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# PART 1 - INTRODUCTION

## Division 1 – About the Planning Scheme

### 1.1 Purpose of the planning scheme

- (1) Livingstone Shire Council originally prepared this planning scheme as a framework for managing development in a way that advanced the purpose of the *Integrated Planning Act 1997*.
- (2) This planning scheme has been amended for alignment with the *Planning Act 2016* (the Act) by the Minister's rules under section 293 of the Act on 10 July 2017.
- (3) This planning scheme identifies:
  - (a) accepted development, accepted development with requirements and assessable development; and
  - (b) outcomes sought to be achieved in the planning scheme area as the context for assessing development.

## Division 2 – Planning Scheme Structure

### 1.2 The planning scheme comprises the following components

- (1) About the planning scheme
- (2) Shire Outline
- (3) Desired Environmental Outcomes
- (4) The following zones (with tables of assessment)
  - (a) Rural Zone;
  - (b) Park Residential Zone;
  - (c) Residential Zone;
  - (d) Village Zone;
  - (e) Yeppoon Central Zone
  - (f) Business Zone;
  - (g) Industry Zone;
  - (h) Open Space Zone;
  - (i) Special Purpose Zone; and
  - (j) Comprehensive Development Zones.
- (5) The Residential Zone incorporates 3 preferred use precincts as follows:
  - (a) Residential 1 (R1) precinct;
  - (b) Residential 2 (R2) precinct; and
  - (c) Residential 3 (R3) precinct.
- (6) The Industry Zone incorporates 2 preferred use precincts as follows:
  - (a) Light Industry (LI) precinct; and

- (b) General Industry (GI) precinct.
- (7) The Comprehensive Development Zone comprises 6 discrete zones as follows:
  - (a) Comprehensive Development - Great Barrier Reef International Resort Zone;
  - (b) Comprehensive Development - Great Keppel Island Zone;
  - (c) Comprehensive Development – Rosslyn Bay Zone;
  - (d) Comprehensive Development - Capricorn International Resort Zone;
  - (e) Comprehensive Development – Stanage Zone;
  - (f) Comprehensive Development – Seaspray Zone.

### 1.3 Special management areas overlay the planning scheme area

- (1) Special management areas overlay the planning scheme area as identified on Overlay Maps and in Schedule 3 as set out in Table 1:

**Table 1 – Special Management Areas**

Special Management Areas	Overlay Map/Schedule Reference
(a) Natural Features and Resources Overlays	
Protected Areas Water Supply Catchment Extractive Resources <sup>4</sup> Airport Affected Land	O1A & B
Drainage Problem Erosion Prone Land Steep Land	O2A & B
Wetlands Waterways	O3A & B
Good Quality Agricultural Land	O4A & B
Storm Tide Hazard Bushfire Hazard	O5A & B
Historic Townships	O6A & B
Farnborough Groundwater	O7
Acid Sulfate Soils	O8A & B
Capricorn Coast Landscape	O9
(b) Cultural Heritage Overlays	
Heritage Places	Schedule 3

Editor's note: Reference in this planning scheme to an Overlay Map by whole number (e.g., O6) is deemed to include reference to both the A and B maps (e.g., O6A and O6B).

<sup>4</sup> The Extractive Resources Special Management Area comprises mining tenement including mining leases, mineral development licences and mining claims as defined in the Mineral Resources Act 1989, key resource areas include significant current and future mineral and extractive resource areas

## 1.4 Planning scheme maps illustrate spatial implementation measures

- (1) The planning scheme includes planning scheme maps (identified in Column 1 of Table 2 below) that have a purpose relating to the implementation of measures included in the planning scheme (explained in Column 2 of Table 2 below).

**Table 2 – Planning Scheme Maps**

Column 1 Planning Scheme Map		Column 2 Purpose
PSM1	Shire Outline Map	Illustrates the spatial representation of the achievement of the desired environmental outcomes.
PSM2	Agricultural Land Classification Map A – Balance of Shire Map B – Capricorn Coast	Maps various agricultural land classes.
PSM3	Yeppoon Central Area Map A -Yeppoon Structure Plan Map B – Building heights Map C - Linkages	Illustrates preferred land use precincts, building heights and linkages for vehicles and pedestrian movements for the Yeppoon Central area.
PSM4	Great Barrier Reef International Resort Structure Map	Illustrates the spatial layout for uses nominated in the Great Barrier Reef International Resort Schedule.
PSM5	Great Keppel Island Structure Map	Illustrates the spatial layout for uses nominated in the Great Keppel Island Schedule.
PSM6	Rosslyn Bay Structure Map	Illustrates the spatial layout for uses nominated in the Rosslyn Bay.
PSM7	Capricorn International Resort Structure Map	Illustrates the spatial layout for uses nominated in the Capricorn International Resort Schedule .
PSM8	Stange Structure Map	Illustrates the spatial layout for uses nominated in the Stange Schedule.
PSM9	Building heights in the vicinity of Rockhampton Airport	Illustrates the maximum heights for development in the vicinity of the Rockhampton Airport.
PSM10	Locally Significant Vegetation Map 10A – Balance of Shire Map 10B – Capricorn Coast	Maps locally significant vegetation.
PSM11	Seaspray Structure Map	Illustrates the spatial layout for uses nominated in the Seaspray Schedule.

