

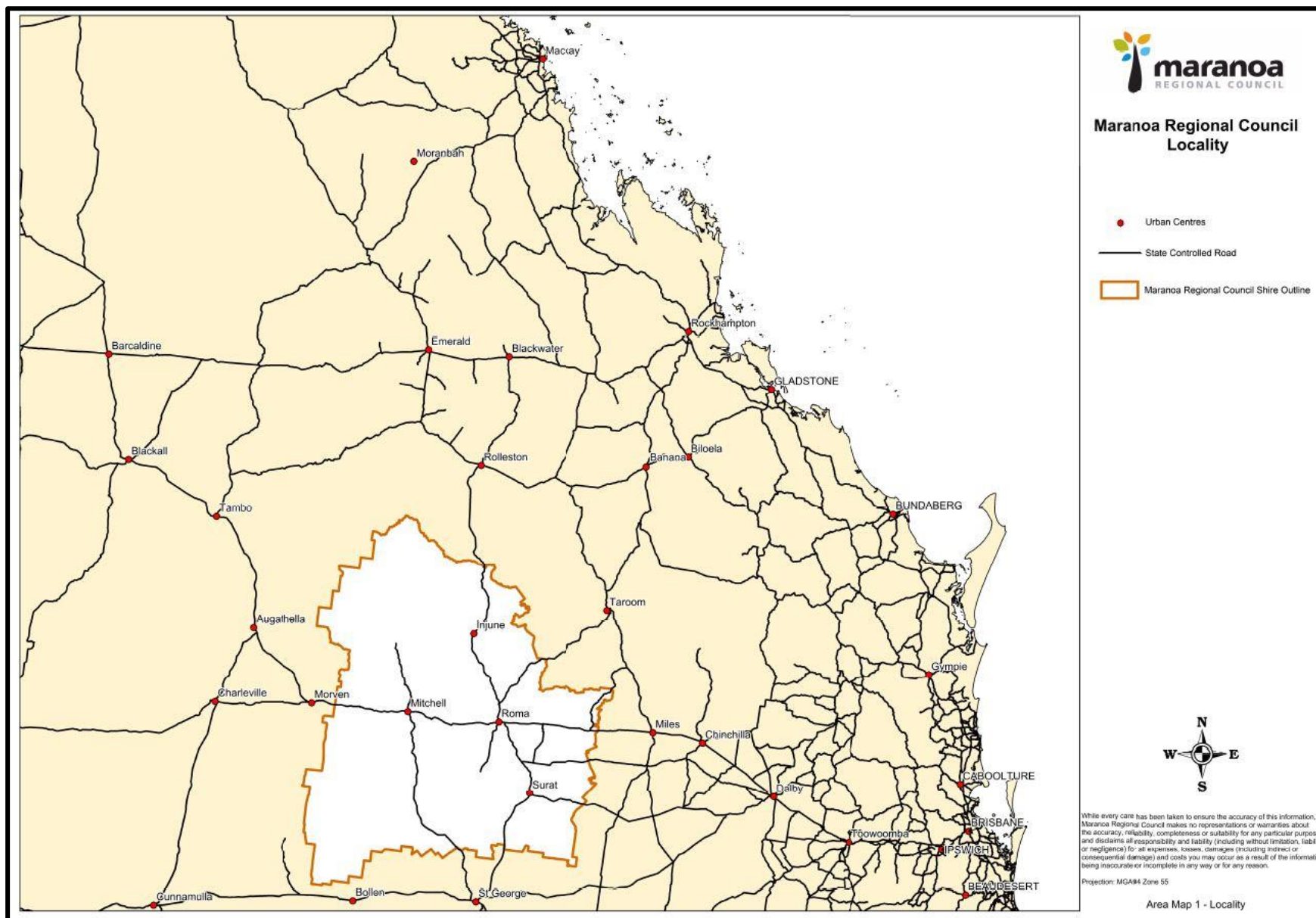
Part 1. About the planning scheme

1.1 Introduction

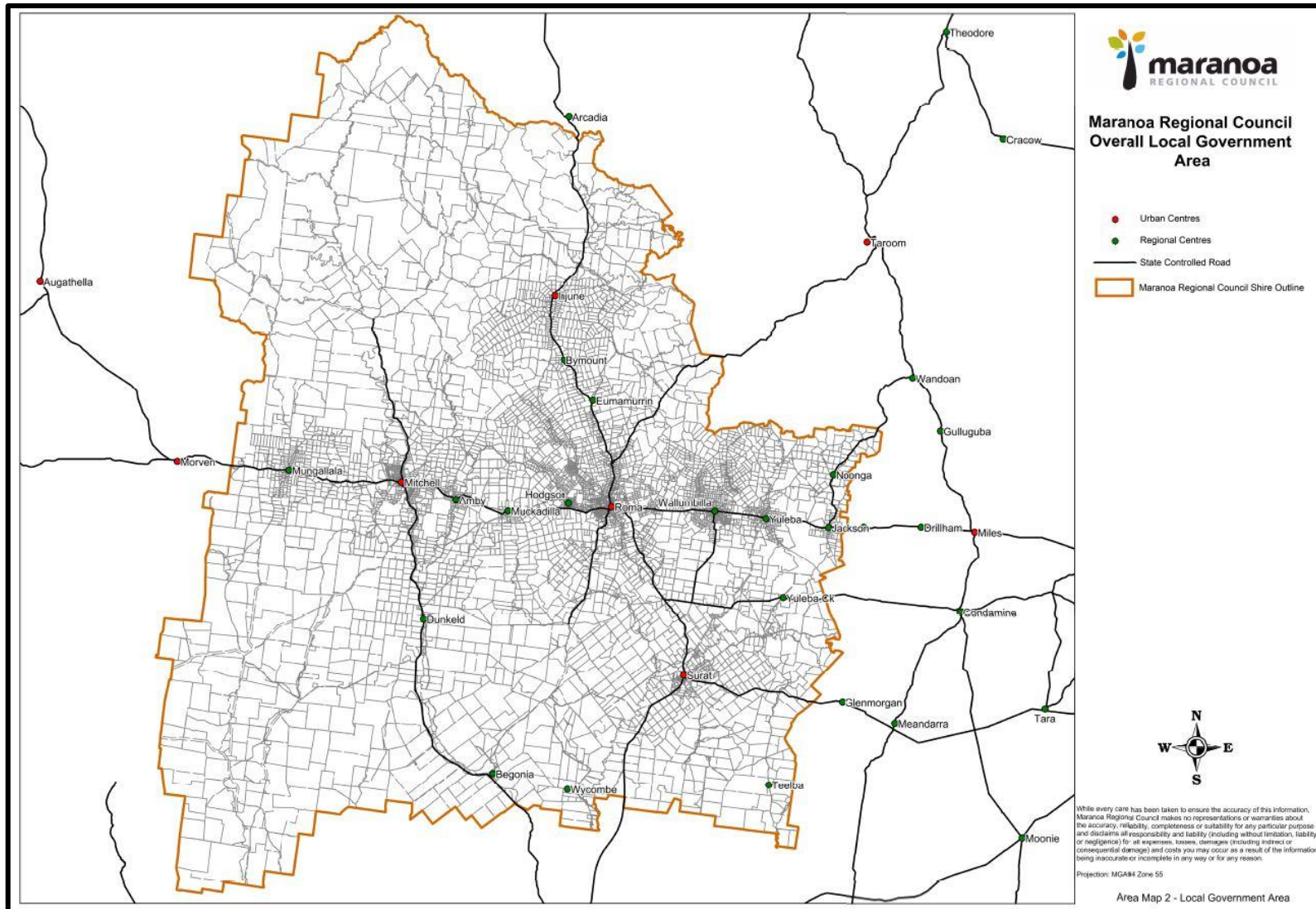
- (1) The Maranoa Regional Council Planning Scheme has been prepared in accordance with the *Sustainable Planning Act 2009* (the SP Act) as a framework for managing development in a way that advances the purpose of the SP Act.
- (2) The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) by the Minister's rules under section 293 of the Act in conjunction with the adoption of the planning scheme on 27 September 2017.
- (3) In seeking to achieve this purpose, the planning scheme sets out the Maranoa Regional Council's intention for the future development in the planning scheme area, over the next ten years.
- (4) The planning scheme seeks to advance state and regional policies through more detailed local responses, taking into account the local context.
- (5) While the planning scheme has been prepared with a ten-year horizon, it will be reviewed periodically in accordance with the Act to ensure it responds appropriately to the changes of the community at a local, regional and State level.
- (6) The planning scheme applies to the planning scheme area of Maranoa Regional Council including all premises, roads, and internal waterways, and interrelates with the surrounding local government areas illustrated in Map 1 – Maranoa Regional Council Planning Scheme area and context.

