

12.7 - LIVINGSTONE PLANNING SCHEME 2018 - PROPOSED PLANNING SCHEME AMENDMENTS

Proposed Amendment Items

Meeting Date: 3 December 2019

Attachment No: 1

Attachment 1: Amendment Items Livingstone Planning Scheme 2018

1.0 Administrative Amendments	
Number	Amendment Details
1.1	<p>Amendment: Amendment to Part 1 of the planning scheme. The amendment involves deletion of the 'Note' located on Page P1-2 under the heading 'Planning scheme components'.</p> <p>Reason: This change is consistent with State Guidelines for an administrative amendment. The note makes reference to Council not currently having a Local Government Infrastructure Plan. This statement is no longer applicable as Council included a Local Government Infrastructure Plan as part of the previous amendment to the planning scheme. This change corrects an explanatory matter about the planning scheme.</p>
1.2	<p>Amendment: Amendment to the Schedule 1 Definitions of the planning scheme. The amendment involves updating various definitions as per the versions shown in the <i>Planning Regulation 2017</i>.</p> <p>Reason: This change is consistent with State Guidelines for an administrative amendment. The Livingstone Planning Scheme 2018 (Version 2) definitions are based on the former mandatory Queensland Planning Provision (QPP) definitions; however, these have since been updated by the State Government and they are reflected in the <i>Planning Regulation 2017</i>. The <i>Planning Regulation 2017</i> definitions are not significantly different to those already in the planning scheme; nevertheless, the change will ensure alignment with the Planning Regulation where suitable.</p>
1.3	<p>Amendment: Update the format (scale) of some overlay maps so that all areas in the inset areas are visible.</p> <p>Reason: This change is consistent with State Guidelines for an administrative amendment. The overlay maps in the planning scheme generally consist of a Shire map and a series of maps covering different areas of the Shire. The first map is generally the Shire map which identifies the other specific areas in the shire which are mapped at a larger scale. Some of the non-shire maps do not show the entire specific area as displayed on the Shire map. Some of the overlays are therefore not visible on Hard Copy or PDF maps.</p>
1.4	<p>Amendment: Update the planning scheme zone code figures which show the height limit restrictions for specific areas. The change involves replacing the existing figures with new figures which show the height limits in different colours.</p> <p>The figures to be amended are:</p> <ol style="list-style-type: none"> i. Figure 6.2.2.4.1.1 – Emu Park Business District Height Limits ii. Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits iii. Figure 6.2.4.4.1.2 – Yeppoon Central Shopping Centre Height Limits iv. Figure 6.6.1.4.1.1 – Yeppoon Foreshore Tourism and Recreation Precinct Height Limits <p>Reason: This change is consistent with State Guidelines for an administrative amendment. The change does not result in any change in policy; rather it is an administrative change which updates the presentation of the planning scheme. The change will make the figures more reader friendly as the new figures will use different colours to distinguish the different height limits compared to the existing maps which show different shades of grey.</p>

2.0 Minor Amendments	
Number	Amendment Details
Zones	
2.1	<p>Amendment: Amendment to Schedule 6 - Land Designated for Community Infrastructure, so as to make sure that the list of designations is up to date.</p> <p>Reason: This change is consistent with State Guidelines for a minor amendment in so far as this change is of a minor nature. Land can be designated for community infrastructure by the Minister or by the Local Government. Such designations occur via a legislative process in which public notification occurs. The designations have already occurred. Council must be satisfied that this amendment is of a minor nature. Examples of recent designations include the Emu Park State School on 20 January 2017, Yeppoon secondary school 18 December 2018, and the Capricorn Coast Memorial Gardens.</p>
2.2	<p>Amendment: Amendment to Schedule 8 – Notations required under the Planning Act 2016 so as to make sure that the notations are up to date.</p> <p>Reason: This change is consistent with State Guidelines for a minor amendment in so far as this change is of a minor nature. Schedule 8 notates decisions that have already occurred. The decisions may relate to development approvals that vary the effect of the planning scheme or it may relate to information about infrastructure charges that have been adopted by Council. Council must be satisfied that this amendment is of a minor nature.</p>
3.0 Major Amendments	
Number	Amendment Details
Zones	
3.1	<p>Amendment: Amendment to Zone Map ZM-45 for the Locality of Pacific Heights. The change involves removing the Rural Zone and the Community Facilities zone from areas now located within the alignment of Panorama Drive.</p> <p>Reason: At the time of completing the planning scheme zone maps for public notification the boundaries for Panorama Drive had not been determined. The alignment, boundaries and construction of the road has since been completed. The zone map for the site could be updated to reflect the new status of the road.</p>
3.2	<p>Amendment: Amendment to Zone Map ZM-04 for the Locality of Barmaryee. The change involves allocation of Lot 40 on RP859982 to the Special Purpose Zone instead of the Community Facilities Zone.</p> <p>Reason: The zone change more accurately reflects the current and future use of Lot 40 on RP859982. The Community Facilities zone was intended for allocation to sites expected to have community focused land use that members of the public are likely to travel to and utilise such as Education Establishments, Libraries, Town Halls, Child Care Facilities and similar. Lot 40 is currently vacant. The lot is unlikely to be used for any land use that would be expected to occur in the Community Facilities zone of the planning scheme given that it adjoins an industrial estate. The zone allocation to the Community Facilities zone was an oversight given the small size of the lot and the closeness in colour of the Community Facilities zone and the Special Purpose zone. The more suitable zone allocation is the Special Purpose zone, which has generally been allocated to sites likely to be used primarily for some kind of government utilities or infrastructure.</p>
3.3	<p>Amendment: Amendment to Zone Map ZM-56 for the Locality of The Caves. The change</p>

