



FACT SHEET TWO

Proposed Planning Scheme Amendment (Major Amendment No.2)

WHAT IS A PLANNING SCHEME AND HOW DO I READ ONE?

Western Downs Regional Council is committed to ensuring its planning scheme remains contemporary, consistent and responsive to changing community needs, expectations and legislation. Council has embarked on a proposed planning scheme amendment project – Major Amendment No. 2 – to amend and update the current version of the Western Downs Planning Scheme 2017.

The proposed Major Amendment No. 2 is now available for public consultation. The public consultation period is from 2 August 2024 up to and including 3 September 2024 at 5pm. During this period, any person can make a written submission to Council about any aspect of the proposed Major Amendment No. 2.

Q - What is a planning scheme?

A - A planning scheme is the document a local government uses to tell the public and other levels of government how it plans to manage development and growth in its region, and in the longer-term respond to change.

Planning schemes are both:

- a policy document, setting out the long-term strategic vision for the local government area – typically about 20 years; and
- a legal document which sets out rules for regulating development and criteria for assessing development applications.

Planning schemes also include:

- the localised expression of state and regional planning policies; and
- planning for major local government infrastructure networks.

Planning schemes are written, adopted and applied under the *Planning Act 2016*. The Act also provides the framework for Queensland’s planning system which is performance-based, applicant-driven and established through a hierarchy of planning instruments. These factors influence, and in some respects prescribe, the content and layout of planning schemes.

For more general information about Queensland’s planning framework, refer to the Queensland Government’s website <https://planning.statedevelopment.qld.gov.au/planning-framework>.

Q - What is development?

A - In Queensland, development includes:

- making a material change of use of premises
- reconfiguring a lot
- carrying out building work
- carrying out plumbing and drainage work
- carrying out operational work.

Q - Why does Council have a planning scheme?

A - As a council, we have a lawful obligation under the *Planning Act 2016*, to have a planning scheme and to review it every 10 years.

The planning scheme allows the community and council to make informed decisions about what development can occur where and how the impacts of development will be appropriately managed. It provides a framework for:

- making consistent, transparent and accountable decisions; and
- making decisions which contribute to, and do not detract from, achieving a shared longer-term vision for our region.

From an economic development perspective, the planning scheme can offer policy indications to the property and development markets, as to the form and nature of development that would be positively received in the region to support and stimulate growth in various contexts.

Q - Hierarchy of planning instruments

A - A planning scheme is only one of the documents which manage and regulate development within Queensland’s planning system. There are other types of plans and planning instruments which sit separately from and may override a planning scheme. These include the *Planning Regulation 2017*, various state planning instruments and the following which council may be involved in making:

- Temporary Local Planning Instruments (TLPs); and
- Variation approvals – a type of development approval that varies the effect of the planning scheme over certain stated premises.

Q - Content of the planning scheme

A - The Western Downs Planning Scheme is similar in structure to most planning schemes in Queensland.





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The content of the planning scheme is set out in the following order:

Part 1	Introductory and administrative matters about the planning scheme
Part 2	Statements about how the planning scheme integrates and interacts with state planning instruments
Part 3	Describes the 20 years strategic vision for the Western Downs Region
Part 4	The local government infrastructure plan (LGIP) - a separately-made plan for local infrastructure networks (e.g. roads, water, sewerage, parks) which is published as part of a planning scheme
Part 5	The categories of assessment and development for each type of development in each zone and overlay area - often called 'tables of assessment'.
Part 6	Zone Codes
Part 7	Local Plans
Part 8	Overlay Codes
Part 9	Development Codes
Part 10	Other Plans
Schedule 1	Definitions
Schedule 2	Mapping
Schedule 3	LGIP Mapping and Supporting Information
Schedule 4	Notions Required under the <i>Planning Act 2016</i>
Schedule 5	Designation of Premises for Development
Schedule 6	Planning scheme policies

The proposed amendment does not alter this general structure.

Q - Categories of development

- A** - There are two categories of development in the Planning Scheme:
- **Accepted:** Accepted development does not require an application or an approval, but in some instances the proposal must meet certain stated requirements in order to be treated as accepted development (referred to as 'accepted subject to requirements'). Accepted development is generally simple, low risk and completely compatible with the planning intentions for an area — which is why a development approval is not required.
 - **Assessable:** Assessable development is development that requires the applicant to submit an application for assessment and decision by an assessment manager.