Editor's note: The planning scheme has been amended to align with the regulated requirements as provided in the Planning Act 2016. In accordance with section 16(3) of the Act, the regulated requirements apply to the planning scheme to the extent of any inconsistency.

Editor's note: State legislation may state that the planning scheme does not apply to certain areas.



Map 1: Maranoa Regional Council Locality



Map 2: Maranoa Regional Council Overall Local Government Area

1.2 Planning scheme components

(1) The planning scheme comprises the following components:

- (a) about the planning scheme
- (b) state planning provisions
- (c) the strategic framework
- (d) the local government infrastructure plan
- (e) tables of assessment
- (f) the following zones and precincts:

Table 1.2.1: Zones

Zones	Part 6
Rural zone	Part 6.2.1
Rural residential zone	Part 6.2.2
General residential zone	Part 6.2.3
Township zone	Part 6.2.4
Principal centre zone	Part 6.2.5
Major centre zone	Part 6.2.6
District centre zone	Part 6.2.7
Industry zone	Part 6.2.8
Community facilities zone	Part 6.2.9
Recreation and open space zone	Part 6.2.10

(g) the following local plans

Table 1.2.2: Local plans and precincts

LOCAL PLANS	PART 7
Injune local plan	Part 7.2.1
Mitchell local plan	Part 7.2.2
Roma local plan	Part 7.2.3
Surat local plan	Part 7.2.4
Wallumbilla local plan	Part 7.2.5
Yuleba local plan	Part 7.2.6
Central living precinct	Part 7.2.7
Roma Airport precinct	Part 7.2.8
Wallumbilla South gas hub precinct	Part 7.2.9

(h) the following overlays:

Table 1.2.3: Overlays

OVERLAYS	PART 8
Agricultural land overlay	Part 8.2.1
Extractive resources overlay	Part 8.2.2
Biodiversity areas overlay	Part 8.2.3
Heritage and neighbourhood character overlay	Part 8.2.4
Flood hazard overlay	Part 8.2.5
Bushfire hazard overlay	Part 8.2.6
Infrastructure overlay	Part 8.2.7
Airport environs overlay	Part 8.2.8

(i) the following development codes:

Table 1.2.4: Development codes

DEVELOPMENT CODES	PART 9
Use codes	Part 9.3
Accommodation uses code	Part 9.3.1
Home-based business code	Part 9.3.2
Extractive industry code	Part 9.3.3
Market code	Part 9.3.4
Rural uses code	Part 9.3.5
Other development codes	Part 9.4
Operational works advertising devices code	Part 9.4.1
Operational works excavation or filling code	Part 9.4.2
Operational works infrastructure code	Part 9.4.3
Operational works landscaping code	Part 9.4.4
Reconfiguring a lot code	Part 9.4.5

- (j) there are no other plans
- (k) the following schedules and appendices:

Table 1.2.5: Schedules and appendices

SCHEDULES AND APPENDICES	
Schedules	
Definitions	Schedule 1
Mapping	Schedule 2
Strategic framework maps	SC 2.2
Zone maps	SC 2.3
Local plan maps	SC 2.4
Overlay maps	SC 2.5
Local Government Infrastructure Plan mapping and supporting material	Schedule 3
Notations required under the <i>Planning Act 2009</i>	Schedule 4
Designation of premises for development	Schedule 5
Planning scheme policies	Schedule 6
PSP 01 regarding heritage and neighbourhood character	PSP 01
PSP 02 for landscape design and construction	PSP 02
PSP 03 describing a complete planning application	PSP 03
Parking standards	Schedule 7
Appendices	
Index and glossary of abbreviations and acronyms	Appendix 1
Table of amendments	Appendix 2

- (2) The following planning scheme policies specified in Table 1.2.6 (Planning scheme policies) support the planning scheme:

Table 1.2.6: Planning scheme policies

PLANNING SCHEME POLICIES	SCHEDULE 6
Planning scheme policies related to overlay codes	
PSP 01 heritage and neighbourhood character	PSP 01
Planning scheme policies related to other codes	
PSP 02 landscape design and construction	PSP 02
Other planning scheme policies	
PSP 03 submitting a complete planning application	PSP 03

Note: The following codes contained in the *Planning Regulation 2017* are applicable to development assessable under the planning scheme:

- Assessment benchmarks for development in koala habitat area – Schedule 11 of the *Planning Regulation 2017*
- Reconfiguring a lot under *Land Title Act 1994* – Schedule 10, part 14 of the *Planning Regulation 2017*
- Brothel - Performance criteria Schedule 3 of the *Prostitution Regulation 2014*
- Levee – schedule 15B of the *Water Regulation 2002*
- Local heritage place – Schedule 2 of the *Queensland Heritage Regulation 2015*

1.3 Interpretation

1.3.1 Definitions

- (1) A term used in the planning scheme has the meaning assigned to that term by one of the following:
 - (a) the *Planning Act 2016* (the Act)
 - (b) the *Planning Regulation 2017* (the Regulation)
 - (c) the definitions in **Schedule 1 (Definitions)** of the planning scheme
 - (d) the *Acts Interpretation Act 1954*
 - (e) the ordinary meaning where that term is not defined in the Act, the Regulation, **Schedule 1 (Definitions)** of the planning scheme or the *Acts Interpretation Act 1954*.
- (2) In the event a term has been assigned a meaning in more than one of the instruments listed in sub-section 1.3.1(1), the meaning contained in the instrument highest on the list will prevail.
- (3) A reference in the planning scheme to any Act includes any regulation or instrument made under it, and where amended or replaced, if the context permits, means the amended or replaced Act.
- (4) A reference in the planning scheme to a specific resource document or standard, means the latest version of the resource document or standard.
- (5) A reference to a part, section, table or schedule is a reference to a part, section, table or schedule of the planning scheme.

Editor's note: In accordance with section 16(3) of the Act 2016 the regulated requirements apply to this planning scheme to the extent of any inconsistency with the planning scheme.

1.3.2 Standard drawings, maps, notes, editor's notes and footnotes

- (1) Standard drawings contained in codes or schedules are part of the planning scheme.
- (2) Maps provide information to support the outcomes and are part of the planning scheme.
- (3) Notes are identified by the title 'note' and are part of the planning scheme.
- (4) Editor's notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*, and are identified by the title 'editor's note' and 'footnote' and are provided to assist in the interpretation of the planning scheme; they do not have the force of law.

Note: This is an example of a note.

Editor's note: This is an example of an editor's note.

Footnote¹: See example at bottom of page.

1.3.3 Punctuation

- (1) A word followed by ';' or ', and' is considered to be 'and'
- (2) A word followed by '; or' means either or both options can apply.

¹ Footnote – this is an example of a footnote.

1.3.4 Zones for roads, closed roads waterways and reclaimed land

- (1) The following applies to a road, closed road, waterway or reclaimed land in the planning scheme area:
 - (a) if adjoined on both sides by land in the same zone—the road, closed road waterway or reclaimed land is in the same zone as the adjoining land
 - (b) if adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the road, closed road waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries
 - (c) if the road, closed road waterway or reclaimed land is adjoined on one side only by land in a zone—the entire waterway or reclaimed land is in the same zone as the adjoining land
 - (d) if the road, closed road waterway or reclaimed land is covered by a zone then that zone applies.