	<p>involves allocation of Lot 2 on RP603000 to the Special Purpose Zone instead of the Community Facilities Zone.</p> <p>Reason: The zone change more accurately reflects the current and future use of Lot 2 on RP603000. The Community Facilities zone was intended for allocation to sites expected to have community focused land use that members of the public are likely to travel to and utilise such as Education Establishments, Libraries, Town Halls, Child Care Facilities or similar. This lot is unlikely to be used for any land use that would be expected to occur in the Community Facilities. Lot 2 is a long narrow lot which aligns with other long narrow lots located to the south east. These long narrow lots connect with local water reservoir infrastructure at The Caves. The similar shaped lots that connect with the local water reservoir are allocated to the Special Purpose zone. The zone allocation to the Community Facilities zone was an oversight given the closeness in colour of the Community Facilities zone and the Special Purpose zone. The more suitable zone allocation is the Special Purpose zone, which has generally been allocated to sites likely to be used primarily for some kind of government utilities or infrastructure.</p>
3.4	<p>Amendment: Amendment to Zone Map ZM-08 for the Locality of Byfield. The change involves allocation of Lot 2 on RP862284 to the Community Facilities Zone instead of the Rural Zone. As a consequence of the zone change, the lot will be removed from the Capricorn Coast Rural Precinct which it currently is located within.</p> <p>Reason: The Byfield School is located approximately four lots further north of this site and it has been allocated to the Community Facilities zone. On Council's database, the lot located at 2195 Byfield Road (Lot 2 on RP862284) is stated to be owned by the Byfield Hall Association Inc. Although it may not be a QLD Education Department School, it is possible that the building on the site is used for education or other activities that would normally be associated with community use of a hall. The aerial imagery also indicates that the site has outbuildings and possibly a tennis court. A community hall used for a generic range of community purposes would normally be consistent with an allocation to a Community Facilities zone.</p>
3.5	<p>Amendment: Amendment to Zone Map ZM-55 for the Locality of Taroomball. The change involves allocation of Lot 55 on SP203612 to the Low Density Residential Zone instead of the Neighbourhood Centre Zone.</p> <p>Reason: A recent development application has been made at 552 Lakeside Drive Taroomball seeking Reconfiguring a Lot (1 lot into 13 lots). The development application material states that the lot reconfiguration is for the purpose of creating residential lots. The development assessment unit requested that the applicant reconfirm that the intention is that the lots proposed over land in the Neighbourhood Centre zone is for the purpose of future residential development. This was confirmed.</p> <p>Council has placed a Property Note on each lot to indicate that the purpose of the creation of the lot was to provide for residential development, and that Council's Growth Management section will pursue an amendment of the <i>Livingstone Planning Scheme 2018</i> to change the zone of all of the proposed lots to Low Density Residential Zone, so as to facilitate the future development of accommodation activities.</p> <p>Overall there will be more potential for land use conflict and poor development outcomes if the lot remains in the neighbourhood centre zone.</p>
3.6	<p>Amendment: The zones in the locality of Byfield are to be realigned with the most up to date cadastre. A small section of Community Facilities Zone (identified as Lot 19 on PS46) should be changed to the Rural Zone.</p>

	<p>Reason:</p> <p>At the time of preparing the Version 1 Zone Maps for the Planning Scheme, the Shire Wide Cadastre displayed on the maps was used without any further change as at June 2016 (i.e. it remained static as at that point in time). While perusing the locality of Byfield, it has been noted that the cadastre has since changed slightly and some of the zones no longer align with the cadastre. It is also noted that a small lot exists in the Version 1 zones which is allocated to the Community Facilities Zone. It is possible that this may have been a carry-over from the 2005 planning scheme where the site and surrounding area was within the Special Purpose zone and the colour of that zone was also yellow. The site does not contain any Community Facilities and it should therefore be allocated to the rural zone. The new position of Lot 19 on PS46 is identified as a reserve for quarry purposes and to be consistent with the rest of the planning scheme it should be allocated to the rural zone.</p>
3.7	<p>Amendment:</p> <p>All zone maps are updated to show the current cadastre. Where the cadastre has shifted compared to the current zones, the zones are to be realigned with the new position of the cadastre boundaries.</p> <p>Reason:</p> <p>While perusing various localities, it is evident that the most recent cadastre is slightly different compared to the version used for the Version 1 Zones. The deviation in cadastre is mainly around waterways and roads. It occurs in various localities throughout the Shire. The cadastre changes do not result in any significant issues as waterways, roads and the like take the adjoining zones as their own zone up to the centre line. Despite this the zones should be corrected. This amendment ensures consistency throughout the planning scheme and it ensures that the zone maps are up to date.</p>
3.8	<p>Amendment:</p> <p>Amendment to Zone Map ZM-44-1 and ZM44-2 for the Locality of Ogmoo. The change involves allocation of Lot 29 on MPH14441 and Lot 308 on O7501 to the Township Zone instead of the Limited Development Zone.</p> <p>Reason:</p> <p>The allocation of these two privately owned lots is justifiable. The lots are privately owned, they have potential to have a dwelling house, they are not affected by MSES Overlays, and they have similar characteristics to the majority of other residential sized lots in the surrounding area which are allocated to the Township Zone.</p>
3.9	<p>Amendment:</p> <p>Amendment to Zone Map ZM-38 for the Locality of Mount Chalmers. The change involves allocation of Lot 23 on RP601901 (552 Sleipner Road) to the Rural Zone instead of the Limited Development Zone.</p> <p>Reason:</p> <p>The allocation of this lot to the Rural Zone instead of the Limited Development Zone is justifiable. Historical aerial imagery indicates that the dwelling house located on Lot 23 on RP601901 has been in existence since the late 1980s. The lot is rural in nature and it has sufficient area for on-site sewage treatment, rainwater tanks, and it does have frontage to the constructed Sleipner Road. If the lot was allocated to the Rural Zone, the Rural Zone Code would apply to the lot and it would potentially allow for a rebuild of the dwelling house and shed (if needed) and/or small extensions if proposed. Changing the zone of only this lot to the Rural Zone would acknowledge the existing development situation on this lot and provides a means to suitably regulate development on this lot in the future.</p>
3.10	<p>Amendment:</p> <p>Amendment to Zone Map ZM-64 for the Locality of Yeppoon. The change involves allocation of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone.</p> <p>Reason:</p>

