



CHAPTER 1

INTRODUCTION



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CHAPTER 1 – INTRODUCTION

1.1 Introduction

The Douglas Shire Planning Scheme relates to the whole of the Shire and has been prepared in accordance with the *Integrated Planning Act 1997* (IPA). Chapter 1 provides explanatory material which does not have a role in the development assessment process and is provided only to assist in understanding the planning process and land use planning influences in the Shire.

Douglas Shire is an environmentally unique Shire embracing two World Heritage Areas. Approximately 85% of the Shire is included in the Wet Tropics World Heritage Area (WTWHA) or National Park and the northern part of the Shire's coastline and offshore Islands are contained in the Great Barrier Reef World Heritage Area (GBRWHA).

The Planning Scheme establishes the Council's planning intent for the interface between the development of the Shire and the management of these unique environmental resources over the next 10 – 15 years.

The preferred form of development within the Shire is discussed, in broad terms, in Section 1.4.

The Planning Scheme has been prepared with an overall lifespan of 10 – 15 years. However, to ensure the Planning Scheme remains contemporary and satisfies the timeframes established for reviews in the IPA, the Planning Scheme will be reviewed in accordance with the Act.

1.2 The Integrated Planning Act 1997

1.2.1 The Purpose of the Integrated Planning Act

- The purpose of the IPA is to achieve ecological sustainability.

The Planning Scheme advances the purpose of the Act through the integration and co-ordination of the core matters of land use and development, infrastructure and valuable features.

The Planning Scheme aims to:

- establish a clear strategy for future growth, land use and development within the Shire;
- ensure that an appropriate level of infrastructure is provided in an efficient and equitable manner; and
- recognise the valuable features of the Shire including areas of ecological significance, scenic value, cultural value and natural resources and provide for their management in a sustainable way.



The Planning Scheme advances the purpose of the IPA by:

- identifying outcomes sought to be achieved in the Shire as the context for assessing development; and
- identifying assessable and self-assessable development.

1.2.2 The Planning Scheme as Part of the Integrated Development Assessment System

The Planning Scheme functions as part of the Integrated Development Assessment System (IDAS), which is detailed in Chapter 3 of the IPA, and must be read together with the IPA.

1.3 Other Relevant Planning Initiatives

1.3.1 Douglas Shire Council Corporate Plan

The Corporate Plan is an overarching document that establishes the Council's Vision for the Shire and outlines the Council's strategies and goals for a number of matters for which the Council is responsible.

The Planning Scheme is aimed at achieving the Council's Vision for the Shire by:

- conserving, protecting and managing the Shire's natural resources;
- maintaining the Shire's tourism and agricultural resources; and
- providing the equitable and timely provision of infrastructure services to current and future populations of the Shire.

1.3.2 The Far North Queensland Regional Plan

The FNQ Regional Plan is intended to guide and manage the development of the Far North Queensland Region over the next 20 years. It does this by addressing the region in a holistic and integrated manner to achieve a balance between key economic, social, environmental, infrastructure and development objectives for the future. The development of the FNQ Regional Plan was a joint undertaking between all levels of government and community interest groups.

The FNQ Regional Plan contains a Regional Structure Plan which is intended to establish, in general terms, the preferred physical arrangements for the region over the next 20 years, primarily in relation to urban settlement and regional infrastructure.

In general terms, the preferred settlement pattern for the region is to be based on the principle of accommodating the majority of regional growth in existing urban centres or within designated urban growth areas.



The urban growth proposals specific to the Shire include:

- continued development of Mossman as the primary urban and service centre for the north coast;
- continued development of Port Douglas as a combined tourist and urban node; and
- management of urban and tourist development in the Daintree-Cape Tribulation area whereby development is restricted in size and extent and is of a low intensity and environmentally sensitive in nature.

The Regional Structure Plan acknowledges the restricted capacity of the Shire to accommodate major urban growth demands due to the following factors:

- impacts on the natural environment;
- loss and alienation of Good Quality Agricultural Land (GQAL); and
- the limited capacity of water supply, sewerage and Road infrastructure, including the Captain Cook Highway.

The preferred development pattern for the Shire is based on:

- identifying suitable land to accommodate the long term urban development needs of Mossman, Port Douglas and other coastal settlements;
- the continuing role of Port Douglas as a major tourist node which accommodates intensive tourist development;
- restricting expansion of urban development north of the Daintree River in order to protect the scenic quality and environmental values of the Daintree-Cape Tribulation area;
- developing strategies for provision and maintenance of infrastructure services which do not unduly impact on scenic and environmental quality; and
- protecting GQAL.

