

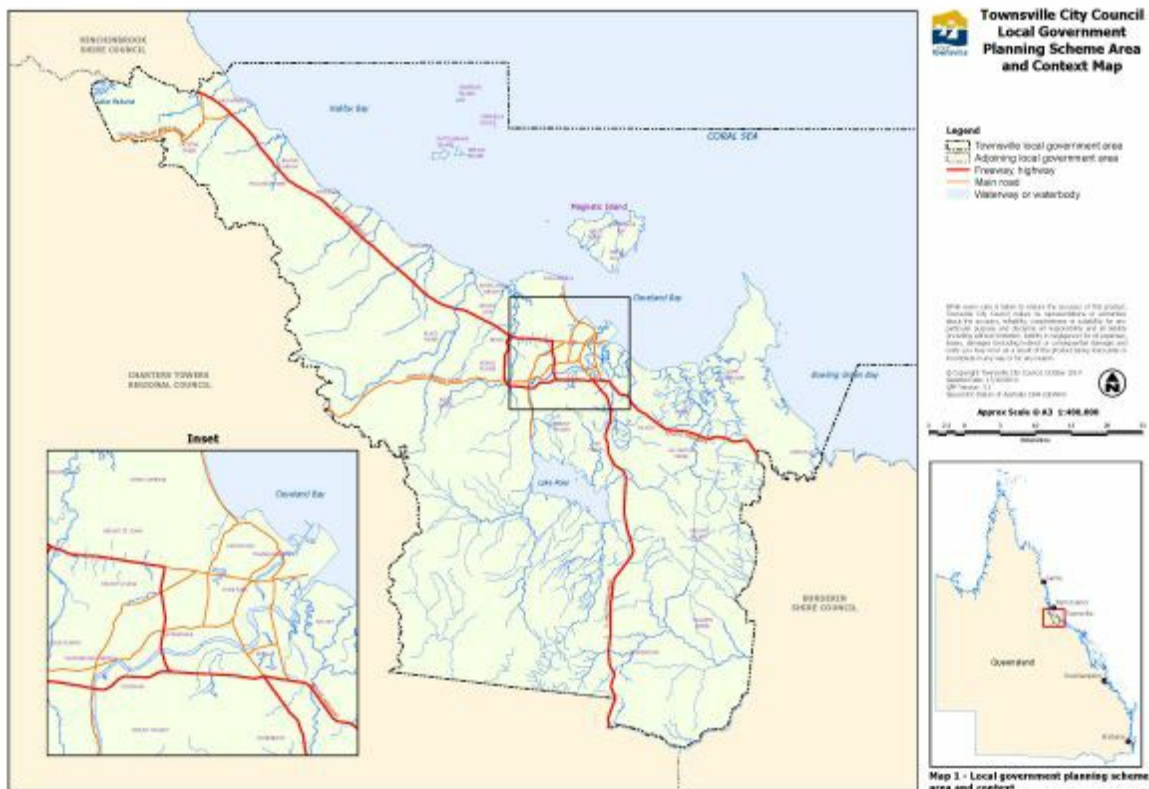
# Part 1 About the planning scheme

## 1.1 Introduction

- (1) The Townsville City Plan (planning scheme) has been prepared in accordance with the [Sustainable Planning Act 2009](#) (the Act) as a framework for managing development in a way that advances the purpose of the Act.
- (2) In seeking to achieve this purpose, the planning scheme sets out Townsville City Council's intention for the future development in the planning scheme area, over the next 25 years.
- (3) The planning scheme seeks to advance state and regional strategies, including state planning policies, through more detailed local responses, taking into account the local context.
- (4) While the planning scheme has been prepared with a 25-year planning horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes of the community at a local, regional and state level.
- (5) The planning scheme applies to the planning scheme area of Townsville City Council including all premises, roads, internal waterways and interrelates with the surrounding local government areas illustrated in Map 1.

**Editor's note**—State legislation may state that the planning scheme does not apply to certain areas, e.g. strategic port land under the [Transport Infrastructure Act 1994](#).

**Editor's note**—Areas which are not subject to the jurisdiction of the planning scheme are noted in the relevant zone codes in [Part 6](#). They include the Department of Defence Estate, strategic port land and certain other major land holdings. In addition, land subject to a community infrastructure designation is listed in [Schedule 5](#).



[Click here](#) to view PDF high resolution map.