	<p>The allocation of this lot to the Medium Density Residential Zone was a like for like translation of the historic zone allocation of this lot. An approval had been over the site for Multiple Dwellings however this approval has since lapsed.</p> <p>Public requests have been made that Council investigate changing the zone for the site, particularly as Council is now the owner of the lot. Council's Infrastructure Projects section has also indicated that a zone change to the Low Density Residential Zone would be consistent with current project objectives. That is to undertake a boundary realignment to create two similar size lots that are relatively flat and divided by a new retaining wall on or near the relocated boundary. The retaining wall to Gus Moore Street would be removed. Lot 1 on RP602464 and also the adjoining Lot 20 on RP611855 will provide for the potential development of a dwelling house on each lot. The low density residential zone is an appropriate zone which can provide for this outcome.</p>
Zone Precincts	
3.11	<p>Amendment: Amendment to the Zone Precinct (ZP-02) boundary shown on Zone Map ZM-53 for the Locality of Tanby and shown on Zone Precinct Map ZPM-14 for the Locality of Tanby, to more accurately reflect the existing zone of Lot 302 on SP203603. Other minor inconsistencies in the alignment of the precinct boundary should also be corrected so that non-rural residential zones are not within the precinct.</p> <p>Reason: Lot 302 on SP203603 is Council owned land and it is used for Council infrastructure purposes, namely sewerage infrastructure including a rising main and pump station. The site has been suitably allocated to the Special Purpose zone. The change to the zone precinct boundary appropriately provides for the exclusion of this Council land from the Park Residential Precinct. It is an error that the lot had been included within the Park Residential Precinct boundary. A zone precinct should only apply to land within one specific zone.</p>
3.12	<p>Amendment: Amendment to the Zone Precinct (ZP-01) boundary shown on Zone Map ZM-20 for the Locality of Farnborough and shown on Zone Precinct Map ZPM-08 for the Locality of Farnborough, to more accurately reflect the existing zone of Lot 3 on SP286139.</p> <p>Reason: A Zone Precinct should apply only over one base zone. There is an error in so far as a Lot 3 on SP286139 which is located to the south of Panorama Drive is allocated to the Emerging Community Zone but it is also located within the Zone Precinct Boundary for the Capricorn Coast Rural Precinct. The Capricorn Coast Rural Precinct applies only to Rural Zoned land. The amendment appropriately provides for the exclusion of this land from the Capricorn Coast Rural Precinct as the lot is currently allocated to the Emerging Community Zone.</p>
3.13	<p>Amendment: As a consequence of the proposed zone precinct changes in item 3.11 and item 3.12, it is recommended that all Zone Precinct Maps be updated. This will also allow for an update to the cadastre.</p> <p>Reason: Changes to zone precinct boundaries located within one locality are often visible on other locality maps. Consequently, there is a need to update the other maps also. This situation applies to both zone precinct maps and zone maps.</p>
Overlays	
3.14	<p>Amendment: Inclusion of a new layer on the Acid Sulfate Soil series of overlay maps. The layer is to cover land located generally between 5 metres AHD and 20 metres AHD.</p>

	<p>Reason: The existing overlay map version only shows an indicative twenty metre and a five metre contour. The proposed new overlay makes it clear to the planning scheme user when they need to check the tables of assessment to see if they require an application. Updated contours will be used where they are available to give further guidance to the planning scheme user. The land located between the two contours will be coloured for clarity.</p>
3.15	<p>Amendment: Amendment to the Scenic Amenity series of overlay maps. The change involves amendment to the Green Break Overlay shown on these maps. Specifically the changes involve the following:</p> <ol style="list-style-type: none"> 1. Remove the Farnborough School site from the Greenbreak Overlay. 2. Remove the residential zoned lots located along Todd Avenue and Corbett Street from the Greenbreak Overlay. 3. Remove the Sports and Recreation zoned lots at Yeppoon from the Greenbreak Overlay (where the lots have been substantially cleared of vegetation). These lots consist of Swan Park, Apex Park, the Basketball Stadium, and Webb Park. 4. Remove Open Space zoned lots at Yeppoon and Emu Park from the Greenbreak Overlay. These lots contain the Yeppoon Foreshore Recreation and Tourist Precinct (i.e. Appleton Park, Yeppoon Lagoon, Council Office Building, and Merv Anderson Park). 5. Remove Open Space zoned lots at Emu Park from the Greenbreak Overlay. These lots contain the Hartley Street Park. 6. Remove all lots located between Cordingley Street and Yeppoon Road from the Greenbreak Overlay (i.e. the future Home Maker Centre Site, Council Depot, Cemetery, and adjoining public land). 7. Remove the residential zoned lots located along Coolwater Esplanade at Kinka Beach from the Greenbreak Overlay. 8. Remove the Emu Park Waste Transfer station site from the Greenbreak Overlay. 9. Remove from the overlay the established urban development at the Haven Site Emu Park, described as Lot 3 on RP620313 (but retain the layer over the protected vegetation overlay areas). 10. Remove from the overlay the unconstrained eastern part of the Lot 2 on RP620301. The lot is located to the south of the Scenic Highway, east of Kinka Wetlands, and to the north of Abermarle Street. The lot adjoins the existing urban area of Emu Park. The unconstrained eastern part of the lot has potential for future urban development. 11. Remove the area shown over west Emu Park between the Kinka Wetlands Greenreak and Emu Park Road (i.e., land in the Emerging Community Zone which generally reflects historic development approvals or preliminary approvals and which is also shown as new urban and future urban land on the current planning scheme Strategic Framework maps). 12. Remove the urban and new urban land at the Great Barrier Reef International Resort/Keppel Cove site from the greenbreak overlay, so that the overlay generally aligns with the Coastal Beach Protection Reserve boundary. 13. Realign the overlay where appropriate (for example, where the GIS Cadastre has shifted over time and the overlay does not align with lot boundaries or greenbreak areas and values). 14. Include in the green break overlay, land directly adjoining the existing overlay areas if it is a reserve or similar tenure, and it is allocated to the Environmental Management and Conservation Zone. <p>Reason: The current planning scheme greenbreak overlay is identical to the layer used in the <i>Livingstone Shire Planning Scheme 2005</i>. The source of the layer was the <i>Capricorn</i></p>