## 1.5 Interpretation

### 1.5.1 Definitions

The Dictionary in Schedule 1 defines particular words used in this planning scheme as follows:

- (a) Defined uses and use classes; and
- (b) Administrative terms.

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## 1.5.2 Terms defined in the Act

Terms defined in this planning scheme have the same meaning as in the Act.

## 1.6 Temporary events

A ‘temporary event’ as defined in this planning scheme is not development for the purposes of regulation under this planning scheme.

## 1.7 Roads, watercourses and areas appearing to be unzoned

- (1) If a road reserve or watercourse in the planning scheme area is not shown as being covered by a zone on the zoning maps, the following applies:
  - (a) If the road reserve or watercourse is adjoined on both sides by land in the same zone –the road reserve or watercourse has the same zoning as adjoining land;
  - (b) If the road reserve 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 reserve 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;
  - (c) If the road reserve or watercourse is adjoined on one side only by land in a zone – the entire road reserve 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 reserve if the road reserve is closed after the commencement of the planning scheme.
- (3) Areas above the high water mark other than road reserves and watercourses that are not shown as being covered by a zone are deemed to be included within the zone that adjoins the land. To remove any doubt, if an area is adjoined by more than one zone, then the applicable zoning will be determined in the same manner as described in (1)(b) of this section.

## 1.8 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 10 of the Regulation also prescribed 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 prescribes 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 Tables of Assessment contained within Part 3 of this planning scheme:
  - (a) identify the categories of development that apply to development within the zones and special management areas of the planning scheme;

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- (b) identify the categories of assessment (code assessment or impact assessment) that apply to assessable development within the zones and special management areas of the planning scheme; and
  - (c) identify any requirements or assessment benchmarks that apply to development.
- (2) Where more than one use is sought on a site and each use would be subject to a different category of development under a Zone or a use would be subject to a different category of development under a Special Management Area, or under different Special Management Areas, the higher assessment category applies as follows:
- (a) 'Accepted development with requirements' prevails over 'accepted development';
  - (b) 'Code assessable' prevails over 'accepted development with requirements' or 'accepted development'; and
  - (c) 'Impact assessable' prevails over 'code assessable', 'accepted development with requirements' or 'accepted development'.

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.

## 1.9 Hierarchy of Assessment Benchmarks

- (1) Where there is inconsistency between provisions in the planning scheme, the following rules apply:
  - (a) The desired environmental outcomes prevail over all other components to the extent of the inconsistency for impact assessment.
  - (b) Relevant codes as specified in schedule 6-7 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.

## 1.10 Probable Solutions

Probable Solutions for Specific Outcomes provide a guide for achieving those outcomes in whole or in part, and do not limit the Assessment Manager's discretion under the Act (section 65) to impose conditions on a development approval.

## 1.11 Acceptable Solutions

Acceptable Solutions for Specific Outcomes provide for compliance for accepted development with requirements for development.

## 1.12 Types and application of codes

- (1) The planning scheme includes the following codes:
  - (a) codes applying to special management areas identified on the Overlay Maps; and
  - (b) codes applying to zones identified on the Zoning Maps; and
  - (c) codes applying to development for a stated purpose or development of a stated type; and
  - (d) codes applying throughout the planning scheme area to specific types of works.

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- (2) Codes for zones identified on the Zoning Maps and special management areas identified on the Overlay Maps are included in Part 3 of this planning scheme.
  - (3) Codes included in Part 4 of this planning scheme are assessment provisions for:
    - (a) specific uses; and
    - (b) specific issues.

## Division 3 – Shire Outline

### 1.13 Introduction

- (1) This Division provides an explanation of the strategic framework supporting the planning measures embodied in this planning scheme and is declared to be extrinsic material under the *Statutory Instruments Act 1992*, section 15 that may assist interpretation of the provisions of this planning scheme.<sup>8</sup>

### 1.14 Shire Outline Map

- (1) PSM 1 - Shire Outline Map is a 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) This Division, including the Shire Outline Map, does not provide a basis for development assessment under the planning scheme.

### 1.15 Outline of the planning scheme

- (1) The effects 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 Map is explained as follows:
  - (a) Land use pattern

Nomination	Explanation
Urban	Land accommodating urban growth and development of land uses, facilities and services supporting such urban growth.
Park Residential	Land in the coastal hinterland and land immediately north of the Rockhampton City Boundary providing for low density urban style living in a rural setting.
Rural	Agricultural land and land not required to satisfy expected urban growth.

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<sup>8</sup> The *Statutory Instruments Act 1992* allows a statutory instrument (this planning scheme) to identify material (this Division 3 – Shire Outline) that may be used to assist in the interpretation of provisions of the instrument i.e., is not a formal part of this planning scheme.