



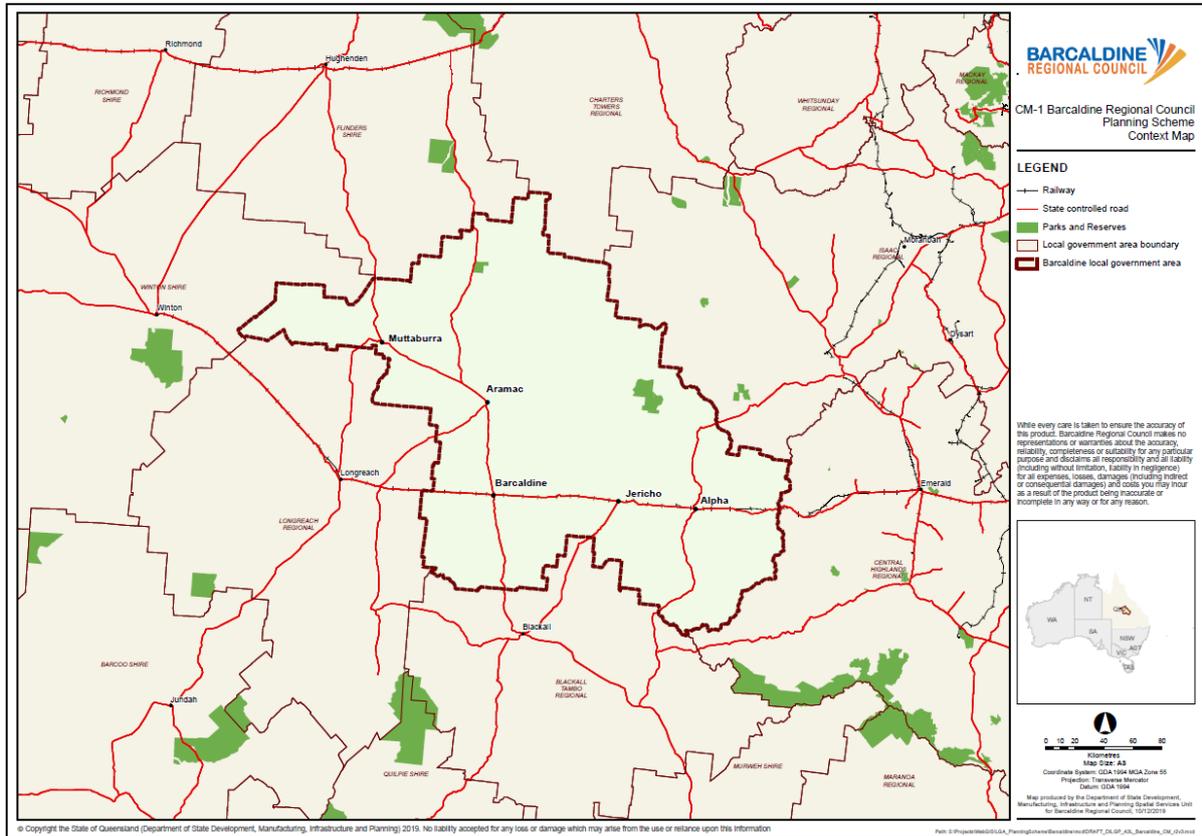
## Part 1. About the planning scheme

### 1.1 Introduction

- (1) The Barcaldine Region Planning Scheme (the 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 Barcaldine Regional 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. Further detail is provided in Part 2 of the planning scheme.
- (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 Barcaldine Regional 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 parts:
  - (a) Part 1 – About the planning scheme;
  - (b) Part 2 – State planning provisions;
  - (c) Part 3 – Strategic Outcomes;
  - (d) Part 4 – Local government infrastructure plan;
  - (e) Part 5 – Categories of development and assessment;
  - (f) Part 6 – Zones
  - (g) Part 7 – Overlays
  - (h) Part 8 – Development Codes
  
- (2) The planning scheme includes land within the Barcaldine region in one of the zones identified in **Table 1.2.1**. Certain zones also include zone precincts, which are also identified in **Table 1.2.1**. The zoning pattern of the planning scheme is shown in the mapping contained in Schedule 2.

