

DRAFT
Barcoo Shire Council
Planning Scheme

As at 18 October 2019

Citation and commencement

This planning scheme may be cited as Barcoo Shire Planning Scheme.

A notice was published in the Government Gazette No. <#> on <day> <month>, <year> for the planning scheme for the <local government area>.

The commencement date for the planning scheme was <day> <month>, <year>.

Amendments to the planning scheme are included at <insert schedule reference>.

Community statement

Barcoo Shire – where people, lifestyle, businesses and resources matter.

<insert community statement – specific to your council, for instance capturing consistent vision from contemporary community plan or corporate plan>

Editor's note—The community statement is extrinsic to the planning scheme.

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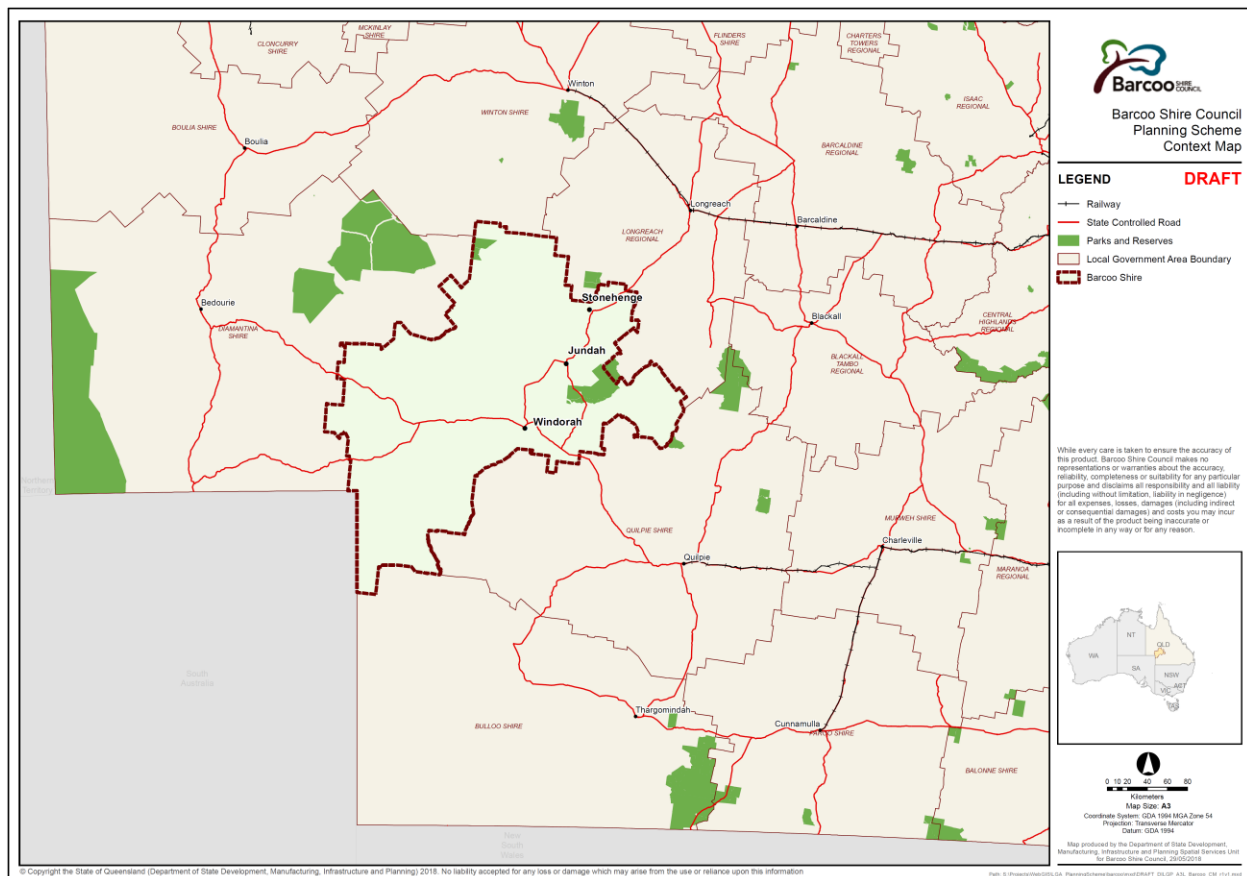
Part 1 About the planning scheme