The Planning Scheme is consistent with the FNQ Regional Plan and is intended to assist in the implementation of the FNQ Regional Plan, particularly through the land use and development strategies identified in the Planning Scheme.



1.3.3 The Wet Tropics World Heritage Area

Approximately 82% of the Douglas Shire is included in the WTWHA.

The aim of the Wet Tropics Plan is to achieve the primary goal: “*protect, conserve, present, rehabilitate and transmit to future generations*” the WTWHA.

The Wet Tropics Plan also seeks to maximise the benefits of the area for the local and wider community, while minimising threats to the area’s integrity and providing for groups and individuals throughout the region to contribute to the management of the area.

The Wet Tropics Plan divides the area into four management zones in order of prioritised environmental and ecological significance. The Plan then provides for the management of each zone by classifying activities in each zone.

The Planning Scheme complements the Wet Tropics Plan by:

- identifying the WTWHA for conservation;
- providing for the management of private lands within and adjoining the Area;
- ensuring any development on these lands minimises impacts on the Area; and
- providing opportunities, where appropriate, for the enjoyment of, and interaction with, this unique natural resource.

1.3.4 The Great Barrier Reef World Heritage Area

The northern part of the coastal boundary of the Shire adjoins the GBRWHA. The off-shore Islands of Snapper Island and Low Isles are located within the Shire and are contained within the World Heritage Area. The Great Barrier Reef is a natural resource of international significance and plays an important role in the tourism industry of the Shire by providing a world renowned recreation and tourism experience.

The GBRWHA is managed by a range of Commonwealth and State legislation. In addition, a 25 year Strategic Plan for the GBRWHA has been prepared and was adopted in 1994.

The 25 year objective outlined in the Strategic Plan for the GBRWHA is:

“To ensure the persistence of the Great Barrier Reef World Heritage Area as a diverse, resilient and productive ecological system, while retaining opportunity for a diverse range of experiences and uses consistent with Australia’s obligations under the World Heritage Convention.”



The Planning Scheme seeks to be consistent with this objective by providing for the management of land based activities to reduce impacts on the Great Barrier Reef. It also provides for the continued long term viability of the Great Barrier Reef as a major tourist attraction and tourist experience in the Shire and seeks to protect the two off shore Islands of Snapper Island and Low Isles which are located within the GBRWHA and the Shire.

1.4 The Shire Land Use and Settlement Pattern

Key features of the Shire land use and settlement pattern, which will be reinforced through the implementation of the Planning Scheme, are:

- the maintenance and consolidation of Mossman as the primary administrative, service, agricultural and industrial centre of the Shire;
- the maintenance and consolidation of Port Douglas as the major tourist accommodation and tourist service centre in the Shire, accommodating Service Industry activities, particularly those supporting the tourism industry, and activities associated with the fishing industry;
- the containment of residential expansion areas in Port Douglas on the eastern side of the Captain Cook Highway between Port Douglas Road and the Mowbray River;
- providing for the land management aspirations of the local Indigenous communities;
- the clear delineation of existing and future residential areas in the beach suburbs and other coastal settlements with future residential growth areas identified at Mossman, Cooya Beach and Port Douglas;
- the containment of development north of the Daintree River in size, scale and location to ensure the unique environmental values of the area are maintained and protected;
- the protection of GQAL and other rural land from alienation and conversion to other land uses.

1.5 Native Title

Nothing in this Planning Scheme is intended to diminish or extinguish native title and associated rights.

This Planning Scheme has been adopted by the Council prior to the finalisation of native title negotiations. Nevertheless, there is an understanding that the Indigenous Land Use Agreements (ILUAs) will result in the transfer of some land to Aboriginal Freehold within the Douglas Shire.

As a party to the ILUAs, the Council acknowledges the land use aspirations of Indigenous peoples and will work with the Traditional Owners and others to be responsive to their land use aspirations as established in the ILUAs.



1.6 Structural Elements of the Planning Scheme

The Planning Scheme contains a number of structural elements.

1.6.1 Desired Environmental Outcomes

The Desired Environmental Outcomes express the broad outcomes sought by the Planning Scheme. The Planning Scheme has 12 DEOs which are categorised under the three core matters as identified by the Act.

