



planning scheme 2006
prepared under the *Integrated Planning Act 1997*

kolan shire



PLANNING SCHEME FOR KOLAN SHIRE

Adoption

The local government for Kolan Shire adopted this planning scheme on 18 April 2006.

Commencement

This planning scheme took effect on 26 April 2006.

Amended

Version 2 of this planning scheme was adopted on 19 July 2011 and took effect on 20 July 2011.

State planning policies

The Minister for Local Government and Planning has identified the following State planning policies as having been appropriately reflected in the planning scheme—

1. State Planning Policy 1/92: Development and the Conservation of Agricultural Land;
2. State Planning Policy 1/02: Development in the vicinity of certain airports and aviation facilities; and
3. State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide (for Bushfire only).

Version 2

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Schedules

- 1 Cultural Heritage*
- 2 Infrastrucutre*
- 3 Natural Features and Resources*
- 4 Land designated for community
infrastrucutre*
- 5 Dictionary*

Scheme maps

PART 1 — INTRODUCTION

Division 1—Relationship to the Integrated Planning Act

1.1 Purpose

- (1) The local government for Kolan Shire has prepared this planning scheme under the provisions of Chapter 2 and Schedule 1 of the *Integrated Planning Act 1997* (the 'IPA').
- (2) It is intended to advance the purpose of the IPA in seeking to achieve ecological sustainability by—
 - (a) identifying assessable, self-assessable and exempt development;
 - (b) providing a basis for assessing development applications in the local government area;
 - (c) integrating State, regional and local interests; and
 - (d) enabling the community to have reasonable expectations about the nature and location of future development within the local government area.

1.2 Planning scheme functions as part of IDAS

- (1) This planning scheme functions as part of the Integrated Development Assessment System (IDAS) and must be read 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

- (1) Table 1.1 describes the strategic framework for the local government area.

Table 1.1 The strategies in this planning scheme and their intended effects

Strategies	Intended effects of strategies
Regulate the supply of housing allotments to avoid oversupply	<i>a range of attractive housing that provides diversity and choice</i>
Regulate form, scale and intensity of housing	
Protect the significant investment in infrastructure	<i>infrastructure (including roads, water supply, sewerage, cane rail, irrigation, health and education) is used efficiently</i>
Protect the safe operation and capacity of major roads in Kolan Shire	
Development projects pay cost impacts on infrastructure	
Focus new housing in and around Gin Gin	<i>an appealing rural character</i>
Minimise overall adverse visual impact of development	
Protect scenic amenity and rural character	<i>...productive and sustainable agriculture and animal husbandry</i>
Conserve valuable natural areas	
Facilitate tourism, focussing on nature based or farm-based recreation	
Facilitate on-farm value adding activities	<i>...diverse employment opportunities throughout the shire, either within commercial or industrial areas, as home based businesses, or rural enterprises</i>
Conserve soil and water resources	
Prevent fragmentation of GOAL and encroachment with conflicting land uses	<i>...shopping, commerce, cultural and government services are located in the most assessable part of the shire, creating a vital, attractive and convenient centre in Gin Gin</i>
Facilitate home based businesses	
Facilitate small, locally-owned and operated industries	
Facilitate tourism, retail and businesses that retain a domestic character in the northern section of Mulgrave Street	
Facilitate the location of core retail, personal services and businesses in the main shopping area	

- (3) Map SP1 shows the preferred dominant land uses, natural features or resources, cultural heritage features, and infrastructure.



Division 3—Structure of planning scheme

1.5 Division into zones

- (1) The land in the local government area is included in one of the following zones—
 - (a) Commercial;
 - (b) Community purposes;
 - (c) Industrial;
 - (d) Residential; or
 - (e) Rural.
- (2) Zones are identified on scheme maps—
 - (a) Map Zones 1 to 5; and
 - (b) Map Land use zoning: Gin Gin; and
 - (c) Map Land use zoning: Wallaville.

1.6 Residential zone incorporates preferred use areas

- (1) The Residential Zone incorporates precincts as follows—
 - (a) Low density residential precinct;
 - (b) Multi-residential precinct; and,
 - (c) Village precinct.
- (2) The precincts are identified on Maps Zones 1 to 5 and Land use zoning Gin Gin and land use zoning Wallaville.

1.7 Planning scheme has overlay areas

- (1) The planning scheme has overlay areas that apply to natural features or resources listed in Schedule 3 and are shown on—
 - (a) Map NFRO1.1 to NFRO1.5 and NFRO1 – Gin Gin —Natural Features or Resources Overlays; and,
 - (b) Map NFRO2.1 to NFRO2.5 and NFRO2 – Gin Gin — Natural Features or Resources Overlays; and
 - (c) Map NFRO3.1 to NFRO3.5 and NFRO3 Gin Gin — Natural Features or Resources Overlays.

- (2) The planning scheme has overlay areas that apply to cultural heritage features listed in Schedule 1 and are shown on Map CHFO1.1 to 1.5 and CHFO – Gin Gin – Cultural Heritage Features Overlays.
- (3) The planning scheme has overlay areas that apply to infrastructure areas and items listed in Schedule 2 and is shown on Map INFRA1.1 to INFRA1.5 and Infrastructure – Gin Gin—Infrastructure Areas and Items Overlays: Rural.