**Table 1.2.1—Zones and zone precincts**

Zone	Zone Precincts
Community facilities zone	1 Air services precinct 2 Education precinct 3 Health care precinct 4 Emergency services precinct 5 Operational and utility services precinct 6 Government and administration precinct 7 Cemetery precinct 8 Community services precinct 9 Cultural precinct
Emerging community zone	-
Industry investigation zone	-
Recreation and open space zone	-
Rural zone	Low impact rural precinct
Rural residential zone	-
Township zone	1 Commercial Precinct 2 Industrial Precinct

- (3) The planning scheme does not include any local plans.
  
- (4) The planning scheme includes the following overlays. The extent to which overlays apply to the Barcaldine region is shown in the mapping provided in Schedule 2.
  - (a) Airport environs overlay;
  - (b) Heritage overlay;

- (c) Natural hazards overlay; and
  - (d) Regional infrastructure overlay.
- (5) A code is provided for each zone and overlay. These are provided in Parts 6 and 7 respectively.
- (6) The planning scheme also includes development codes, which comprise use codes and other development codes. The development codes for the planning scheme are listed in **Table 1.2.2** and are provided in Part 8.

**Table 1.2.2—Development codes**

Code type	Code name
Use codes	1 Extractive industry use code
	2 Home-based business use code
	3 Telecommunications facility use code
	4 Workforce accommodation use code
Other development codes	1 Development works code
	2 Landscaping code
	3 Reconfiguring a lot code

- (7) The planning scheme is supported by the following schedules:
- (a) Schedule 1 – Definitions;
  - (b) Schedule 2 – Mapping;
  - (c) Schedule 3 – Heritage Places of Barcaldine Regional Council;
  - (d) Schedule 4 – Local government infrastructure plan schedules and mapping;

## 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.

Footnote<sup>1</sup>—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.

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<sup>1</sup> Footnote—this is an example of a footnote.

## 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

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 categories of assessment for assessable development under the Act are:

(a) code assessment; and

(b) impact assessment

(3) 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 outcomes prevail 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) overlay codes prevail over all other codes, unless otherwise specified;

(d) zone codes prevail over use codes and other development codes to the extent of the inconsistency, unless otherwise specified; and

(e) use codes prevail over other development codes, unless otherwise specified.

## 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 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 5.7, 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 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) In accordance with section 32(a) of the *Building Act 1975* and section 8 of the *Building Regulation 2021*, the Overlay Maps for Flood Hazard contained in Schedule 2 of this planning scheme are designated as identifying a flood hazard area for the Queensland Development Code.

(5) In accordance with section 32(a) of the *Building Act 1975* and section 7 of the *Building Regulation 2021*, this planning scheme designates the following layers of the State Planning Policy Mapping to be a bushfire prone area for the Building Code of Australia and Queensland Development Code:

- (a) [Safety and Resilience to Hazards \(Natural Hazards Risk and Resilience – Bushfire Prone Area\)](#) – Very high potential bushfire intensity;
- (b) [Safety and Resilience to Hazards \(Natural Hazards Risk and Resilience – Bushfire Prone Area\)](#) – High potential bushfire intensity;
- (c) [Safety and Resilience to Hazards \(Natural Hazards Risk and Resilience – Bushfire Prone Area\)](#) – Medium potential bushfire intensity; and
- (d) [Safety and Resilience to Hazards \(Natural Hazards Risk and Resilience – Bushfire Prone Area\)](#) – Potential impact buffer.

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 a 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

### 1.7.1 Temporary uses not assessable under this planning scheme

- (1) Council may determine that a temporary use that is unlikely to create significant detrimental impact on the amenity of nearby land is not a material change of use of premises and is therefore not development as defined under the Act. Such activities include, but are not necessarily limited to, the following:
  - (a) school fetes;
  - (b) travelling circuses;
  - (c) promotional activities;
  - (d) activities undertaken by a local government associated with infrastructure construction and maintenance.

Editor's note—While not assessable under the planning scheme a temporary use may need to address or adhere to local laws or subordinate local laws.

### 1.7.2 Mining tenements

- (1) The Planning Act does not apply to development in mining tenements authorised under the *Mineral Resources Act 1989*, other than for development on a Queensland heritage place.
- (2) Details of the mining tenements may be obtained from the chief executive of the department in which the *Mineral Resources Act 1989* is administered.