1.6.2 Planning for the Localities in the Shire

The Planning Scheme divides the Shire into six Localities that cover the entire Planning Scheme Area. The Localities are:

- World Heritage Areas and Environs
- Settlement Areas North of the Daintree River
- Mossman and Environs
- Port Douglas and Environs
- Coastal Suburbs, Villages and Townships
- Rural Areas and Rural Settlements.

1.6.3 Planning Areas

The Planning Scheme divides the Shire into eleven Planning Areas that cover the entire Planning Scheme Area. The relevant Planning Areas for each Locality are shown on the Locality Map/s for each Locality.

The eleven Planning Areas are:

- Rural
- Rural Settlement
- Residential 1
- Residential 2
- Tourist and Residential
- Commercial
- Industry
- Community and Recreational Facilities
- Conservation.
- Port Douglas Waterfront North
- Port Douglas Waterfront South

1.6.4 Overlays

The Planning Scheme includes three Overlays. The Overlays are:

- Acid Sulfate Soils
- Cultural Heritage and Valuable Sites



- Natural Hazards.

Any Overlays which apply in a Locality are shown on the Locality Map/s.

1.6.5 Assessment Tables

The Assessment Tables for each Locality, determine the level of assessment required for development within each Planning Area and identify the relevant or applicable Codes. Development is: Exempt, Self-Assessable, Code Assessable or Impact Assessable.

Self-Assessable development converts to Code Assessable development where there is non compliance with the Acceptable Solutions/s specified in any relevant or applicable Codes.

1.6.6 Codes

The Planning Scheme includes five different types of Codes. The Codes are:

- Locality Codes
- Planning Area Codes
- Overlay Codes
- Land Use Codes
- General Codes.

The Codes set out the development requirements for development in the Shire.

Where there is an inconsistency or conflict between the requirements of the applicable codes for development, the inconsistency or conflict is to be resolved as follows:-

- The achievement of the purpose and performance criteria of an Overlay Code is a priority development outcome and must be demonstrated. Where there is a true conflict between achievement of the purpose or performance criteria of an Overlay Code and the purpose or performance criteria of other applicable codes, the applicant must demonstrate how the development can achieve the purpose and performance criteria of the applicable Overlay Code.
- The achievement of the purpose and performance criteria of a Locality Code is a preferred development outcome where there is a true conflict between the requirements of a Locality Area Code and the achievement of the purpose or performance criteria of an applicable Planning Area Code or a Land Use Code.
- The achievement of the purpose and performance criteria of a Planning Area Code is a preferred development outcome where there is a true conflict between the requirements of a Planning Area Code and the achievement of the purpose or performance criteria of an applicable Land Use Code.



- The achievement of the purpose and performance criteria of a Land Use Code is a preferred development outcome where there is a true conflict between the requirements of a Land Use Code and the achievement of the purpose or performance criteria of an applicable General Code.

1.6.7 Definitions

The Planning Scheme includes three types of Definitions. The Definitions are:

- Land Use Definitions
- Operational Works Definitions
- Administrative Definitions.

The Land Use Definitions and the Operational Works Definitions have a specific meaning in the Assessment Tables.

1.7 Achieving Outcomes through the Planning Scheme

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability.

Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome, or Performance Criteria and associated Acceptable Solutions for Overall Outcomes.

1.8 The Planning Scheme Area

The Planning Scheme is applicable to the whole of the Shire, including the off-shore Islands of Snapper Island and Low Isles.

1.9 Roads, Watercourses and Reclaimed Land

If a Road, Watercourse or reclaimed land is not shown as being included in a Planning Area on the relevant Locality Map, the following applies:

- if the Road or Watercourse is adjoined on both sides by land in the same Planning Area – the Road or Watercourse has the same Planning Area designation as the adjoining land;



- if the Road or Watercourse is adjoined on one side by land in one Planning Area and adjoined on the other side by land in a different Planning Area – the Road or Watercourse has the same Planning Area designation as the adjoining land and the centre line of the Road or Watercourse is the boundary between the two designations;
- if the Road, Watercourse or reclaimed land is adjoined on one side only by land in a Planning Area – the entire Road, Watercourse or reclaimed land has the same Planning Area designation as the adjoining land.

To remove any doubt, subsection 1.9 also applies to a closed Road if the Road is closed after the commencement of the Planning Scheme.