Editor's note: The boundaries of the local government area are described by the maps referred to in the *Local Government Regulation 2012*.

1.4 Categories of development

- (1) The categories of development under the Act are:

- (a) **accepted development**

Editor's note: A development approval is not required for development that is accepted development. Under section 44(6)(a) of the Act, if a categorising instrument does not apply a category of development to a particular development, the development is accepted development. Schedule 7 of the Regulation also prescribes accepted development.

- (b) **assessable development**

- (i) code assessment
 - (ii) impact assessment

Editor's note: A development approval is required for assessable development. Schedules 9, 10 and 12 of the Regulation also prescribe assessable development.

- (c) **prohibited development.**

Editor's note: A development application may not be made for prohibited development. Schedule 10 of the Regulation prescribes prohibited development.

- (2) The planning scheme states the category of development for certain types of development and specifies the category of assessment for assessable development in the planning scheme area in Part 5 (Tables of Assessment).

Editor's note: Section 43 of the Act identifies that a categorising instrument categorises development and specifies categories of assessment and may be a regulation or local categorising instrument. A local categorising instrument includes a planning scheme, a TLPI or a variation approval.

1.5 Hierarchy of assessment benchmarks

- (1) Where there is inconsistency between provisions in the planning scheme, the following rules apply:
 - a) the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment
 - b) relevant codes as specified in Schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency
 - c) overlays prevail over all other components (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency

- d) local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency
- e) zone codes prevail over use codes and other development codes to the extent of the inconsistency.

1.6 Building work regulated under the planning scheme

- (1) Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a local planning instrument must not change the effect to the extent the building work is regulated under the building assessment provisions, unless permitted under the *Building Act 1975*.

- (2) The building assessment provisions are listed in section 30 of the *Building Act 1975*.

Editor's note: The building assessment provisions are stated in section 30 of the *Building Act 1975* and are assessment benchmarks for the carrying out of building assessment work or building work that is acceptable development subject to any requirements (see also section 31 of the *Building Act 1975*).

- (3) This planning scheme, through Part 5 (Tables of assessment), regulates building work in accordance with sections 32 and 33 of the *Building Act 1975*.

Editor's note: The *Building Act 1975* permits planning schemes to:

- regulate, for the Building Code of Australia (BCA) or the Queensland Development Code (QDC), matters prescribed under a regulation under the *Building Act 1975* (section 32). These include variations to provisions contained in parts MP1.1, MP 1.2 and MP 1.3 of the QDC such as heights of buildings related to obstruction and overshadowing, siting and design of buildings to provide visual privacy and adequate sight lines, on-site parking and outdoor living spaces. It may also regulate other matters, such as designating land liable to flooding, designating land as bushfire-prone areas and transport noise corridors
- deal with an aspect of, or matter related or incidental to, building work prescribed under a regulation under section 32 of the *Building Act 1975*
- specify alternative boundary clearances and site cover provisions for Class 1 and 10 structures under section 33 of the *Building Act 1975*.

Refer to Schedule 9 of the Regulation to determine assessable development, the type of assessment and any referrals applying to the building work.

- (4) The following table identifies where building assessment provisions (permitted to be specified within a planning scheme under the *Building Act 1975*) are located within the planning scheme:

Table 1.6.1: Building assessment provisions

BUILDING ASSESSMENT PROVISION	SECTION OF THE PLANNING SCHEME
Dwelling house	
QDC MP 1.1 and MP 1.2 Design and siting standards	Zone codes (Part 6)
Flood hazard	
Defined flood hazard areas are described in support of QDC MP 3.5, Construction of buildings in flood hazard areas.	Flood hazard mapping (SC 2.5) and the Flood hazard overlay code (Part 8.2.5)
Bushfire hazard	
Designated bushfire hazard areas are described in support of QDC MP 2.4, Construction in bushfire-prone areas.	SPP Interactive mapping system Bushfire hazard areas and the Bushfire hazard overlay code (Part 8.2.6).