1.1 Introduction

- (1) The Barcoo Shire Planning Scheme (planning scheme) has been prepared in accordance with the *Planning Act 2016* (the Act), as a framework for managing development in a way that advances the purpose of the Act.
- (2) In seeking to achieve this purpose, the planning scheme sets out Barcoo Shire Council's intention for the future development in the planning scheme area, over the next 20 years.
- (3) The planning scheme seeks to advance state and regional policies through more detailed local responses, taking into account the local context.
- (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 Barcoo Shire Council including all premises, roads, internal waterways and interrelates with the surrounding local government areas illustrated in Map 1.

Editor's note— State legislation may state that the planning scheme does not apply to certain areas, e.g. a declared State Development Area, where there is a land use plan that would apply and prevail 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) tables of assessment
 - (e) the following zones and corresponding zone codes:
 - (i) Township
 - (A) Industrial precinct
 - (ii) Rural
 - (f) the following use codes:
 - (i) General development code
 - (g) the following other development codes:
 - (i) Reconfiguring a lot code
 - (ii) Operational works code
 - (h) the following schedules:
 - (i) Schedule 1 – Definitions
 - (ii) Schedule 2 – Mapping
 - (iii) Schedule 3 – Heritage Places of the Barcoo Shire
 - (iv) Schedule 4 – Local government infrastructure maps and additional information to support planning and development in the Barcoo Shire
 - (v) Schedule 5 – Notations required under the *Planning Act 2016*

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)
 - (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 subparagraph (a) to (d) above.
- (2) If 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 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 16(3) of the Act, the regulated requirements apply to this planning scheme to the extent of any inconsistency with the definitions in the 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' means not all options 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 the planning scheme 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.

¹ Footnote—this is an example of a footnote.

- (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 4.

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

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 local planning instrument must not change the effect of, 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 section 4.7 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 MP 1.1, 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 buildings and 10a buildings and 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.

Part 2 State planning provisions

[To be confirmed and updated once Planning Minister has issued approval to adopt and statement regarding integration of state planning provisions]

2.1 State Planning Policy

The Planning Minister is satisfied that the SPP dated <insert details> is appropriately integrated in the Barcoo Shire Planning Scheme in the following ways:

Aspects of the SPP appropriately integrated

<insert details>

Aspects of the SPP not appropriately integrated

<insert details>

Aspects of the SPP not relevant

- Coastal environment
- Natural hazards, risk and resilience (storm tide inundation area)
- Natural hazards, risk and resilience (erosion prone area)
- Strategic ports

Editor's note – In accordance with section 8(4)(a) of the Act the SPP applies to the extent of any inconsistency. Where the planning scheme does not reflect the latest version of the SPP, additional assessment benchmarks may apply and the most recent version as a whole may need to be considered to the extent of any inconsistency.

2.2 Regional plan

[Option 1A

The Planning Minister is satisfied that the Barcoo Shire Planning Scheme appropriately advances the Central West Regional Plan 2009, as it applies in the planning scheme area, in the following ways:

Aspects of the regional plan appropriately integrated

<insert details>

Aspects of the regional plan not appropriately integrated

<insert details>

Aspects of the regional plan not relevant

<insert details>

Editor's note—Section 30(2)(a)(i) of the Planning Regulation requires that for the purposes of impact assessment if the prescribed assessment manager is the local government, the assessment must be carried out against the assessment benchmarks stated in the relevant regional plan regardless of whether the aspects are appropriately integrated.

or

Option 1B

The following parts of the Central West Regional Plan 2009, as it applies to the planning scheme area,

are not appropriately reflected in the Barcoo Shire Planning Scheme:

(a) <list the relevant aspects not reflected>

<...>]