

# ISIS SHIRE PLANNING SCHEME

## AND PLANNING SCHEME POLICIES

ADOPTED BY COUNCIL 23 JANUARY 2007

GAZETTED 02 FEBRUARY 2007

COMMENCED 19 FEBRUARY 2007



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# Isis Shire Planning Scheme

## Adoption

The local government for the Shire of Isis adopted this planning scheme on 23 January 2007.

## Commencement

The planning scheme took effect on 19 February 2007.

## State Planning Policies

The Minister for Local Government, Planning and Sport has identified the following State Planning Policies as having been appropriately reflected in the planning scheme:

- State Planning Policy 1/02: Development in the vicinity of Certain Airports and Aviation Facilities;
- State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils.

## Integrated Planning Act 1997, Section 6.1.54

The Minister for Local Government, Planning and Sport has given notice that that the *Integrated Planning Act 1997*, section 6.1.54 Provisions applying for State-controlled roads applies to the planning scheme.

This is a 'non-certified' copy of the Isis Shire Planning Scheme incorporating amendment 2007, No. 1 that took effect on 14 December 2007. Annotations listing the provisions affected by the amendments are included in the endnotes to the planning scheme.



.....  
**Steve Johnston**  
Chief Executive Officer, Isis Shire Council

**Dated : 14 December 2007**

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# 1. Introduction

## ***Division 1 – Relationship to Integrated Planning Act 1997***

### **1.1 Purpose of the planning scheme**

In accordance with the *Integrated Planning Act 1997* (IPA), the local government for the Shire of Isis 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.

### **1.2 Planning scheme functions as part of IDAS**

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

## ***Division 2 – Strategic Framework***

### **1.3 Preliminary**

- (1) This division reflects the desired environmental outcomes and summarises the approach taken by the planning scheme to achieve the desired environmental outcomes.
- (2) This division does not have a role in development assessment under the planning scheme.

### **1.4 Strategic Framework**

The Strategic Framework relies for its implementation on both the planning scheme and State legislation implemented through the Integrated Development Assessment System (IDAS).

The following statement expresses the overall vision for the Shire:

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<sup>1</sup> Under IPA, section 1.2.1, 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; and (b) managing the process by which development occurs; and (c) managing the effects of development on the environment (including managing the use of premises).

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

*A Shire that enjoys a strong sense of identity and community spirit and provides an attractive lifestyle and amenity for residents and visitors alike, while protecting and enhancing the cultural, heritage, agricultural and environmental features of the Shire.*

(Isis Shire Council Corporate Plan 2004 - 2008)

### **1.4.1 Broad Shire Strategies**

- (1) New urban development including residential, retail, commercial, industrial and community uses are primarily located in or adjoining the town of Childers and the villages of Woodgate, Apple Tree Creek and Cordalba;
- (2) Childers remains as the main business and community centre in the Shire;
- (3) Natural resources such as good quality agricultural land, mineral and extractive resources, water and timber resources are protected from incompatible development that would lead to the alienation of such resources;
- (4) The cultural, economic, physical and social wellbeing of the Shire's residents is enhanced through providing a range of housing choices, providing a range of recreational activities, maximising access to employment and services and protecting cultural and natural heritage;
- (5) Development occurs in areas where it would not generally be subject to environmental hazards, including (but not limited to) bushfire, land-slip and flooding;
- (6) Infrastructure is supplied in a coordinated, efficient and orderly way, including by locating and staging development in areas where adequate infrastructure exists or can be efficiently provided;
- (7) Ecological processes and natural systems are protected through sustainable management practices, protection of native vegetation and ensuring buildings are sited and designed to be efficient in their use of resources, including energy and water;
- (8) Development maintains the Shire's scenic landscapes and does not significantly impact on rural and natural scenic vistas; and
- (9) Tourism opportunities are provided in appropriate locations within the Shire to take advantage of the economic potential of significant activities, natural elements and features.