### 1.7.3 Aboriginal cultural heritage duty of care

- (1) The *Aboriginal Cultural Heritage Act 2003* applies separately from the Planning Act and this planning scheme. The *Aboriginal Cultural Heritage Act 2003* requires a person who carries out an activity to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. This is referred to as the cultural heritage duty of care. Development (regardless of whether accepted or assessable) may constitute an activity for the purposes of the *Aboriginal Cultural Heritage Act 2003*.
- (2) The *Aboriginal Cultural Heritage Act 2003* is administered by the chief executive of the Queensland Government Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). A cultural heritage database and cultural heritage register have been established under this act. Details of Aboriginal parties and Aboriginal cultural heritage information may be obtained from DSDSATSIP.

## 1.7.4 Other documents incorporated in the planning scheme

- (1) **Table 1.7.4** identifies the extent to which the State Planning Policy (SPP) interactive mapping system (plan making) is referenced and incorporated in the planning scheme.

**Table 1.7.4—References to the SPP interactive mapping system**

Planning scheme aspect	Theme	State Interest	Mapping Layer
<b>Overlays</b>			
Natural hazards overlay	Safety and resilience to hazards	Natural hazards risk and resilience	(a) Bushfire prone area: (i) Very high potential bushfire intensity; (ii) High potential bushfire intensity; (iii) Medium potential bushfire intensity; and (iv) Potential impact buffer.
Regional infrastructure overlay	Infrastructure	Energy and water supply	(a) Major electricity infrastructure (b) Electricity substations
	Economic growth	Agriculture	(a) Stock route network
<b>Other Aspects</b>			
6.2 – Zone Codes	Environment and heritage	Biodiversity	(a) MSES - Protected areas (estate) (b) MSES - Protected areas (special wildlife reserve) (c) MSES - Protected areas (nature refuge) (d) MSES - Marine park (highly protected areas) (e) MSES - Declared fish habitat area (f) MSES - Wildlife habitat (endangered or vulnerable) (g) MSES - Wildlife habitat (special least concern animal) (h) MSES - Wildlife habitat (koala habitat areas - core) (i) MSES - Wildlife habitat (koala habitat areas - locally refined) (j) MSES - Regulated vegetation (category B) (k) MSES - Regulated vegetation (category C) (l) MSES - Regulated vegetation (category R) (m) MSES - Regulated vegetation (essential habitat) (n) MSES - Regulated vegetation (wetland) (o) MSES - Regulated vegetation (intersecting a watercourse) (p) MSES - Strategic environmental areas (designated precinct) (q) MSES - High ecological significance wetlands

Planning scheme aspect	Theme	State Interest	Mapping Layer
			(r) MSES - High ecological value waters (wetland) (s) MSES - High ecological value waters (watercourse) (t) MSES - Legally secured offset area (offset register) (u) MSES - Legally secured offset area (regulated vegetation offsets)
8.3.3 Reconfiguring a Lot Code	Economic Growth	Agriculture	(a) Agricultural land classification – class A and class B



## Part 2. State planning provisions

### 2.1 State Planning Policy

The Planning Minister is satisfied that the State Planning Policy (SPP) dated July 2017 is appropriately integrated in the Barcaldine Region Planning Scheme in the following ways:

#### Aspects of the SPP appropriately integrated

- Housing supply and diversity
- Liveable communities
- Agriculture
- Development and construction
- Mining and extractive resources
- Tourism
- Biodiversity
- Cultural heritage
- Water quality
- Emissions and hazardous activities
- Natural hazards, risk and resilience (flood, bushfire and landslide)
- Energy and water supply
- Infrastructure integration
- Transport infrastructure

#### Aspects of the SPP not appropriately integrated

- Nil

#### Aspects of the SPP not relevant

- Coastal environment
- Natural hazards, risk and resilience (storm tide inundation area)

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- Natural hazards, risk and resilience (erosion prone area)
  - Strategic airports and aviation facilities
  - 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

The Planning Minister is satisfied that the Barcaldine Region Planning Scheme appropriately advances the Central West Regional Plan 2009, as it applies in the planning scheme area.