**Map 1 - Local government planning scheme area and context**

## 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 Priority infrastructure plan;
  - (e) tables of assessment;
  - (f) the following zones:
    - (i) Low density residential zone:
      - (A) Ross River Road corridor precinct;
      - (B) Stables precinct;
      - (C) Marlow Street precinct;
    - (ii) Medium density residential zone:
      - (A) Thuringowa South precinct;
      - (B) Thuringowa East precinct;
      - (C) Rossiter Park precinct;
      - (D) Aitkenvale medium density precinct;
      - (E) Aitkenvale village precinct;
      - (F) Hyde Park medium density precinct;
      - (G) Kings Road medium density precinct;
      - (H) The Strand precinct;
      - (I) North Ward gateway precinct;
      - (J) North Ward villages precinct;
      - (K) North Ward medium density precinct;
      - (L) Magnetic Island medium density precinct;
      - (M) Picnic Bay precinct;
      - (N) Nelly Bay tourist precinct;
      - (O) Wills Street precinct;
    - (iii) High density residential zone:
      - (A) Palmer Street precinct;
      - (B) Flinders Street West precinct;
      - (C) Railway Estate precinct;
    - (iv) Rural residential zone;
    - (v) Character residential zone:
      - (A) 1950s Post War Expansion precinct;
      - (B) 1960s Defence Housing and 1960s Housing Commission precinct;
      - (C) Worker's Cottages precinct;
      - (D) South Townsville precinct;
      - (E) Queenslanders precinct;
      - (F) Interwar Gables and Queensland Bungalows precinct;
      - (G) Interwar to 1950s Asymmetrical Gables precinct;
      - (H) Churchill Street precinct;
      - (I) Park Street precinct;
      - (J) Grand Queenslanders precinct;

- (K) French Street precinct;
- (L) Mixed 1950s precinct;
- (vi) Neighbourhood centre zone;
- (vii) Local centre zone:
  - (A) Rising Sun local centre precinct;
  - (B) North Ward local centre precinct;
- (viii) District centre zone:
  - (A) Idalia district centre precinct;
  - (B) Annandale district centre precinct;
  - (C) Deeragun district centre precinct;
  - (D) Rasmussen district centre precinct;
- (ix) Major centre zone:
  - (A) Aitkenvale major centre precinct:
    - Aitkenvale centre core sub-precinct;
    - Aitkenvale centre frame sub-precinct;
  - (B) Thuringowa Central major centre precinct:
    - Thuringowa town centre heart sub-precinct;
    - Willows sub-precinct;
    - Thuringowa Drive sub-precinct;
    - Thuringowa centre support sub-precinct;
  - (C) Hyde Park major centre precinct;
- (x) Principal centre (CBD) zone:
  - (A) Civic and administration precinct;
  - (B) Flinders Street retail precinct;
  - (C) Flinders Street East precinct;
- (xi) Specialised centre zone:
  - (A) Townsville Airport precinct;
  - (B) Port of Townsville precinct;
  - (C) Lavarack Barracks precinct;
  - (D) Domain Central precinct;
  - (E) Fulham Road medical precinct;
  - (F) Bayswater Road medical precinct;
  - (G) James Cook University-Townsville Hospital precinct:
    - Discovery Central sub-precinct;
    - Discovery Village sub-precinct;
- (xii) Mixed use zone:
  - (A) Magnetic Island villages precinct:
    - Nelly Bay sub-precinct;
    - Picnic Bay sub-precinct;
    - Horseshoe Bay sub-precinct;
  - (B) Nelly Bay gateway precinct;
  - (C) Arcadia Central precinct;
  - (D) Kirwan Traders precinct;
  - (E) Charters Towers Road business precinct;

- (F) CBD gateway precinct;
- (G) South Townsville Railyards and Dean Park precinct;
- (H) Wotton Street precinct;
- (I) Breakwater precinct;
- (J) King Street quarter precinct;
- (K) King Road precinct;
- (xiii) Sport and recreation zone:
  - (A) Balgal Beach golf course precinct;
  - (B) Cluden precinct;
- (xiv) Open space zone:
  - (A) Riverway precinct;
- (xv) Community facilities zone:
  - (A) Picnic Bay community facilities precinct;
- (xvi) Environmental management and conservation zone;
- (xvii) Low impact industry zone:
  - (A) Nelly Bay low impact industry precinct;
- (xviii) Medium impact industry zone:
  - (A) Roseneath medium impact industry precinct;
- (xix) High impact industry zone;
- (xx) Rural zone:
  - (A) Horticulture precinct;
  - (B) Mixed farming precinct;
  - (C) Grazing precinct;
  - (D) Cungulla precinct;
  - (E) Jensen precinct;
- (xxi) Emerging community zone;
- (xxii) Special purpose zone;
- (g) the following overlays:
  - (i) Airport environs overlay;
  - (ii) Bushfire hazard overlay;
  - (iii) Coastal protection overlay;
  - (iv) Cultural heritage overlay;
  - (v) Extractive resources overlay;
  - (vi) Flood hazard overlay;
  - (vii) Landslide hazard overlay;
  - (viii) Natural assets overlay;
  - (ix) Water resource catchment overlay;
- (h) the following development codes:
  - (i) Advertising devices code;
  - (ii) Community residence code;
  - (iii) Forestry for wood production code;
  - (iv) Healthy waters code;
  - (v) Landscape code;
  - (vi) Reconfiguring a lot code;