	<p><i>Coast Landscape Study 2003</i>. The majority of the proposed changes are considered to be generally consistent with the original study recommendations for managing development pressures on potential strategic greenbreak areas.</p> <p>For lots allocated to the Open Space Zone and the Sport and Recreation Zone, the Open Space Zone Code and Sport and Recreation Zone Code have development restrictions to limit the type of development, height of development and the site cover of development.</p> <p>The change to the overlay in the location to the west of Emu Park is justifiable as this change removes a clear conflict in the planning scheme and it reflects Council's current planning intention for this area. The publicly notified planning scheme identifies this area on Strategic Framework maps as a new urban area and a future urban area. Much of this area is also allocated to the Emerging Community Zone. It is clear that Council's longer term intent is that parts of this location will be needed for the future growth of the Emu Park urban area. Noteworthy is that removing the greenbreak overlay does not affect other overlay matters which apply to land at this location and which need to be addressed as part of future development applications.</p> <p>Realignment of the overlay with cadastre and other existing features so as to more accurately reflect the features present and to limit unnecessary development requirements in specific circumstances is justifiable.</p>
3.16	<p>Amendment: Inclusion of a new overlay and overlay map in the planning scheme to regulate Building Heights. As a consequence of the new overlay and overlay map for building heights, other changes are to be made to the planning scheme to ensure that height limits can be regulated in a fair and consistent manner for all land use types. Other changes involve the inclusion of a new table of assessment in the overlay section of the planning scheme. The categories of development and categories of assessment are to remain consistent with those currently identified in the applicable tables of assessment for zones albeit with removal of references to 'storeys' for all zones other than the centre category zones or the Yeppoon Foreshore Tourism and Recreation Precinct (to ensure consistency with other identified amendments). Impact assessment remains as the category of assessment for development which exceeds the height limits and the assessment benchmark will be the entire planning scheme as relevant.</p> <p>Reason: The change ensures that the 'impact assessment' category of assessment for building heights can be applied in a consistent manner throughout the planning scheme area. The 'impact assessment' category of assessment requires public notification. The change ensures that the 'impact assessment' category of assessment for building heights can apply to dwelling houses located in a residential category zone. Having one overlay minimises work involved in future planning scheme amendments, as change to the overlay is not needed every time that Council changes the zones for different areas of the planning scheme.</p>
Tables of Assessment	
3.17	<p>Amendment: Amendment to the Tables of Assessment for Overlays (flood hazard) as relevant to Operational Work for earthwork and building work not associated with a material change of use. The change involves amending the categories of assessment so as to make appropriate circumstances of earthwork and building work not associated with a material change of use 'accepted with requirements' as opposed to code-assessable. As a result of this amendment, changes are also to be made to the acceptable outcomes of the Flood Hazard Overlay Code.</p> <p>Reason: The Flood Hazard Overlay Code contains acceptable outcomes which can be used</p>

	to appropriately regulate low risk development such as small extensions to existing buildings and small volumes of earthwork. Some modification of the existing acceptable outcomes of the Flood Hazard Overlay Code will be undertaken and additional acceptable outcomes will be included where appropriate to facilitate this.
3.18	<p>Amendment:</p> <p>Amendment to the Tables of Assessment for Overlays (coastal hazard – storm tide) as relevant to Operational Work for earthwork and building work not associated with a material change of use. The change involves amending the categories of assessment so as to make appropriate circumstances of earthwork and building work not associated with a material change of use ‘accepted with requirements’ as opposed to code-assessable. As a result of this amendment, changes are also to be made to the acceptable outcomes of the Coastal Hazard Overlay Code.</p> <p>Reason:</p> <p>The Coastal Hazard Overlay Code contains numerous acceptable outcomes which can be used to appropriately regulate low risk development such as small extensions to existing buildings and small volumes of earthwork. Some modification of the existing acceptable outcomes of the Coastal Hazard Overlay Code will be undertaken and additional acceptable outcomes will be included where appropriate to facilitate this.</p>
3.19	<p>Amendment:</p> <p>Amendment to the Tables of Assessment for Overlays (coastal greenbreak overlay). The change involves allowing development classified as ‘accepted development’ or ‘accepted with requirements’ in zones to remain categorised as ‘accepted with requirements’ if affected by the greenbreak overlay.</p> <p>Reason:</p> <p>This change is required if an associated change is to be made to the Scenic Amenity Overlay Code by including acceptable outcomes such as the proposed restriction on site cover (500 square metres) and building height (8.5 metres) (refer item 3.32 in this attachment). The inclusion of new acceptable outcomes in the Scenic Amenity Overlay Code will provide suitable assessment requirements to ensure that development will not compromise values associated with the greenbreak overlay areas. This change provides an opportunity to allow development that was already identified as ‘accepted’ or ‘accepted with requirements’, to be ‘accepted with requirements’. This means that an application to Council is not required provided that the two acceptable outcomes are complied with.</p>
3.20	<p>Amendment:</p> <p>Amendment to the Tables of Assessment for Building Work. The change involves deleting one of the assessment benchmarks identified as being applicable for Class10a buildings. The assessment benchmark addresses privacy between closely located habitable buildings. Class 10a buildings are not considered to be ‘habitable’ therefore the assessment benchmark is not relevant.</p> <p>Reason:</p> <p>Although the Class 10a building for a shed and garage comply with the Acceptable Outcome (because they are not ‘habitable rooms’), because the Acceptable Outcome is not relevant to Class 10a buildings, this acceptable outcome could be removed from the list of applicable assessment benchmarks for Class 10a sheds and garages in the Table of Assessment for all zones. This will make the Tables of Assessment more relevant and simpler to administer and it will improve the useability of the planning scheme.</p>
3.21	<p>Amendment:</p> <p>Amendment to the Tables of Assessment for Building Work. The change involves amending the existing words in the circumstance which is used to require an assessment of secondary dwellings against applicable acceptable outcomes in the planning scheme. Rewording of the circumstance for assessment provides greater clarity and ensures that all circumstances</p>

	<p>requiring assessment are covered. The amended circumstance is to be consistent with the following: 'building work involving a dwelling house which results in there being a primary dwelling house and a secondary dwelling on the lot'.</p> <p>Reason: There has been a scenario provided where there is a proposal to construct a new primary dwelling house on a lot, thereby resulting in the existing lawful dwelling house becoming the secondary dwelling house. It is arguable that the current circumstance for assessment written in the planning scheme tables of assessment does not clearly cater for this scenario. For the scenario, the argument is that no building work 'for the purpose of the secondary dwelling' is occurring, as the building work is for the purpose of the primary dwelling. The argument is that the circumstance for assessable development is not applicable as it clearly states 'building work for the purpose of a secondary dwelling'. To improve clarity, the circumstance for assessment should be reworded to capture all potential scenarios. This would make it clear that it does not matter whether the building work is for a primary dwelling house, or it is for a secondary dwelling, or both at the same time, if this circumstance occurs, then an assessment against the relevant codes of the planning scheme is required.</p>
3.22	<p>Amendment: Amendment to the Tables of Assessment for Material Change of Use for all zones where dual occupancy and dwelling house is identified as 'accepted subject to requirements'. The change involves reformatting of the table and removing the Accommodation Activities Code as an assessment benchmark.</p> <p>Reason: The Version 2 Tables of Assessment identify the Accommodation Activities Code as an assessment benchmark for dual occupancies and in some instances for a dwelling house. Other than the generic Overall Outcomes, there are no specific assessment requirements in this code for dual occupancies and dwelling houses because they are a low risk use. There is no need to identify the Accommodation Activities Code as an assessment benchmark for the zones where Dual Occupancies and dwelling houses are identified as 'accepted development with requirements' because there are no acceptable outcomes that apply.</p>
3.23	<p>Amendment: Amendment to the Tables of Assessment for Building Work (5.6. Categories of development and assessment — Building work). The change involves inclusion of the following category of assessment and development for building work in the Specialised Centre Zone:</p> <p><i>Accepted subject to requirements</i> <i>If the building work involves an alteration, addition or extension to an existing building (including any domestic outbuildings) which results in an increase in site cover or an increase in the height of the building.</i></p> <p>The change also involves inclusion of assessment benchmarks for the building work relating to building height, site cover, setbacks, privacy for adjoining residential areas, and the appearance of the development (i.e., AO1.1, AO1.2, AO2.2, AO2.3, AO2.4).</p> <p>Reason: The amendment corrects a missing category of development and category of assessment for building work in the Specialised Centre Zone. The change ensures that building work is treated in a consistent manner in all zones. The provisions only apply where there is an increase in site cover or height (so internal building work is not affected). The assessment category means that the acceptable outcomes of the zone code relating to built form and appearance need to be checked for compliance. If the new building work complies, then no application to Council is required. The assessment benchmarks relate to maximum building height, site cover, setbacks,</p>