### **1.4.2 Rural Development**

- (1) Agricultural land is protected from incompatible development and prevented from fragmentation that would result in unviable farm sizes or unsustainable production practices;
- (2) Supporting activities such as processing plants, refineries or distribution centres are located in areas with suitable infrastructure to service their needs;
- (3) Tourism opportunities with a relationship to the process of production or the natural attributes of the land are established in appropriate areas of the Shire; and

- (4) The natural appearance and rural character of the Shire is maintained.

### **1.4.3 Rural Residential Development**

- (1) Opportunities for low density residential living on larger sites are provided in appropriate locations with good access to services, where natural resources including environmental assets are not compromised and natural hazards are avoided;
- (2) Rural residential development is appropriately serviced including access, water supply and wastewater treatment; and
- (3) Rural residential development maintains a high level of residential amenity and avoids conflicts with agricultural activities.

### **1.4.4 Residential Development**

- (1) The planning scheme consolidates urban residential development in the existing urban settlements of Childers, Woodgate, Apple Tree Creek, Cordalba, Buxton and Walkers Point;
- (2) New development is staged and in-fill residential development is promoted in areas with suitable vacant land to achieve efficiencies in infrastructure servicing;
- (3) Increased residential densities occur in proximity to community facilities and to support tourism and holiday development in the coastal village of Woodgate;
- (4) A comprehensive range of housing types is provided to meet the housing needs and preferences of all sections of the community;
- (5) A high standard of residential amenity is achieved with particular regard to noise, air quality, safety, privacy, convenience, microclimate and visual appropriateness; and
- (6) Development is environmentally sustainable ensuring the preservation, protection and enhancement of natural environments, natural ecological systems and resources;

### **1.4.5 Built Environment**

- (1) High standards of amenity, conservation, energy, health and safety are achieved in the built environment;
- (2) Development is designed to provide for the integration of detached residential, medium density residential, tourism and commercial facilities in a manner which promotes compatibility of urban form and amenity;
- (3) Significant cultural and indigenous heritage elements are preserved, and the relationships between individual sites of heritage significance are not compromised by inappropriate development.
- (4) Visual amenity in urban areas is enhanced by appropriate attention to building design, height and scale, building orientation, retention of natural vegetation and provision of landscaping; and

- (5) Development promotes the retention and establishment of local native species in landscaping.

#### **1.4.6 Commercial Development**

- (1) Childers is the higher order district level activity centre for the Shire. Woodgate, Apple Tree Creek and Cordalba are intended to be lower order local level activity centres;
- (2) The local economy is strengthened and diversified by home-based businesses and rural industries in locations where they would not result in a loss of local amenity; and
- (3) Commercial development incorporates landscaping to enhance its appearance and assist in the development of attractive and comfortable streetscapes.

#### **1.4.7 Industrial Development**

- (1) Quarrying of extractive resources is provided for at Redridge and the capacity to win extractive or mineral resources is protected at other locations of known resource value; and
- (2) Major industrial activity is located in and near Childers. Industrial activity within Childers involves predominantly smaller scale manufacturing, fabrication, processing and service activities. Larger scale industrial activity that is of a medium to heavy nature, that involves a significant amount of heavy vehicle movement or that requires a large area of land is located around the Isis Central Mill or at South Isis.
- (3) Industrial activity in Woodgate is limited to that meeting local service needs.

#### **1.4.8 Community Services and Wellbeing**

- (1) Community services and facilities are provided in locations that allow for convenient and equitable access by the community, including pedestrian and cycle access for residents in towns and villages;
- (2) A range of passive and active recreational and social opportunities are provided in accessible locations; and
- (3) The development of central community facilities which provide for services such as health, education, welfare, administration, police, fire and ambulance services is promoted.

