state and regional strategies, including state planning policies and the Wide Bay Burnett Regional Plan 2011, through more detailed local responses, taking into account the local context.
- (5) While the planning scheme has been prepared with an eighteen 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 local government area of Fraser Coast Regional Council including all premises, roads, internal waterways and local government tidal areas and interrelates with the surrounding local government areas identified on **Map FCRC1 (Local government planning scheme area and context)**.

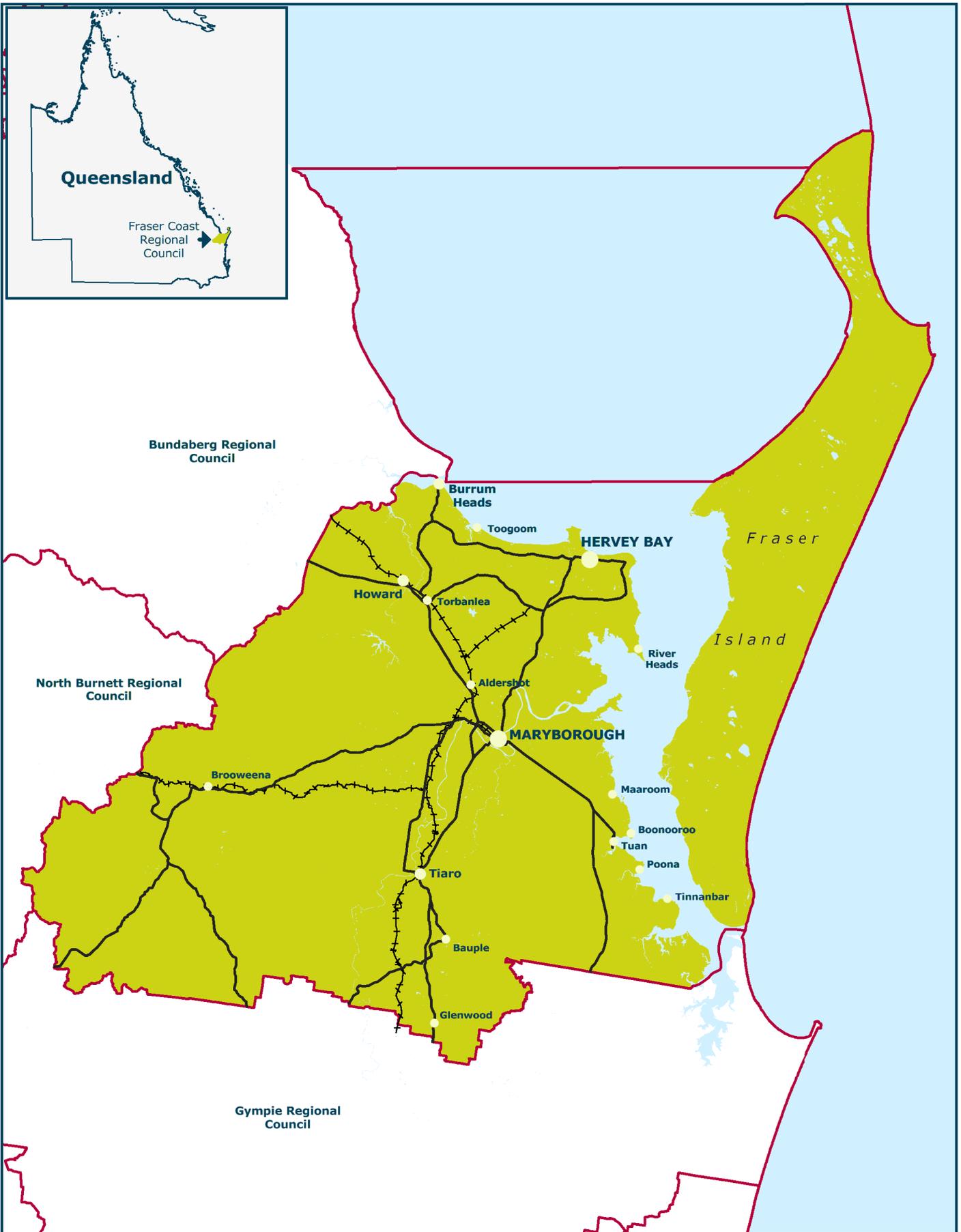
Editor's note— State legislation may state that the planning scheme does not apply to certain areas, e.g. strategic port land where there is a land use plan only to the extent of any inconsistency. In accordance with the provisions of section 26 of the *Sustainable Ports Development Act 2015* a port overlay for a master planned area prevails over the planning scheme, to the extent of any inconsistency.