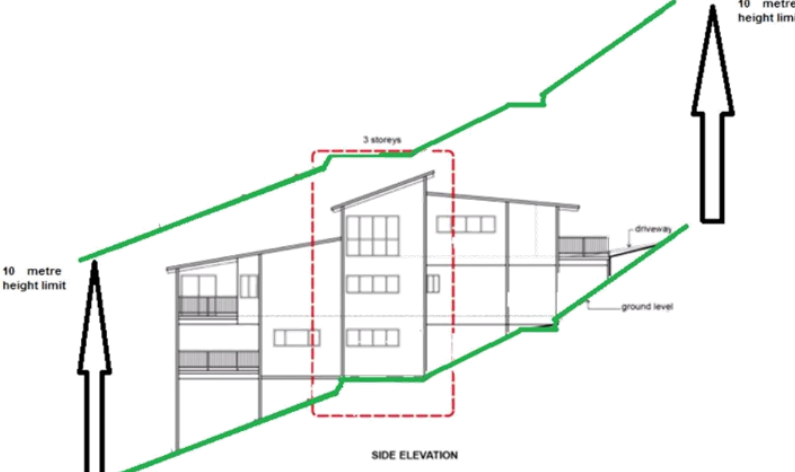
	and privacy for any adjoining residential zones (if applicable).
3.24	<p>Amendment: Amendment to the Tables of Assessment for Building Work (5.6. Categories of development and assessment — Building work). The change involves updating the applicable assessment benchmarks for building work as it relates to any new changes or amendments to the built form acceptable outcomes in zone codes resulting from other proposed amendments (e.g. changes to boundary setback requirements).</p> <p>Reason: Other proposed amendments identified elsewhere in this attachment may result in new acceptable outcomes, amendment of existing acceptable outcomes, or renumbering of acceptable outcomes in various codes. The specific references to the applicable assessment benchmarks will need to be updated to reflect the changes.</p>
3.25	<p>Amendment: Amendment to the Tables of Assessment for Overlays (Table 5.9.3 Biodiversity Overlays). The amendment involves amending the categories of development and categories of assessment for Operational Work if it is not associated with reconfiguring a lot and it involves clearing native vegetation.</p> <p>Specifically the amendment involves the following:</p> <ul style="list-style-type: none"> • Including a new category of assessment and circumstance in order to classify the majority of activities defined as ‘exempt clearing work’ in the <i>Planning Regulation 2017</i> as ‘accepted development’ or alternatively ensuring that such ‘exempt clearing work’ is not categorised as ‘accepted with requirements’ or ‘code-assessable’. • This might apply to the full extent of biodiversity overlays or a partial selection of overlays (pending State Interest review and final confirmation). • Some of the following matters are not to be categorised as ‘accepted’: <ul style="list-style-type: none"> ○ If the clearing is ‘residential clearing’ under the <i>Planning Regulation 2017</i>; ○ If the clearing is for ‘urban purposes in an urban area’ under the <i>Planning Regulation 2017</i>. <p>Reason: This planning matter arose as a result of some public concerns over the planning scheme’s strict regulation of clearing native vegetation for essential management on rural land (as defined under the <i>Planning Regulation 2017</i>) particularly where it was for the purpose of fire management (which includes establishing and maintaining necessary fire breaks, fire management lines, reduction of fuel loads and the like). Many of the matters within the definition of essential management are included in the definition of ‘exempt clearing work’ under the <i>Planning Regulation 2017</i>. Members of the public and officers of the Queensland Fire and Rescue Service interpreted the Regulations to mean that ‘exempt clearing work’ was exempt from planning scheme requirements. Council’s interpretation is that this definition does not exempt such clearing work and consequently the assessment levels in the planning scheme apply.</p> <p>The Livingstone Planning Scheme 2018 regulates clearing of native vegetation as assessable development via various Biodiversity Overlays and the associated Biodiversity Overlay Code. It also regulates clearing native vegetation if there are no overlays under the category ‘accepted with requirements’, and there are some Acceptable Outcomes in the Development Works Code which must be complied with in order to allow the clearing without an application to Council for approval.</p> <p>The current regulatory approach of the planning scheme for managing clearing native vegetation was endorsed by the State as this position is consistent with the State Planning Policy 2017 policies and benchmarks relating to the Environment. Noteworthy is that the State Planning Policy 2017 does not prioritise one state</p>