#### **1.4.9 Conservation Strategies**

- (1) The Shire's natural resources are protected and their associated biodiversity values are enhanced, including areas of essential habitat, regional ecosystems, and aquatic habitats (at both local, State and regional levels);
- (2) Water quality in both local water bodies and potable water sources throughout the Shire is preserved, and water consumption is maintained to sustainable levels;

- (3) Areas of critical habitat, remnant ecosystems or endangered flora (e.g. Woodgate National Park (Woodgate Section - Burrum Coast National Park) and coastal wallum landscapes) are protected and where possible, rehabilitated in conjunction with development;
- (4) Passive and active recreation and tourism opportunities are provided in appropriate locations where they would complement the natural assets;
- (5) Coastal, estuarine and wetland areas are protected to ensure the ecological integrity and function of such areas are protected from any adverse impact created by development; and
- (6) Erosion of rivers, creeks and other watercourses and potential water quality impacts arising from runoff are avoided by careful location, design and construction of development.

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

## **1.5 Local government area divided into 8 zones**

The planning scheme divides the local government area into 8 zones that cover the entire local government area. The following zones are identified on zone maps Maps 1 to 18, W1 to W6 and C1 to C6:

- (a) Rural Protected Zone (identified as Rural Protected Zone (Category 1) or Rural Protected Zone (Category 2));
- (b) Rural Zone;
- (c) Rural Residential Zone;
- (d) Residential Zone;
- (e) Commercial Zone;
- (f) Industry Zone;
- (g) Open Space and Recreation Zone; and
- (h) Infrastructure Zone.

## **1.6 Rural Protected Zone divided into 2 categories**

The Rural Protected Zone is divided into 2 categories. The following categories are identified on the zone maps:

- (a) Rural Protected Zone (Category 1); and
- (b) Rural Protected Zone (Category 2).

## **1.7 Town of Woodgate divided into 8 precincts**

The planning scheme divides the town of Woodgate into 8 precincts as identified on the Woodgate Precinct Plan in Schedule 2.

## **1.8 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 zone 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 centreline of the road or watercourse 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 Rural Protected Zone category on the zone maps, subsection (1) applies as if the Rural Protected Zone category 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.

## **1.9 Planning scheme has 3 types of overlays**

The planning scheme has 3 types of overlays shown on 8 overlay maps that apply to—

- (a) natural hazard (potential acid sulfate soils) as shown on Natural Hazards Overlay Map 1: Potential Acid Sulfate Soils;
- (b) natural hazard (bushfire) as shown on Natural Hazards Overlay Map 2: Bushfire Hazard Management;
- (c) natural hazard (flooding) as shown on Natural Hazards Overlay Map 3: Flood Management;
- (d) natural features and resources (extractive resources) as shown on Natural Features and Resources Overlay Map 1: Extractive Resources;
- (e) natural features and resources (fish habitat areas and natural waterways) as shown on Natural Features and Resources Overlay Map 2: Fish Habitat Areas and Natural Waterways);
- (f) natural features and resources (significant natural habitats) as shown on Natural Features and Resources Overlay Map 3: Significant Natural Habitats;
- (g) natural features and resources (good quality agricultural land) as shown on Natural Features and Resources Overlay Map 4: Good Quality Agricultural Land; and
- (h) regional infrastructure as shown on the Regional Infrastructure Overlay Map.



## 1.10 Determining if development is assessable or self-assessable under planning scheme

- (1) Assessment tables for the zones and overlays identify development that is assessable, self-assessable or exempt under the planning scheme as follows—
  - (a) Table 4.1 - Rural Protected Zone Assessment Table;
  - (b) Table 4.2 - Rural Zone Assessment Table;
  - (c) Table 4.3 - Rural Residential Zone Assessment Table;
  - (d) Table 4.4 - Residential Zone Assessment Table;
  - (e) Table 4.5 - Commercial Zone Assessment Table;
  - (f) Table 4.6 - Industry Zone Assessment Table;
  - (g) Table 4.7 - Open Space and Recreation Zone Assessment Table;
  - (h) Table 4.8 - Infrastructure Zone Assessment Table;
  - (i) Table 5.1 - Natural Hazards Overlay Assessment Table;
  - (j) Table 5.2 - Natural Features and Resources Overlay Assessment Table; and
  - (k) Table 5.3 - Regional Infrastructure Overlay Assessment Table.
- (2) The assessment tables also identify assessable development under the planning scheme that requires code assessment or impact assessment.
- (3) If development is identified as having a different assessment category under a zone than under an overlay, or under different overlays, the higher assessment category applies as follows—
  - (a) self-assessable prevails over exempt;
  - (b) code assessable prevails over self-assessable or exempt;
  - (c) impact assessable prevails over self-assessable, code assessable or exempt.