- (vii) [Reconfiguring a lot \(subdividing one lot into two lots\) and associated operational work code;](#)
  - (viii) [Self-assessable works requirements code;](#)
  - (ix) [Telecommunications facilities and utilities code;](#)
  - (x) [Transport impact, access and parking code;](#)
  - (xi) [Works code;](#)
- (i) the following other plans:
    - (i) Ooonooba development scheme; and
    - (ii) Townsville City Waterfront Priority Development Area;
  - (j) schedules and appendices.
- (2) The following planning scheme policies support the planning scheme:
- (a) [SC6.1 Planning scheme policy index;](#)
  - (b) [SC6.2 Character residential planning scheme policy;](#)
  - (c) [SC6.3 Cultural heritage planning scheme policy;](#)
  - (d) [SC6.4 Development manual planning scheme policy;](#)
  - (e) [SC6.5 Economic impact assessment planning scheme policy;](#)
  - (f) [SC6.6 Emerging community planning scheme policy;](#)
  - (g) [SC6.7 Flood hazard planning scheme policy;](#)
  - (h) [SC6.8 Mitigating bushfire hazards planning scheme policy;](#)
  - (i) [SC6.9 Natural assets planning scheme policy;](#)
  - (j) [SC6.10 Parking rates planning scheme policy.](#)

## 1.3 Interpretation

### 1.3.1 Definitions

- (1) A term used in the planning scheme has the meaning assigned to that term by one the following:
  - (a) the [Act](#)
  - (b) the [Sustainable Planning Regulation 2009](#) (the Regulation)
  - (c) the definitions in [Schedule 1](#) 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 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, 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.

### 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.

**Footnote**—<sup>1</sup>Footnote—This is an example of a footnote.

### 1.3.3 Punctuation

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

### 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, 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, 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, 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, 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 within the [Local Government Regulation 2012](#).

## 1.4 Categories of development

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

- (a) exempt development

**Editor's note**—A development permit is not required for exempt development.

- (b) self-assessable development

**Editor's note**—A development permit is not required for self-assessable development.

- (c) development requiring compliance assessment

**Editor's note**—A compliance permit is required for development requiring compliance assessment.

- (d) assessable development

**Editor's note**—A development permit is required for assessable development.

- (e) prohibited development

**Editor's note**—A development application or a request for compliance assessment cannot be made for prohibited development.

- (2) The Act and Regulation prescribes levels of assessment for certain types of development.
- (3) The planning scheme also states the level of assessment for certain types of development in the planning scheme area in [Part 5](#).

## 1.5 Hierarchy of assessment criteria

- (1) Where there is inconsistency between provisions within the planning scheme, the following rules apply:
  - (a) the strategic framework prevails over all other elements to the extent of the inconsistency;
  - (b) statewide codes prevail over all other elements (other than the strategic framework) to the extent of the inconsistency;
  - (c) overlays prevail over all other elements (other than the strategic framework and statewide codes) 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;
  - (f) provisions of [Part 10](#) may override any of the above.

## 1.6 Building work regulated under the planning scheme

- (1) Section 78A of the [Act](#) states that a planning scheme must not include provisions about building work 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 a code for integrated development assessment system for the carrying out of building assessment work or self-assessable work (see also section 31 of the [Building Act 1975](#)).

- (3) This planning scheme, through [Part 5](#), 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, MP1.2 and MP1.3 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 3 of the [Regulation](#) to determine assessable development and the type of assessment.

- (4) The building assessment provisions are contained in the following parts of this planning scheme:
  - (a) Character residential zone; and
  - (b) overlays.

**Editor's note**—A decision in relation to building work that is assessable development under the planning scheme can 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 271 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 Declared Mall

- (1) A Declared Mall, under section 80A of the [Local Government Act 2009](#), exists in the Townsville Local Government Area. The Declared Mall was established by council resolution on 9 June 2011. The Declared Mall is established on Stokes Street, between Flinders Street and Ogden Street.