1.8 Planning scheme identifies bushfire prone areas

- (1) This section applies only to land included in the local government area.
- (2) The planning scheme identifies bushfire prone areas as shown on Map BPA1.1 to BPA1.5 and BPA – Gin Gin – Bushfire Prone Areas, to enable the operation of the construction requirements for Class 1 buildings under the Building Code of Australia (BCA)¹.

1.9 Planning scheme identifies alternative provisions

- (1) Under the Standard Building Regulation 1993 a local government may make a planning scheme that identifies or states alternative provisions.
- (2) Any alternative provisions in this planning scheme are identified through the following phrase following the provision “*SBR alternative provision*”.
- (3) Any non-compliance with an alternative provision is assessed under section 20 of the Standard Building Regulation 1993.

1.10 Planning scheme identifies *Town Services Area*

- (1) The planning scheme identifies a *Town Services Area* as land that—

¹ A Class 1 building constructed in a bushfire prone area is subject to Performance Requirement P2.3.4 of the BCA.

- (a) has a reticulated town water supply and is sewered; and
 - (b) additional urban land where the Local Government is prepared to provide water supply and sewerage services on the basis that it is a cost-effective expansion of the urban area.
- (2) The Town Services Area for the local government area is identified on Map INFRA1.1 to INFRA1.5 and Infrastructure—Gin Gin.

1.11 Roads, watercourses and reclaimed land

- (1) For the purposes of this section, the term 'zone' includes 'overlay area'.
- (2) If a road, watercourse or reclaimed land in the local government area is not shown as being covered by a zone on the planning scheme 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 or water course 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 centre of the road, watercourse or reclaimed land is the boundary between the two zones; or
 - (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.
- (3) If a road, watercourse or reclaimed land is not shown as being covered by either the Low density residential precinct or the Multi-residential precinct on the zoning maps, subsection (1) applies as if the precinct were a zone.
- (4) To remove any doubt, it is declared that subsections (1) and (3) also apply to a closed road if the road is closed after the commencement of the planning scheme.

- (5) Upon the opening of a road in the local government area after the commencement of the planning scheme, such road is not depicted in a zone under this planning scheme and subsections (1) and (3) become effective.
- (6) To remove any doubt, the changing of a planning scheme map to show the opening or closure of a road is not an amendment of this planning scheme.

1.12 Assessable and self-assessable development

- (1) Assessment tables for the zones and overlay areas identify development that is assessable, self-assessable or exempt under the planning scheme as follows—
 - (a) Table 4.1 and Table 4.2 —Commercial Zone
 - (b) Table 4.3 and Table 4.4—Community Purposes Zone;
 - (c) Table 4.5 and Table 4.6—Industrial Zone;
 - (d) Table 4.7 and Table 4.8—Residential Zone; and
 - (e) Table 4.9 and Table 4.10—Rural Zone.
- (2) The assessment tables also identify whether assessable development under the planning scheme requires either code assessment or impact assessment.
- (3) If development is identified as having a different assessment category under a zone than under an overlay, the higher assessment category applies as follows—
 - (a) self-assessable prevails over exempt;
 - (b) code assessable prevails over self-assessable and exempt; or
 - (c) impact assessable prevails over code assessable, self-assessable, and exempt.

1.13 Codes

- (1) This planning scheme contains 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) Commercial Zone Code;
- (b) Community Purposes Zone Code;
- (c) Industrial Zone Code;
- (d) Residential Zone Code; and
- (e) Rural Zone Code;

Overlay codes—

- (f) Natural Features or Resources Overlays Code;
- (g) Cultural Heritage Features Overlays Code;
- (h) Infrastructure Areas and Items Overlays Code;

For a stated purpose or type—

- (i) Advertising Devices Code;
- (j) Dwelling House and Domestic Storage Code;
- (k) Filling and Excavation Code;
- (l) Gates and Grids Code;
- (m) Home Business Code;
- (n) Infrastructure Works Code;
- (o) Intensive Animal Husbandry Code;
- (p) Landscaping Code;
- (q) Multi-residential Code;
- (r) Planning Scheme Building Matters Code;
- (s) Reconfiguring a Lot Code; and,
- (t) Vehicle Parking and Access Code.

1.14 Codes applicable to ongoing use

- (1) A code that is applicable to a material change of use is also applicable to the ongoing use that results from that change².

² 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.

1.15 Planning Scheme seeks to achieve outcomes

- (1) This planning scheme seeks to achieve four levels of outcomes—
 - (a) desired environmental outcomes;
 - (b) overall outcomes—for zones, overlays and codes;
 - (c) specific outcomes—for zones, overlays and codes; and
 - (d) probable solutions—for a specific outcome; or acceptable solutions for complying with a self-assessable code.

1.16 Probable solutions for code assessment

- (1) A probable solution for a specific outcome provides a guide for achieving that outcome in whole or in part, and does not limit the assessment manager's discretion under the IPA³ to impose conditions on a development approval.

³ IPA, Chapter 3 (Integrated Development Assessment System (IDAS)), Part 5 (Decision stage), Division 6 (Conditions)