- (7) The planning scheme has been specifically prepared to provide a performance-based approach to development assessment. Whilst acceptable outcomes have been identified within the various planning scheme codes, the Council will consider alternative solutions that also achieve the corresponding performance outcome.

Editor's note—The planning scheme has been amended to align with Schedule 3 (Use terms for local planning instruments) and Schedule 4 (Administrative terms of local planning instruments) as provided in the *Planning Act 2016*. 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.

Map FCRC1 Local government planning scheme area and context

Part 1



Fraser Coast REGIONAL COUNCIL MAP FCRC1 Local Government Planning Scheme Area and Context

Legend

Fraser Coast Regional Council Area	Waterbodies
Local Government Boundaries	Railway
State Controlled Roads	

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Geocentric Datum of Australia 1994 (GDA94)

20 0 20

Kilometers
 Approx Scale @ A3 1:800,000

1.2 Planning scheme components

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 zones and, where applicable, zone precincts specified in **Table 1.2.1 (Zones and zone precincts)** below;

Table 1.2.1 Zones and zone precincts

Zones and zone precincts	
Residential zones category	
(a)	Low density residential zone, including:-
(i)	Precinct LDR1 (Minimum lot size of 2,000m ²)
(b)	Medium density residential zone
(c)	High density residential zone, including:-
(i)	Precinct HDR1 (Hervey Bay tourism nodes)
Centre zones category	
(d)	Principal centre zone
(e)	District centre zone
(f)	Local centre zone
(g)	Neighbourhood centre zone
Industry zones category	
(h)	Low impact industry zone, including:-
(i)	Precinct LII1 (City Reach)
(i)	Medium impact industry zone, including:-
(i)	Precinct MII1 (Hervey Bay entrance)
(j)	High impact industry zone
(k)	Waterfront and marine industry zone
Recreation zones category	
(l)	Sport and recreation zone
(m)	Open space zone
Environmental zones category	
(n)	Environmental management and conservation zone
Other zones category	
(o)	Community facilities zone
(p)	Emerging community zone, including:-
(i)	Precinct EC1 (Hervey Bay entrance)
(q)	Limited development (constrained land) zone
(r)	Mixed use zone, including:-
(i)	Precinct MU1 (Urangan Harbour)
(ii)	Precinct MU2 (Hervey Bay Airport Business and Industry Park)
(iii)	Precinct MU3 (Carriers Arms Hotel)
(iv)	Precinct MU4 (Dominion Flour Mill)

Zones and zone precincts	
(v)	Precinct MU5 (Fraser Island Resorts)
(vi)	Precinct MU6 (Maryborough Residential Airpark)
(s)	Rural zone
(t)	Rural residential zone, including:-
(i)	Precinct RR1 (Minimum lot size of 4,000m ²)
(ii)	Precinct RR2 (Minimum lot size of 1ha)
(u)	Specialised centre zone

(g) the local plans specified in **Table 1.2.2 (Local plans)** below;

Table 1.2.2 Local plans

Local plans	
(a)	Doolong Flats/Ghost Hill emerging community local plan
(b)	Eli Waters/Dundowran emerging community local plan
(c)	Granville emerging community local plan
(d)	Kawungan North-East emerging community local plan
(e)	Maryborough principal activity centre local plan
(f)	Nikenbah emerging community local plan
(g)	Pialba principal activity centre local plan
(h)	St Helens emerging community local plan

(h) the overlays specified in **Table 1.2.3 (Overlays)** below;

Table 1.2.3 Overlays

Overlays	
(a)	Acid sulfate soils overlay
(b)	Agricultural land overlay
(c)	Airport and aviation facilities overlay
(d)	Biodiversity areas, waterways and wetlands overlay
(e)	Bushfire hazard overlay
(f)	Coastal protection overlay
(g)	Extractive resources overlay
(h)	Flood hazard overlay
(i)	Heritage and neighbourhood character overlay
(j)	Infrastructure overlay
(k)	Water resource catchments overlay
(l)	Fraser and Great Sandy Strait Islands overlay