	<p>interest over another. The policy clearly identifies that State Government and Local Government must identify, balance and manage potentially competing state interests. Because of this, it is a potential option for Council to place a greater priority on managing impacts from natural hazards or other development circumstances as opposed to the competing interest of protecting vegetation and biodiversity values.</p> <p>While investigating the matter of options for potentially allowing clearing for bushfire management purposes (where undertaken in a manner consistent with the specific circumstances identified under the <i>Planning Regulation 2017</i> definition of 'exempt clearing work'), it was noted that there are many other potentially important circumstances within the definition of 'exempt clearing work' that should also be considered for classification as 'accepted development' under the planning scheme. Other important circumstances include those for the purpose of routine management, disaster management, significant infrastructure projects, electricity purposes, airport purposes, Aboriginal and Torres Strait Islander cultural purposes and the like.</p> <p>A review of the <i>Planning Regulation 2017</i> definition of 'exempt clearing work' by Growth Management and Natural Resource Management Officers of Council has led to general agreement that there is a low risk for any significant adverse environmental consequences if Council did seek to amend the planning scheme at this point in time to classify the majority of clearing work matters identified in the <i>Planning Regulation 2017</i> definition of 'exempt clearing work' as 'accepted development' (i.e. no additional requirements under the planning scheme irrespective of whether an overlay applies or not). A preliminary meeting was held with Officers from the Department of the Department of State Development, Manufacturing, Infrastructure and Planning, and Department of Environment and Natural Resource Management to discuss this approach. State Government Officers highlighted the balancing approach of the State Planning Policy where competing interests are involved, and provided a preliminary indication that this approach might be considered acceptable even if State Interest overlays applied.</p>
3.26	<p>Amendment: Amendment to the Tables of Assessment for Operational Work (Table 5.7.1 Operational Work). The amendment involves amending the categories of development and categories of assessment for Operational Work if it is not associated with reconfiguring a lot and it involves clearing native vegetation.</p> <p>Specifically the amendment involves the following:</p> <ul style="list-style-type: none"> • Including a new category of assessment and circumstance in order to classify the activities defined as 'exempt clearing work' in the <i>Planning Regulation 2017</i> as 'accepted development' or alternatively ensuring that such 'exempt clearing work' is not categorised as 'accepted with requirements' or 'code-assessable'. • Some of the following matters are not to be categorised as 'accepted': <ul style="list-style-type: none"> ○ If the clearing is 'residential clearing' under the <i>Planning Regulation 2017</i>; ○ If the clearing is for 'urban purposes in an urban area' under the <i>Planning Regulation 2017</i>. <p>Reason: As per the reasons identified for item 3.25.</p>
Codes	
3.27	<p>Amendment: Amendment to the boundary setback acceptable outcomes for development as applicable to different zones. The amendment involves changes associated with the following:</p> <ul style="list-style-type: none"> • Changes to zone code acceptable outcomes for boundary setbacks so that there is better alignment between the planning scheme zone codes and the Queensland Development Code. • Changes to zone code acceptable outcomes for boundary setbacks with regard given to how setbacks are determined relative to the height

	<p>of buildings and structures, relative to the size and width of lots, and relative to character and amenity.</p> <ul style="list-style-type: none"> • Amending the acceptable outcomes in all zone codes relating to setbacks from road frontage boundaries to improve clarity in relation to the setbacks that apply to lots which have more than one road frontage. <p>Reason: The Queensland Development Code has its own set of definitions which vary how some acceptable outcomes in the Queensland Development Code are to be interpreted and applied (for dwelling houses and outbuildings) compared to those in the planning scheme, particularly in relation to boundary setbacks. The differences occur because the Queensland Development Code has different definitions for some design and siting matters, and also a slightly different method for calculating the setbacks.</p> <p>The Queensland Development Code also contains a different set of boundary setback acceptable outcomes that can be applied to regular shaped lots which have a width of 15 metres or less. The method of setback in the Queensland Development Code utilises a sliding scale of setbacks depending on the width of the lot and the height of the building. The current planning scheme setbacks are difficult to achieve on small narrow lots.</p> <p>There are also instances where the Queensland Development Code does not apply to development (i.e. for non-residential purposes). Where appropriate, it is important that the planning scheme zone codes clearly identify the acceptable boundary setbacks for non-residential development.</p> <p>Amendment to planning scheme zone code benchmarks relating to boundary setbacks will assist with interpretation and administration of the planning scheme. This will assist with consistency of decisions and interpretation.</p>
3.28	<p>Amendment:</p> <p>Amendment to the boundary setback acceptable outcomes for development as applicable to the Rural Zone and Emerging Community zone. In addition to changes identified in item 3.27, the amendment involves changes associated with the following:</p> <ul style="list-style-type: none"> • Simplifying the acceptable outcomes for boundary setbacks for the Rural Zone Code and Emerging Community Zone Code by removing the setback calculation method expressed in point (c) of AO1.1 and AO1.2. • Providing acceptable outcomes for setbacks in the rural zone and emerging community zone which cater for circumstances where there are existing lawful dwellings which are sited within the required boundary setbacks. The acceptable outcome is to allow new extensions and additions, provided that they are no closer to the nearest boundary of non-compliance than the nearest outermost projection of the existing building. • Similar to matters identified in item 3.27, changes are to be made involving the inclusion of new acceptable outcomes for building boundary setback distances if proposed on the range of different lot sizes that have historically been approved throughout the planning scheme area (if they are already smaller than 10 Hectares). The setback distances are to be consistent with the building boundary setbacks that apply to similar sized lots for other zones where relevant. <p>Reason: Removing the setback calculation method expressed in point (c) of AO1.1 and AO1.2 for the Rural Zone Code and Emerging Community Zone Code will assist with interpretation and administration of the planning scheme. The setback calculation is difficult to apply where lots are not regular in shape (which is often the case in rural</p>

