

LIVINGSTONE PLANNING SCHEME 2018



SHAPING OUR COMMUNITY

USER GUIDE

The Livingstone Planning Scheme 2018 (the planning scheme) has been prepared to guide and regulate the development of land within the local government area, catering for growth whilst maintaining the qualities and characteristics of the Shire. This user guide will assist in understanding how to use and interpret the planning scheme.

Purpose of the User Guide

This User Guide is to provide an overview of:

- ▶ the structure of the Scheme components;
- ▶ the types of development that are regulated;
- ▶ how to determine the categories of development categories of assessment for development;
- ▶ the criteria used as part of the development assessment process; and
- ▶ the structure and application of the planning scheme codes.

Why do we need a Planning Scheme?

Livingstone Shire's population is projected to reach 55,000 by 2036 according to 2015 projections, it is vital that good planning strategies are put in place to:

- ▶ ensure that Livingstone Shire continues to be a great place to live, work, play and invest;
- ▶ support growth within and around a network of centres, with more housing choice and affordability;
- ▶ encourage the reuse of existing buildings to enable tenancies to be interchangeable for uses expected in centres to create a more vibrant and cosmopolitan community heart;
- ▶ protect our traditional suburbs, with higher density development instead targeted in centre locations and urban infill areas close to centres in Yeppoon and Emu Park;
- ▶ seek to manage future infrastructure needs with sequential development encouraged; and
- ▶ protect our natural environment, both in and out of the urban area, ensuring waterways, wetlands, critical habitat and ecological corridors are retained and enhanced.



Studies undertaken to inform the Planning Scheme:

Since 2010, the following studies have been undertaken to inform future land use policy:

- ▶ **Centres Study**, prepared for Rockhampton Regional Council by *Urban Economics & Buckley Vann* – (November 2010)
- ▶ **Economic Development & Employment Study** prepared for Rockhampton Regional Council by *GHD & Economic Associates* – (December 2010)
- ▶ **Heritage, Character and Urban Design Study** prepared for Rockhampton Regional Council by *Tract & Converge* (December 2010)
- ▶ **Industrial Land Use Study** prepared for Rockhampton Regional Council by *GHD*, (December 2010)
- ▶ **Natural Environment Study** prepared for Rockhampton Regional Council by *RPS*, (December 2010)
- ▶ **Natural Hazards and Climate Change Study** prepared for Rockhampton Regional Council by *GHD*, (December 2010)
- ▶ **Natural Environment Study** prepared for Rockhampton Regional Council by *RPS*, (December 2010)
- ▶ **Population Distribution and Residential Development Study** prepared for Rockhampton Regional Council by *Buckley Vann, 99 Consulting & Urban Economics* (November 2010)
- ▶ **Rural Lands Study** prepared for Rockhampton Regional Council by *Buckley Vann, Briggs and Mortar & Land Resource Assessment and Management*, (June 2011 and revised 2015 by *Briggs and Mortar* with assistance from *Buckley Vann*).
- ▶ **Capricorn Coast Storm Tide study** prepared for Livingstone Shire Council by *Aurecon* (including amendments).

Structure of the Livingstone Planning Scheme

Part 1: About the planning scheme	Introduces the scheme, provides guidance on interpretation, identifies the categories of development, and includes a hierarchy of assessment criteria in the event that there is inconsistency.
Part 2: State planning provisions	Confirms which elements of the Queensland Government's <i>Single State Planning Policy (SPP)</i> are reflected in the scheme.
Part 3: Strategic Framework	Provides the overarching policy direction for future development in the planning scheme area. It provides a vision for Livingstone Shire covering six themes, namely: settlement pattern; natural environment and hazards; community identity and diversity; transportation and movement; infrastructure and services, and natural resources and economic development.
Part 4: Local Government Infrastructure Plan	The Local Government Infrastructure Plan (LGIP) integrates infrastructure planning with land use planning, sets out desired standards of service, identifies the planned trunk infrastructure networks, and assists with long-term financial planning for trunk infrastructure. Council continues to impose infrastructure charges on development, with the charges going towards trunk infrastructure, based on its Adopted Infrastructure Charges Resolutions (AICR). The AICR can be viewed from Council's internet website.
Part 5: Tables of assessment	Identifies whether a development application is necessary for each type of development. Where an application is required, the tables of assessment also specify the assessment benchmarks and requirements for the development.
Part 6: Zones	The Planning Scheme divides the shire into 21 zones, which identify land for particular uses (e.g. residential, industrial, rural). Part 6 also includes the zone codes which outline the requirements for each of the zones. Precincts may also be identified within part of a zone, and these precincts provide more specific planning considerations for a specific area. Some precincts may contain 'sub- precincts' which further refine the development intent for a specified area.
Part 7: Local plans	This part provides for any specific local plan areas which have been identified.
Part 8: Overlays	Overlays identify areas that have unique characteristics which require further planning consideration when a development is proposed. These characteristics may relate to natural hazards such as bushfire, flooding, storm tide or landslides, contain a value such as biodiversity or heritage, or a constraint such as proximity to an airport, quarry or land that is visually sensitive and are identified over a site through overlay mapping. This part includes the codes which outline the assessment criteria for each overlay.
Part 9: Development codes	Includes the specific assessment criteria for types of development, such as 'Reconfiguring a Lot' applications or specific 'changes of use'.
Schedules:	The schedules provide detailed information such as mapping, definitions, planning scheme policies, land for designated infrastructure and policies for implementing and interpreting the Planning Scheme.
Appendices:	These appendices include a glossary of abbreviations used, and a list any amendments made to the Planning Scheme.

