

# 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 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 SP Act on 27 June 2017.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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**—In accordance with section 5(2)(a) of the Planning Regulation 2017, the regulated requirements apply to this planning scheme only where specifically identified as regulated requirements in the section containing the administrative definition for minor building work.

**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](#).

**Editor's note**—Under section 26 of the *Sustainable Ports Development Act 2015*, a master plan and port overlay may apply to Port of Townsville land outside designated areas of strategic port land. Where there is a port overlay, it prevails over the planning scheme, to the extent of any inconsistency.



[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 environment 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) [Healthy waters code](#);
    - (iii) [Landscape code](#);
    - (iv) [Reconfiguring a lot code](#);
    - (v) [Telecommunications facilities and utilities code](#);
    - (vi) [Transport impact, access and parking code](#);
    - (vii) [Works code](#);
  - (i) the following other plans:
    - (i) Oonoonba 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 of the following:
- (a) the *Planning Act 2016* (the Act)
  - (b) the Planning Regulation 2017 (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 any of the above.
- (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 5(2)(a) of the Planning Regulation 2017, the regulated requirements apply to this planning scheme only where specifically identified as regulated requirements in the section containing the administrative definition for minor building work.

### 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 ‘;’ or ‘, and’ 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) 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 also 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.

**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 within the planning scheme, the following rules apply:
- relevant codes specified in schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency;
  - the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment;
  - overlays prevail over all other elements (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency;
  - zone codes prevail over use codes and other development codes to the extent of the inconsistency;
  - provisions of Part 10 may override any of the above.

## 1.6 Building work regulated under the planning scheme

- (1) Section 17(b) of the Regulation identifies that a local planning instrument must not be inconsistent with the effect of the building assessment provisions stated in 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 accepted development subject to any requirements (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 9 of the *Regulation* to determine assessable development, the type of assessment and any referrals applying to the building work.

- (4) The building assessment provisions and designations in the planning scheme are contained in Table 1.6.1.

Table 1.6.1 Designations and Building assessment provisions in the planning scheme for the purpose for the *Building Act 1975*:

Description of designation and Building assessment provisions	Planning Scheme Part	<i>Building Act 1975 (BA), Building Regulation (BR) 2006 or Queensland Development Code (QDC) Reference</i>
<b>Bushfire Prone Areas</b>		
Designated bushfire prone area	Schedule 2 – Development constraints overlay map OM-02 (Bushfire hazard)	Section 32(a) BA and section 12 BR; QDC MP 2.4 – Construction in Bushfire Prone Areas; and AS 3959-2009
<b>Flood hazard</b> <b>Note-</b> In accordance with section 13 (2) of the <i>Building Regulation 2006</i> , the following designation is made under section 13 of the <i>Building Regulation 2006</i> for the Flood hazard area in the Townsville City Plan (planning scheme).		
Flood hazard area <b>Note-</b> In accordance with section 13 (4) of the <i>Building Regulation 2006</i> , the Flood hazard area was designated on 27 October 2014.	Schedule 2 – Development constraints overlay map OM-06.1 and OM-06.2 (Flood hazard)	Section 32(a) BA and section 13(1)(a) BR; and QDC MP 3.5 – Construction of buildings in flood hazard areas
Defined flood level (DFL)	Schedule 1, Table SC1.2.2 Administrative Definitions “defined flood level” and Table 8.2.6.3(a) Flood overlay code, Editor’s Note, PO1 and PO4	Section 32(a) BA and section 13(1)(b)(i) BR; and QDC MP 3.5 – Construction of buildings in flood hazard areas
The finished floor level of class 1 buildings built in all or part of the flood hazard area	Table 8.2.6.3(a) Flood hazard overlay code	Section 32(a) BA and section 13(1)(b)(v) BR; and QDC MP 3.5 – Construction of buildings in flood hazard areas
<b>Transport Noise Corridors</b>		
Designated Transport Noise Corridor (State Controlled Road and railway land) <b>Editor’s note-</b> for the purposes of the <i>Building Act 1975</i> and application of the <i>Queensland Development Code</i> in relation to declaration of local government transport noise corridors, the planning scheme has not declared such transport noise corridors.	Schedule 2 – Infrastructure overlay map OM-10 (Noise corridors)	Section 246Z and s246ZA(3) BA; Section 32(b) BA; and QDC MP 4.4 – Buildings in a transport noise corridor
<b>Character Residential Zone</b>		
Building assessment provisions – regulated building work in accordance with sections 32 and 33 of the <i>Building Act 1975</i>	Character Residential Zone <b>Editor’s note</b> —This code contains alternative provisions for dwelling houses and dual occupancies to those set out in the <i>Queensland Development Code (MP 1.1, MP 1.2 and MP1.3)</i> , for the purposes of section 33 of the <i>Building Act 1975</i> .	Sections 32 and 33 BA

**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 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 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.

### 1.7.2 Declared locality and building form for amenity and aesthetic referral agency assessment

For the purpose of Schedule 9, of the Planning Regulation, building work for a building or structure which is a single detached class 1(a)(i) building, class 1(a)(ii) building comprising not more than 2 attached dwellings or a class 10



building or structure in a locality identified in Table 1.7.2 that does not comply with the relevant QDC acceptable solutions or the acceptable outcomes in the codes identified in Table 1.7.2, is declared to:

- (a) have an extremely adverse effect on the amenity or likely amenity of the locality; or
- (b) be in extreme conflict with the character of the locality

#### 1.7.2 Declared locality and building form for amenity and aesthetic referral agency assessment

<b>Locality</b>	<b>Codes</b>
Land in the Character residential zone	Character residential zone code
Land in the Flood hazard overlay	Flood hazard overlay code
Land in the Coastal protection overlay	Coastal hazard protection overlay code
Land in the Cultural heritage overlay	Cultural heritage overlay code