	<p>areas), and it is also overly restrictive for very large rural lots.</p> <p>In relation to changes affecting existing dwellings, although the aim is not to provide for dwelling houses in close proximity to rural property boundaries, there are circumstances where there are existing lawful dwellings which are located within the acceptable minimum property boundary setbacks. This means that any small or minor extensions often require development applications due to the non-compliance. Inclusion of new acceptable outcomes for specific circumstances to cater for this situation has merit. The new acceptable outcomes are to be based around the principle of no further encroachment towards the boundary of non-compliance (that is, extensions are acceptable provided that they are no closer than the existing outermost projection of the dwelling towards the boundary of non-compliance).</p> <p>The reason for making changes that are associated with providing different setbacks for different lot sizes is because there is a legacy of small rural lots having areas less than 10 hectares scattered throughout the planning scheme area. Some of these lots were the result of historical planning scheme 'family subdivision' provisions (which are no longer supported). Other lots were the result of historic approvals given for other reasons under superseded planning schemes. A large percentage of these small lots already contain dwelling houses and domestic outbuildings on them. The current Zone Code acceptable outcomes for boundary setbacks are sometimes difficult to comply with; hence, a code assessment development application is often required to gain approval for extensions to existing dwelling houses, for new dwelling houses or for new domestic outbuildings.</p> <p>Inclusion of a sliding scale for boundary setbacks over a range of small lot sizes is considered to be a reasonable approach to regulate development on these small lots going forward. Because these lots are a legacy from years past and many already contain dwelling houses and domestic outbuildings on them, the proposed amendment will strike a balance between the practicability of siting development on these lots given their small area and dimensions, maintaining rural character, and minimising potential land use conflict. The proposed sliding scale of setbacks is to be consistent with the acceptable setbacks that are applied to other similar sized lots located in other zones. The changes do not alter other setback requirements that may apply due to natural hazards or due to other existing land use on adjoining lots. This amendment does not imply that Council is supportive of the creation of new lots smaller than 10 Hectares in area and 200 metres in width in Rural zones going forward.</p>
<p>3.29</p>	<p>Amendment: Amendment to the Township Zone Code built form acceptable outcomes as applicable to standalone Class 10a buildings. The change involves deleting acceptable outcomes for standalone Class 10a Sheds relating to volume and maximum width of the shed as viewed from the street. As a consequence of this amendment, changes to the Table of Assessment for Building Work in the township zone are also to be made as necessary.</p> <p>Reason: The character of many township zoned areas is considered to not be significantly adversely affected by the design and siting of sheds. The expectation for size and siting restrictions on sheds is not the same as that for urban residential zoned areas. Design and siting and amenity considerations will still exist in relation to height, boundary setbacks, and site cover of buildings.</p>
<p>3.30</p>	<p>Amendment: Amendment to the Development Works Code as relevant to advertising devices. The change involves deleting the Acceptable Outcome AO3.4 which makes reference to the non-preferred advertising device types. The change also involves the deletion of Table 9.3.2.4.5 – Non-preferred advertising devices. The definition for 'third party advertising device' be retained in the administrative definitions schedule of the planning scheme, however, the word 'devices' be deleted from column 1 so that only 'third party advertising'</p>

	<p>remains as the administrative term.</p> <p>Reason: The table (Table 9.3.2.4.5 – Non-preferred advertising devices) is not required if AO3.4 is deleted. Reference is made in the Development Works Code AO4.1(e) to 'third party advertising'. The change to the Schedule 1 Administrative Definitions ensures that there is a link between the two parts of the scheme by making sure that the terms are identical.</p>
3.31	<p>Amendment: Amendment to the Major Centre Zone Code. The change involves the correction of an error in Acceptable Outcome (AO22.5). AO22.5 currently makes reference to AO21.4, when it should make reference to the acceptable outcomes stated in AO22.4.</p> <p>Reason: The acceptable outcome relates to landscaping requirements. The current AO cross references the wrong acceptable outcome. This change corrects a clear error.</p>
3.32	<p>Amendment: Amendment to the Scenic Amenity Overlay Code by adding Acceptable Outcomes (AO) for development affected by the Greenbreak Overlay. One Acceptable Outcome addressing height (i.e. an 8.5 metre height limit) and one Acceptable Outcome addressing site cover for buildings or structures (i.e. site cover is not to exceed 500 square metres).</p> <p>Reason: Inclusion of the acceptable outcomes to the Scenic Amenity Overlay Code, as relevant to the greenbreak overlay affected areas, provides an opportunity for Council to more clearly express what is considered to be an acceptable size for development in potential greenbreak areas. This change provides an opportunity to allow development that was already identified as 'accepted' or 'accepted with requirements', to be 'accepted with requirements'. This means that an application to Council is not required (if located in the greenbreak overlay area) provided that the two acceptable outcomes are complied with (assuming no other overlays are involved). An associated change to the Tables of Assessment is required and this change is identified in proposed amendment item 3.19 in this Attachment.</p>
3.33	<p>Amendment: Amendment to zone code assessment benchmarks relating to height limits.</p> <p>The amendment involves:</p> <p>(a) In zone codes, amending the acceptable outcomes by retaining all height limits that are expressed in metres above ground level but removing the height limit that is expressed in 'storeys' (excluding those that apply to the centre category zone codes where references to storeys is to remain, and those that apply to the Yeppoon Foreshore Tourism and Recreation Precinct).</p> <p>(b) An update to the planning scheme zone code figures which show the height limit restrictions for specific areas. References to storeys will be removed (as per (a) above) and the change will also involve new figures which show the height limits in different colours.</p> <p>(c) The figures to be amended are:</p> <ol style="list-style-type: none"> i. Figure 6.6.1.4.1.1 – Yeppoon Foreshore Tourism and Recreation Precinct Height Limits ii. Figure 6.7.3.4.1.1 – Farnborough Road Height Limits iii. Figure 6.7.3.4.1.2 – Yeppoon Height Limits iv. Figure 6.7.3.4.1.3 – Rosslyn Bay Height Limits v. Figure 6.7.3.4.1.4 – Cooee Bay Height Limits <p>Reason: The change proposed is considered appropriate for zones other than the centre category zones and the Yeppoon Foreshore Tourism and Recreation Precinct</p>

	<p>(including the site of the proposed major amendment for 4 Lagoon Place). There have been examples where dwelling houses have been proposed where the entire dwelling house is within the height limit expressed in metres, but given site characteristics, the dwelling house has been able to accommodate an extra storey by definition. This has generally only been for an additional room and has occurred on sloping land where the dwelling is stepped up or down the slope. In such situations there is potential for numerous storeys within the overall height limit expressed in metres. This same situation could occur for other uses in other zones.</p> <p>Example of non-compliance with height limit expressed in storeys but compliance with height limit expressed in metres:</p> 
3.34	<p>Amendment:</p> <p>Amendment to 9.3.2 Development Works Code. The amendment involves making changes to Table 9.3.2.4.1 as applicable to Clearing Native Vegetation by:</p> <ol style="list-style-type: none"> Deleting Acceptable Outcome AO1.1. Deleting Acceptable Outcome AO1.2 which makes reference to no clearing above the 50 metres AHD contour. Amending AO6.3 by adding some distances so as to assist with determination of the biodiversity corridors. The outcome is also to provide exemptions for the following clearing: lawful forestry, landscape gardening purposes, cropping, and clearing within a building location envelope or located outside and approved environmental covenant area. Amending AO6.4 so as to provide exemptions for the following clearing: lawful forestry, landscape gardening purposes, cropping, and clearing within a building location envelope or located outside and approved environmental covenant area. Including a new Acceptable Outcome which identifies the clearing that is exempt from the other Acceptable Outcomes in this code. Update of numbering. Amending Performance Outcome PO6 so that it more clearly articulates the environmental matters and values being protected. <p>Reason:</p> <p>Many of the vegetation clearing matters proposed for deletion from AO1.1 are covered in the <i>Planning Regulation 2017</i> definition of 'exempt clearing work'. If amendment items 3.25 and 3.26 of this attachment are made, there is no need to list these same matters as an Acceptable Outcome for clearing in this part of the planning scheme. The other proposed amendments in 3.25 and 3.26 will make the</p>