Development regulated by the Livingstone Planning Scheme

- ▶ **Making a material change of use of premises:** starting a new use or increasing the scale and intensity of an existing use;
- ▶ **Reconfiguring a lot:** subdivision and rearranging existing lot boundaries and some easements;
- ▶ **Carrying out building work:** certain work is assessed against the building assessment provisions under the Planning Scheme. For example, if the total site cover of a site within the low density residential zone exceeds fifty (50) percent or if the work is located within the flood hazard overlay mapping.
- ▶ **Carrying out operational work:** work, other than building work or plumbing and drainage work that materially affects the premises including excavating or filling, placing an advertising device on premises, and clearing vegetation in particular circumstances.

Development can involve one or more of the above types of development. For each of these types of development, the Livingstone Planning Scheme identifies the category of development and if it is 'assessable development', it identifies the category of assessment

Categories of Development and categories of assessment

Accepted development

A development approval is not required for development that is categorised as being 'accepted development', however, there may be specific requirements that must be complied with for the development to be 'accepted'. If the proposal does not comply with the requirements, then the development is not categorised as 'accepted development'. Other approvals may still be required (such as a building approval issued under the *Building Act 1975*).

Assessable development

Assessable development requires a development approval. The assessable development category has two categories of assessment which could apply to a development depending on the circumstance. The two categories are code assessable development or impact assessable development.

Code assessable development is assessed against all identified assessment benchmarks. Impact assessable development is assessed against all identified assessment benchmarks and it includes consideration of the Strategic Framework of the planning scheme. Impact assessable development applications require public notification. The public notification time period provides opportunities for the public to make a submission on planning matters associated with the development. Any persons who lodge a properly made submission have a legal right to appeal the Council's decision to the Planning and Environment Court.

Prohibited development

The Planning Act 2016 identifies circumstances where development is prohibited (for example, certain types of high-impact development in certain areas of high environmental value).



Determining if a development application to Council is required

1 Determine the type of development

Is the proposed development for a Material Change of Use?

YES

Determine what use or uses the proposed development falls within by using Schedule 1 Use definitions

Is the proposed development for Reconfiguring a Lot, Operational works or Building works?

YES

2 Determine applicable zones, local plans & overlavs

Use the mapping to search for the development site and determine the zone and if there are any applicable local plans or overlavs.

3 Determine the category of development & category of assessment

Using the relevant tables in Part 5, determine the category of development, and for assessable development determine the category of assessment for the type of development.

Is there an 'if' statement circumstance that provides an alternative category of development or category of assessment?

YES

Take the highest of all the applicable categories of development and categories of assessment

NO

Does the proposed development fall within multiple uses under Schedule 1 Use definitions?

YES

NO

4 Determine the category of development & category of assessment

If Accepted Development

No Requirements

There are no assessment requirements. A development approval is not required.

With Requirements

In this circumstance, to be categorised as accepted development (not requiring a development approval), the development must comply with all the requirements specified in the tables of assessment in Part 5 of the planning scheme. If the development does not comply with the requirements, then the development is not accepted development.

If Assessable Development

If Code Assessable

The development is assessed against all assessment benchmarks identified in the tables of assessment in Part 5 of the planning scheme.

If Impact Assessable

The development is assessed against all assessment benchmarks of the Livingstone Planning Scheme to the extent relevant.

Hierarchy of Categories of Development and Categories of Assessment

Depending on the circumstance, there may be different categories of development and categories of assessment identified for the development. For example, if the development site is affected by an overlay, then a development in an overlay area might have a different category of development or category of assessment compared to the same development located at a site that is not affected by an overlay.

The rules in Part 5 of the planning scheme state that if there are multiple categories of development or categories of assessment for the one development, then the highest category of development or category of assessment will apply. Accordingly, it is necessary to **check all of the tables of assessment contained in Part 5** that are relevant to the proposed development. Despite this, if there is an inconsistency between a categorising instrument such as the *Planning Regulation 2017* and a categorising instrument such as the planning scheme, then the categories of development and categories of assessment stated in the Planning Regulation will prevail.

Assessment Benchmarks

Once the category of assessment for assessable development has been determined, it is important that the assessment benchmarks are identified.