(i) the development codes specified in **Table 1.2.4 (Development codes)** below;

Table 1.2.4 Development codes

Development codes	
Statewide codes	
(a)	Reconfiguring a lot (subdividing 1 lot into 2) and associated operational work code
(b)	Community residence code
Use codes	
(c)	Business uses code
(d)	Caretaker's accommodation code
(e)	Community activities code
(f)	Dual occupancy code

Development codes	
(g)	Dwelling house code
(h)	Extractive industry code
(i)	Home based business code
(j)	Industry uses code
(k)	Market code
(l)	Multi-unit residential uses code
(m)	Nature-based tourism code
(n)	Relocatable home park and tourist park code
(o)	Residential care facility and retirement facility code
(p)	Rural uses code
(q)	Sales office code
(r)	Service station code
(s)	Telecommunications facility code
(t)	Utility code
Other development codes	
(u)	Advertising devices code
(v)	Landscaping code
(w)	Reconfiguring a lot code
(x)	Transport and parking code
(y)	Vegetation management code
(z)	Works, services and infrastructure code
(aa)	Ship-sources pollutants reception facilities in marinas code

- (j) schedules and appendices;
- (k) the planning scheme policies specified in **Table 1.2.5 (Planning scheme policies)** below support the planning scheme;

Table 1.2.5 Planning scheme policies

Planning scheme policies	
Planning scheme policies relating to Part 8 (Overlay codes)	
(a)	Planning scheme policy for the heritage and neighbourhood character overlay code
Planning scheme policies relating to Part 9 (Other codes)	
(b)	Planning scheme policy for development works
Other planning scheme policies	
(c)	Planning scheme policy for information that the Council may require
(d)	Planning scheme policy for environmental and vegetation offsets
(e)	Planning scheme policy for the Urangan Harbour Master Plan

1.3 Interpretation

1.3.1 Definitions

- (1) A term used in the planning scheme has the meaning assigned to that term by:-
 - (a) the *Planning Act 2016* (the Act);
 - (b) the Planning Regulation 2017 (the Regulation) to the extent they have been identified in Part 6 and Schedule 2 of the planning scheme; or
 - (c) the definitions in **Schedule 1 (Definitions)** of the planning scheme; or
 - (d) the *Acts Interpretation Act 1954*; or

- (e) the ordinary meaning where that term is not defined in the Act, the Regulation, **Schedule 1 (Definitions)** 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 clause 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, 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 the 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 definitions.

1.3.2 Standard drawings, maps, notes, editors 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*, 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—this is an example of a footnote.

1.3.3 Punctuation

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

1.3.4 Zones for roads, waterways and reclaimed land

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, 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 road, 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 road, waterway or reclaimed land is adjoined on one side only by land in a zone—the entire road, waterway or reclaimed land is in the same zone as the adjoining land; or
- (d) if the 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 within the *Local Government (Operations) Regulation 2010*.

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; and

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 (Tables of assessment)**.

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

Where there is inconsistency between provisions within the planning scheme, the following rules apply:-

- (a) the strategic framework prevails over all other elements 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 elements to the extent of the inconsistency;
- (c) overlays prevail over all other elements (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;

Editor's note—for assessable development, the acceptable outcomes in the various planning scheme codes represent one way that a corresponding performance outcome can be achieved. In this regard, the Council will consider alternative solutions that also achieve the corresponding performance outcome.

1.6 Building work regulated under the planning scheme

(1) Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a planning scheme 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 (Tables of assessment)**, 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, MP1.2 and MP1.3 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 to 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 the planning scheme specified in **Table 1.6.1 (Building assessment provisions)**:-

Table 1.6.1 Building assessment provisions

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 (flooding and inundation area)
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 BCA and the QDC.	Schedule 2 Bushfire hazard overlay maps (medium hazard, high hazard or very high hazard bushfire areas)

Editor's note—a decision in relation to building work that is assessable development under the planning scheme can 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 is to be taken to be a referral agency's response under section 56 of the Act, for building work assessable against the *Building Act 1975*.

1.7 Local government administrative matters

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