



## User Guide for the TRC Planning Scheme

### 1. Purpose of the User Guide

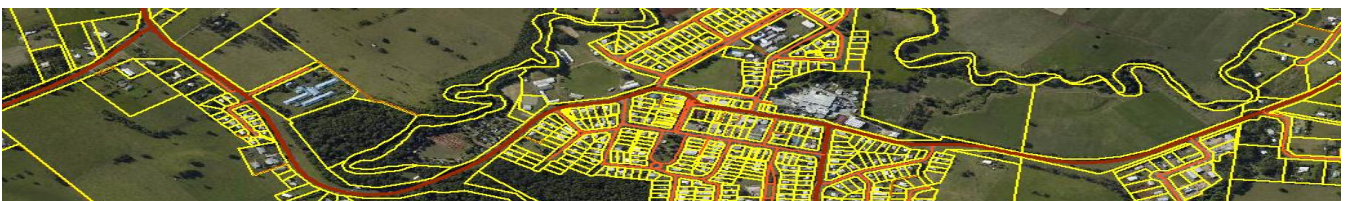
The purpose of the User Guide is to provide a basic understanding of the TRC Planning Scheme (which will be referred to as 'the planning scheme'). It should be read in conjunction with the planning scheme and provides an introduction to the planning scheme. It is a non-statutory guide and does not replace advice given by Council, a qualified planning consultant or legal professional. Expert advice should be sought for more complex matters. You can find a current copy of the planning scheme at: <http://www.trc.qld.gov.au/planning-services/one-planning-scheme-tablelands/>

### 2. What is a Planning Scheme?

A planning scheme is a plan for the future direction for the development of land in the planning scheme area for the next 10 to 15 years. A planning scheme also provides a single document to co-ordinate local government requirements, community aspirations and regional and state planning requirements. The planning scheme applies to all premises, roads and waterways within the TRC local government area. The planning scheme identifies the preferred location for different types of development and any additional matters that may need to be considered for development to take place, such as a nearby quarry or a potential environmental hazard. Planning schemes are regularly updated to reflect changes in state or regional policy or changes in local government requirements. It is important to make sure that the most up to date version of the planning scheme is referred to. If in doubt, contact Council or check on the council website.

### 3. Legal Framework

Planning schemes are one of a number of planning tools that are legislated under the *Sustainable Planning Act 2009*. Information from the 'higher order' documents, that are relevant to TRC at the time of adoption, will be included within the planning scheme. For more complex planning applications the developer (or their planning consultant) may have to refer to many or all of these. Planning schemes also incorporate input from the local community. Prior to adoption planning schemes go through an exhaustive consultation process to ensure that the aspirations of community members and key stakeholders are also considered.



## LEGAL FRAMEWORK FOR LAND USE PLANNING IN QUEENSLAND

### ***Sustainable Planning Act 2009***

This is the overarching Act for land use planning in Queensland

#### **Sustainable Planning Regulation 2009**

These regulations provide greater detail to support the Act

### ***State Planning Regulatory Provisions***

*Referred to as SPRPs, these are State guidelines on single topic issues. Those relevant to the Tablelands at the time of adoption (Adopted charges and Adult stores) have been incorporated into the planning scheme.*

### ***State Planning Policy***

*The SPP outlines all land use planning issues that are considered to be matters of State importance (referred to as State interests).*

### ***Far North Qld Regional Plan 2009***

The Regulatory provisions were repealed in 2012 however the Regional plan remains. It outlines the future desired direction of land use for the FNQ Region. It is currently under review by the State.

### ***Queensland Planning Provisions***

The QPP provides the formatting and structure for all planning schemes across Qld to ensure consistency from one planning scheme to the next.

### ***TRC planning scheme (when adopted)***

This is where the planning scheme sits. It must integrate the above planning documents with local government interests to provide a detailed plan for the TRC area for approx. 10-15yrs. If changes are made to any of the above, then it may mean further changes to the planning scheme in the future.