Q - Categories of assessment (for assessable development)

- A** - There are two categories of assessable development:
- **Code assessable:** Code assessment helps deliver expected development without undue delay. Public notification is not required. Code assessable applications are assessed against the relevant assessment benchmarks set out in the planning scheme and/or regulation (often contained in specified codes). Where the application meets the set criteria, it will be approved. If it does not meet some criteria, that part of the application can be refused or approved with conditions.
 - **Impact assessable:** Impact assessable applications are assessed against the entire planning scheme. The applicant is required to carry out public notification about their development proposal. The community can provide feedback about the impact (good and bad) of the proposed development during the public notification process. This feedback is considered when assessing and deciding the application. Someone who makes a submission during public notification process can appeal any decision made by the assessment manager.

Q - How to read the planning scheme – How do I know what category of development or assessment will apply to my proposed development?

- A** - To some extent, how you approach reading a planning scheme depends on your purpose for consulting it.

If you are in a pre-proposal or speculative stage of enquiry, you may wish to start by reading the strategic vision for the region (Part 3) and understanding the existing and planned trunk infrastructure networks (Part 4), in conjunction with the supporting mapping.





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However, if you have a development proposal in mind, relating to specific land, then the following approach to reading the planning scheme may be most informative:

Consult Mapping (Schedule 2)	Determine the type of development involved	Consult categories of development and assessment (part 5)	Determine Assessment Benchmarks	Consult the codes (Parts 6 to 8)
<p>Identify the land you propose developing on the planning scheme maps.</p> <p>Determine the zoning of the land (ZM map series).</p> <p>Determine if the land is included within the area of any mapped overlays (OM map series).</p>	<p>Does your proposal involve a change in the use of the land?</p> <p>If so, refer to the use definitions in Schedule 1. The planning scheme must adopt uses and definitions mandated throughout Qld by the <i>Planning Regulation 2017</i>.</p> <p>Does the proposal involve reconfiguring a lot or operational work?</p> <p>Building, plumbing and drainage work are regulated by other instruments.</p>	<p>Part 5 of the planning scheme has a table or set of tables for each type of development.</p> <p>For a change of use, there is a specific table for each zone.</p> <p>Identify the relevant table/s relating to your proposed development and the corresponding relevant line within each table. This will identify the category of development (accepted or assessable) and assessment (code or impact).</p> <p>Also review the table relating to overlays at Table 5.9.1. An overlay may have the effect of altering the category of development or assessment.</p>	<p>If the proposed development is accepted subject to requirements the relevant table in Part 5 will state the requirements to be complied with. If ALL requirements cannot be satisfied, the development will be elevated to assessable.</p> <p>For assessable development, the right-hand column in the relevant table in Part 5 will identify the assessment benchmarks against which the development application will be assessed.</p> <p>For code assessable development, specific codes will be identified.</p> <p>For impact assessable development, the development application will be assessed against the whole of the planning scheme - including the strategic vision set out in Part 3.</p>	<p>Review the relevant codes (identified as assessment benchmarks) and consider how your proposal will respond to each of the applicable planning outcomes sought of development in the Western Downs Region.</p> <p>There is an internal hierarchy within codes. If all corresponding acceptable outcomes (AOs) beside a performance outcome (PO) can be met, the PO is taken to have been met. Similarly if all applicable POs in a code can be met, the overall outcomes of that code are taken to have been met.</p> <p>In the case of impact assessable development, the outcomes stated in Part 3 represent the highest order outcomes.</p>

The above guidance does not substitute for reading all parts of the planning scheme. The content of Part 1, Part 2 and the interpretation rules in Part 5 are also of vital importance in reading and correctly interpreting the content of the planning scheme. As noted above, there may also be other documents which override or apply in addition to the planning scheme, to determine the applicable category of development and/or assessment for a particular proposal.

For example – If the proposal involves clearing of native vegetation, the category of assessment and assessment benchmarks for that aspect of development are prescribed by the *Planning Regulation 2017*, not the planning scheme. Other times there may be applicable assessment benchmarks in the planning scheme and in a State planning instrument.

Q - What if I want further information?

A - To access a copy of the current Western Downs Planning Scheme 2017, the proposed Major Amendment No. 2 or further fact sheets (including a fact sheet on 'Making a Submission'), visit Council's dedicated webpage for this project, <https://www.wdrc.info/planning-scheme-amendment>. Alternatively, contact Council's Planning Team by email at strategic.planning@wdrc.qld.gov.au or by phone on 1300 COUNCIL.

The content of this fact sheet is a summary only and has been prepared to assist the reader to understand the proposed Western Downs Planning Scheme 201 Major Amendment No. 2. Please refer to the full document available on Council's website for further detail.