	<p>majority of circumstances for 'exempt clearing work' under the <i>Planning Regulation 2017</i> as 'accepted development' under the planning scheme. Deleting AO1.1 will assist with minimising potential for inconsistencies in wording between the planning scheme and the <i>Planning Regulation 2017</i>.</p> <p>The original intent behind AO1.2 was to provide a means for ensuring that clearing did not occur in potentially visually sensitive areas that are not otherwise mapped by scenic amenity overlays. Following review, it has been noted that a large proportion of inland rural areas are located at a height that is over 50 metres AHD despite being flat and not visually prominent. Consequently, this acceptable outcome unintentionally triggers development applications for clearing in circumstances where scenic amenity is not likely to be an issue. It is proposed that this Acceptable Outcome be deleted at this point in time.</p> <p>Performance Outcome PO6 should be amended so that it more clearly articulates the environmental matters and values being protected (particularly as result of the other proposed amendments being made to the Acceptable Outcomes.</p>
3.35	<p>Amendment: Amendment to 8.2.7 Flood Hazard Overlay Code to accommodate the amendment identified in item 3.17. The amendment involves making changes to the code by:</p> <ul style="list-style-type: none"> • Reformatting the code so that there are clearly identifiable assessment benchmarks that apply to development categorised as 'accepted with requirements' compared to development categorised as 'assessable'; • Amending existing acceptable outcomes and including new acceptable outcomes where appropriate so as to allow for a self-assessment of low risk development associated with earthwork or building work not associated with a material change of use. <p>Reason: Changes are required so as to accommodate the amendment identified in item 3.17.</p>
3.36	<p>Amendment: Amendment to 8.2.5 Coastal Hazard Overlay Code to accommodate the amendment identified in item 3.18. The amendment involves making changes to the code by:</p> <ul style="list-style-type: none"> • Reformatting the code so that there are clearly identifiable assessment benchmarks that apply to development categorised as 'accepted with requirements' compared to development categorised as 'assessable'; • Amending existing acceptable outcomes and including new acceptable outcomes where appropriate so as to allow for a self-assessment of low risk development associated with earthwork or building work not associated with a material change of use. <p>Reason: Changes are required so as to accommodate the amendment identified in item 3.18.</p>
3.37	<p>Amendment: Amendment to 9.3.2 Development Works Code. The amendment involves making changes to Table 9.3.2.4.1 as applicable to 'earthworks' by rewording some of the existing assessment benchmarks and including some new outcomes relating to the quality of the fill material that can be used for earthwork. The amendment will also make clear that assessment outcomes relating to retaining walls are contained within this part of the Development Works Code. Any duplication of issues among the existing acceptable outcomes is to be corrected where appropriate.</p> <p>Reason: The change proposed has planning merit and is considered reasonable. The development of retaining walls is closely associated with earthwork and hence making some minor changes to the current assessment outcomes will assist with administration of the planning scheme. Identifying the type of material that can be</p>

	used when filling on a lot also has merit. Acceptable materials are generally those identified in the Australian Standard AS3798-2007.
Schedules	
3.38	<p>Amendment: Amendment to Schedule 1 – Definitions. Table SC1.2.2 – Administrative definitions is to be updated by amending the administrative definition for ‘setback’. The current definition will be changed by deleting the definition where it makes reference to ‘excluding any eaves and sun shading devices’.</p> <p>Reason: This amendment will ensure that this part of the definition for setback is consistent with the Queensland Development Code and its definition for setback and boundary clearance. Eaves and sunshade devices can still be excluded in specific circumstances, and this can be done by direct references in the acceptable outcomes of relevant zone codes.</p>
3.39	<p>Amendment: Amendment to Schedule 1 – Definitions. Table SC1.2.2 – Administrative definitions is to be updated on an ‘as needed basis’ to improve clarity and useability of the planning scheme.</p> <p>Reason: Some administrative definitions may be needed in order to improve how to interpret performance outcomes or acceptable outcomes contained within planning scheme codes.</p>
3.40	<p>Amendment: Amendment to Schedule 4 - Standards for separating conflicting land use. This schedule is to be updated to improve clarity and useability of the planning scheme. Updates involve amending the schedule by providing new statements to make it clear that column 4 and column 5 of Table SC4.1.1 (which make reference to ‘Site Boundary Circumstance 1’ and ‘Site Boundary Circumstance 2’) are only applicable to the development of a new land use from within the rural activities group. New statements are to be added to make it clear that the separations distances between rural activities and the sensitive land use circumstances (as identified in column 1, column 2 and column 3 of Table SC4.1.1) are applicable to the development of a new land use from the rural activities group and to the development of new sensitive land uses.</p> <p>Reason: This amendment will assist with the improving the clarity and useability of the planning scheme. The heading descriptions in Column 4 and Column 5 of Table SC4.1.1 are currently focussed only on specific circumstances associated with the development of rural activities and an acceptable minimum setback from property boundaries. Adding new clarifying statements will assist with interpretation of Column 4 and Column 5 of this Table as some of these acceptable setbacks are different to the setback distances that are identified as acceptable outcomes in different zone codes (which apply to non-rural land use). Similarly it is important to make it clear to the planning scheme user that the separation distances between rural activities and sensitive land use (as stated in column 1, column 2, and column 3) apply to the development of new rural activities and new sensitive land use.</p>

3.41	<p>Amendment: Amendment to Schedule SC7.17 Road infrastructure and hierarchy planning scheme policy. The amendment involves deleting Column 3 in Table SC7.17.3.1.1 - Road classification, function and guide to maximum traffic volumes.</p> <p>Reason: Column 3 in Table SC7.17.3.1.1 - Road classification, function and guide to maximum traffic volumes contains some general comments about the different roads in the road hierarchy. These general comments are not essential for describing the road hierarchy and they are therefore a potential source for confusion. The deletion of column 3 helps minimise potential for misinterpretation by the reader by ensuring that there are no unintentional inconsistencies between the Planning Scheme Policy and the Capricorn Municipal Development Guidelines.</p>
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