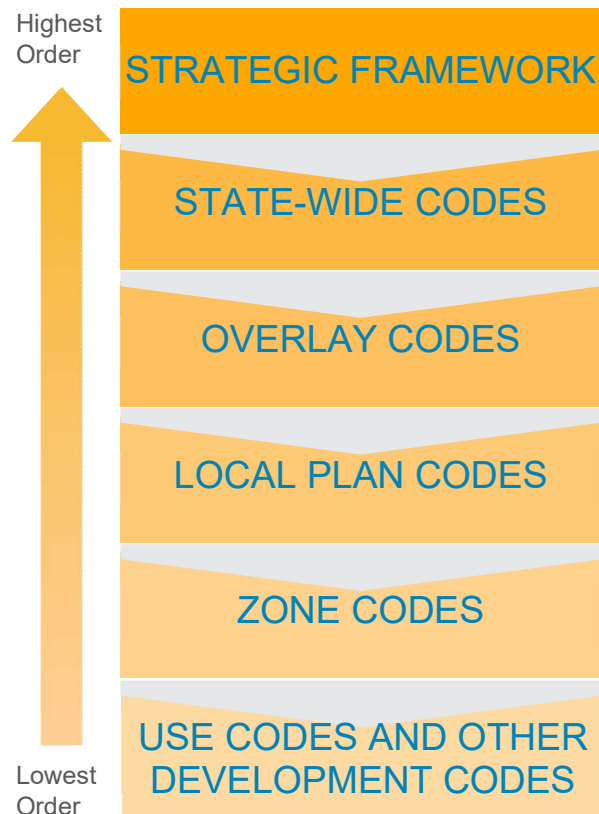
Assessment benchmarks are the matters that an assessment manager must assess assessable development against.

These can be found in the *Planning Regulation 2017* and the *Livingstone Planning Scheme 2018*. The *Planning Regulation 2017* assessment benchmarks take precedence over those in the planning scheme.

The planning scheme assessment benchmarks are identified in Column 3 of the tables of assessment in Part 5 of the planning scheme.

Hierarchy of Assessment Benchmarks

Certain assessment benchmarks within the Planning Scheme prevail over other assessment benchmarks. The diagram below shows the hierarchy of assessment benchmarks that apply if where there is an inconsistency.



Strategic Infrastructure: Panorama Drive

Understanding the structure of the codes

The codes detail the criteria that different types of development are assessed against. The codes are contained in Parts 6, 7, 8 and 9 of the Planning Scheme, and generally formatted using a consistent structure and include the following:

- ▶ **a statement of application**, specifies what type of development to which the code applies. For example, 'this code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme'.
- ▶ **a statement of purpose**, specifies the purpose of the code. For example, 'the purpose of the medium density residential zone is to provide for the development of residential neighbourhoods comprising a mixture of different accommodation activities at a medium density'.
- ▶ **overall outcomes**, specify how the purpose of the code will be achieved. For example, 'development is an accommodation activity that provides for the long-term stay of residents or provides for the short-term stay of visitors'.
- ▶ **criteria for assessment**, which are detailed in a two-column table, with the left-hand column containing 'performance outcomes' and the right-hand column containing 'acceptable outcomes'.

The Planning Scheme is a performance-based scheme, which means development is required to demonstrate how it can achieve the specified performance outcomes. The performance outcomes are considered to be overarching guidelines for development, whilst the acceptable outcomes are highly prescriptive, measurable criteria for development and represent one way of achieving the performance outcomes.

A development is deemed to comply with the performance outcome if:

- ▶ the acceptable outcomes to the performance outcome are complied with; or
- ▶ sufficient information is provided to demonstrate the criterion has been met through an alternative solution.

Zone Codes

Zone Codes provide the assessment criteria for assessable development in each of the scheme's 21 zones. Each zone code describes the type of development generally anticipated to occur within the zone, and includes assessment criteria that will be used to assess development proposed in that zone. Zone codes are contained in Part 6 of the *Livingstone Planning Scheme 2018*.

Local Plan Codes

Local Plan Codes provide the assessment criteria for assessable development within specific local plan areas that have been adopted into the Planning Scheme. These codes ensure development appropriately considers the specific requirements of the local plan area. Local plan codes are contained in Part 7 of the Planning Scheme. There is one local plan code in the *Livingstone Planning Scheme 2018* for the locality of Seaspray.

Overlay Codes

Overlay Codes provide the assessment criteria for assessable development that is subject to one or more mapped overlays (e.g. Bushfire Hazard overlay; Flood Hazard overlay, etc.). These codes ensure development appropriately considers the specific requirements of these overlays as part of the development assessment process. Overlay codes are contained in Part 8 of the Planning Scheme and Overlay Maps are contained in Schedule 2.

Use Codes

Use Codes provide the assessment criteria for particular assessable development. These codes ensure the effects of development arising from the specified use are appropriately considered and assessed as part of the development application. There is one use code contained in Part 9 of the *Livingstone Planning Scheme 2018*.

Other Development Codes

There are three Development Codes containing assessment criteria for development of a stated type (e.g. Reconfiguring a lot code). These development codes are contained in Part 9 of the Planning Scheme.