BUILDING ASSESSMENT PROVISION	SECTION OF THE PLANNING SCHEME
Transport noise corridors	
Department of Transport and Main Roads under section 246Z of Building Act 1975.	SPP Interactive mapping system Transport noise corridors and the Infrastructure overlay code (Part 8.2.7).

Editor's note: A decision in relation to building work that is assessable development under the planning scheme should only be issued as a preliminary approval. See section 83(b) of the *Building Act 1975*.

Editor's note: In a development application the applicant may request preliminary approval for building work. The decision on that development application can also be taken to be a referral agency's response under section 56 of the Act, for building work assessable against the *Building Act 1975*. The decision notice must state this.

1.7 Local government administrative matters

1.7.1 Temporary uses not assessable under this planning scheme

- (1) Council may determine that a temporary use that is unlikely to create a significant detrimental impact on the amenity of nearby land is not a material change of use of premises and is therefore not development as defined under the Act. Such activities include, but are not necessarily limited to, the following:
 - a) school fetes;
 - b) travelling circuses;
 - c) temporary accommodation (within caravans, motorhomes tents or similar) where associated with an event or other temporary use; and
 - d) promotional activities.

Note: While not assessable under the planning scheme a temporary use may need to address or adhere to local laws or subordinate local laws.

1.7.2 Mining tenements

- (1) Mining tenements have been granted or renewed within the Maranoa Regional Council local government area. Tenements and infrastructure are identified on the Queensland Globe.
- (2) The Planning Act does not apply to development in mining tenements authorised under the *Mineral Resources Act 1989*, other than for administering DA for the Heritage Act, in relation to a Queensland heritage place.
- (3) Details of the mining tenements may be obtained from the chief executive of the department in which the *Mineral Resources Act 1989* is administered.

1.7.3 Other documents incorporated in the planning scheme

- (1) Table 1.7.3.1 (Overlay mapping in the SPP interactive mapping system) identifies overlays or overlay elements depicted in the State Planning Policy (SPP) interactive mapping system that are referenced and incorporated in the planning scheme.

Table 1.7.3.1: SPP overlay mapping

OVERLAY	SPP INTERACTIVE MAPPING SYSTEM REFERENCE
Airport and aviation facilities overlay	
	Strategic airports and aviation facilities elements (mapped under the 'infrastructure' theme).
Biodiversity areas overlay	
	Matters of state environmental significance (mapped under the 'environment and heritage' theme)
Bushfire hazard overlay	
	Medium, high and very high bushfire hazard areas (mapped under the 'hazards and safety' theme)
Extractive resources overlay	
	Mining and extractive resources elements (mapped under the 'economic growth' theme)
Agricultural land overlay	
	Agricultural land classification class A and class B land (mapped under the 'economic growth' theme)
Heritage and neighbourhood character overlay	
	Queensland heritage places and national heritage places (mapped under the 'environment and heritage' theme)
Infrastructure overlay	
	Major electricity and water infrastructure (mapped under the 'infrastructure' theme) State-controlled road and rail corridors (mapped under the 'infrastructure' theme) Stock routes (mapped under the 'economic growth' theme) Transport noise corridors (mapped under the 'administrative layers' theme)

1.7.4 Maranoa Regional Council contact details

Maranoa Regional Council can be contacted at:

Phone	1300 007 662
Fax	07 4624 6990
Post	PO Box 620, Roma Queensland 4465
Email	council@maranoa.qld.gov.au
Online	www.maranoa.qld.gov.au

Administration centres:

Roma	Corner of Bungil and Quintin Streets, Roma
Operations	1 Cartwright Street, Roma
Injune	32 Hutton Street, Injune
Mitchell	100 Cambridge Street, Mitchell
Surat	73 Burrowes Street, Surat
Yuleba	20 Stephenson Street, Yuleba