Zone assessment category (or category for another overlay if more than one overlay applies)	Overlay assessment category			
	Exempt	Self-assessable	Code	Impact
Exempt	Exempt	Self-assessable	Code	Impact
Self-assessable	Self	Self-assessable	Code	Impact
Code	Code	Code	Code	Impact
Impact	Impact	Impact	Impact	Impact

## 1.11 Types and names of codes

- (1) There are codes for—
  - (a) each zone and type of overlay; and
  - (b) development for a stated purpose or development of a stated type.
- (2) The codes are the following—

### **Zone Codes**

- (a) Rural Protected Zone Code;
- (b) Rural Zone Code;
- (c) Rural Residential Zone Code;
- (d) Residential Zone Code;
- (e) Commercial Zone Code;
- (f) Industry Zone Code;
- (g) Open Space and Recreation Zone Code;
- (h) Infrastructure Zone Code;

### **Overlay Codes**

- (i) Natural Hazards Overlay Code;
- (j) Natural Features and Resources Overlay Code;
- (k) Regional Infrastructure Overlay Code;

### **Development Codes**

- (l) Rural Development Code;
- (m) Residential Development Code;
- (n) Home-based Business Code;
- (o) Commercial Development (Child Care Centres and Service Stations) Code;
- (p) Telecommunications Facilities Code;
- (q) Community Infrastructure Code;

### **General Codes**

- (r) Nuisance Code;
- (s) Reconfiguring a Lot Code;
- (t) Parking and Access Code;
- (u) Infrastructure Code;
- (v) Excavation and Filling Code; and
- (w) Landscape Design Code.

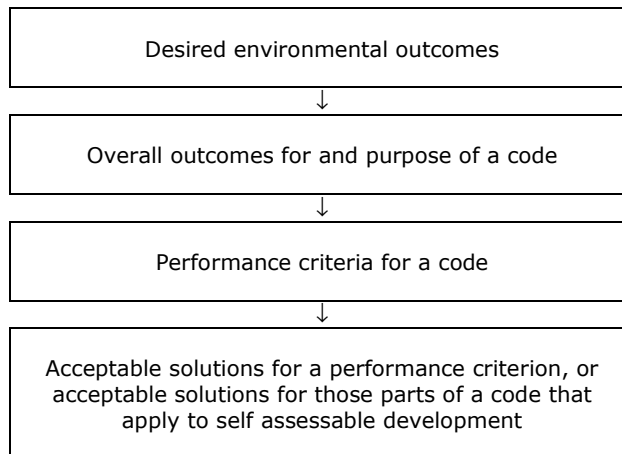
## 1.12 Codes applicable to ongoing use

A code that is applicable to a material change of use is also applicable to the ongoing use that results from that change<sup>3</sup>.

## 1.13 Planning scheme seeks to achieve outcomes

The planning scheme seeks to achieve outcomes that are identified according to the following levels—

- (a) desired environmental outcomes;
- (b) overall outcomes for and purpose of a code;
- (c) performance criteria for a code;
- (d) acceptable solutions for a performance criterion, or acceptable solutions for complying with those parts of a code that apply to self assessable development.



## 1.14 Acceptable solutions for assessable development

For code assessable and impact assessable development, an acceptable solution for a performance criterion provides a guide for achieving that performance criterion in

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<sup>3</sup> IPA, section 2.1.23(3) (Local planning instruments have force of law) relates with respect to regulating the use of premises, and also IPA, section 4.3.4 (Compliance with identified code for use of premises) with respect to an offence under the Act.

whole or in part, and does not limit the assessment manager's discretion under the IPA<sup>4</sup> to impose conditions on a development approval.

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<sup>4</sup> IPA, chapter 3 (Integrated Development Assessment System (IDAS)), part 5 (Decision stage), division 6 (Conditions)