## 4. Components of the Planning Scheme

In accordance with the Queensland Planning Provisions, the planning scheme is structured into 10 parts and 7 schedules.

Part		Explanation
Part 1	<b>About the planning scheme</b>	Introduces the planning scheme and provides the rules for determining levels of assessment.
Part 2	<b>State planning provisions</b>	Identifies how the Regional plan is used in the scheme and what State Planning Policies are reflected in the scheme.
Part 3	<b>Strategic framework</b>	Sets the policy direction for the whole of the Planning Scheme Area.
Part 4	<b>Priority infrastructure plan</b>	Identifies the future requirements for infrastructure and supports the infrastructure charging framework.
Part 5	<b>Tables of Assessment</b>	Identifies if a development application is needed, the level of assessment and what codes and other provisions the development would be assessed against.
Part 6	<b>Zones</b>	<p>Zone code provisions. The planning scheme has the following zones/precincts:</p> <p><u>Rural zone</u> - Precincts are: Broad Hectare; Agricultural investigation; Agricultural land; Eight Hectare and General Rural.</p> <p><u>Rural residential zone</u> - Precincts are: Five hectare; Two hectare; One hectare and 4000m<sup>2</sup>.</p> <p><u>Emerging communities zone</u> - Precincts are: Kairi, Millaa Millaa, Mount Garnet, Tarzali, Tinaroo and Tolga.</p> <p><u>Low Density Residential zone</u> - (no precincts).</p> <p><u>Medium Density Residential zone</u> - (no precincts).</p> <p><u>Centre zone</u> - (no precincts).</p> <p><u>Industry zone</u> - Precincts are: Low Impact Industry; Medium Impact Industry and High Impact Industry.</p> <p><u>Community Facilities zone</u> - (no precincts).</p> <p><u>Conservation zone</u> - (no precincts).</p>
Part 7	<b>Local plans</b>	Local plan provisions. The planning scheme has local plans for: Atherton, Herberton, Malanda, Ravenshoe and Yungaburra.
Part 8	<b>Overlays</b>	Overlay code provisions. The planning scheme has the following overlays: Environmental Significance; Bushfire hazard; Extractive Resources; Flood Investigation Area; Heritage; Slope and Water resource catchment.
Part 9	<b>Development codes</b>	There are 31 Development codes including four statewide codes and four "other" development codes (commonly associated with a diverse range of uses) which are - Advertising devices, Landscaping, Parking and access and Reconfiguring a lot.
Part 10	<b>Planning Partnerships</b>	Relates to an area for which a plan has been produced under legislation other than the current Act. TRC has none at the time of adoption.

Schedule		Explanation
<b>Schedule 1</b>	<b>Definitions</b>	Contains both Use definitions provided by QPP (version 3.1) and Administrative definitions which provides a glossary of words used in the planning scheme.
<b>Schedule 2</b>	<b>Mapping</b>	Methodology of mapping and sources of information.
<b>Schedule 3</b>	<b>Priority infrastructure plan mapping</b>	Map index for the Priority Infrastructure Area and Plans for Trunk Infrastructure
<b>Schedule 4</b>	<b>Notations required under the Sustainable Planning Act</b>	Approvals overriding the planning scheme are listed here.
<b>Schedule 5</b>	<b>Land designated for community infrastructure</b>	List of land designated for Community infrastructure.
<b>Schedule 6</b>	<b>Planning Scheme Policies</b>	PSP 1. Character Area Design Guidelines PSP 2. Ecological Assessment Reports PSP 3. Extractive Industry PSP 4. FNQROC Regional Development Manual PSP 5. Slope Overlay Guidance Material PSP 6. Landscaping and Preferred Plant Species PSP 7. Local Heritage Places PSP 8. Natural area Revegetation and rehabilitation PSP 9. Structure Planning PSP 10. Footpath Paving PSP 11. Separating Agriculture from other land uses
<b>Schedule 7</b>	<b>Local Heritage Places</b>	Listed according to town localities. There are just over 70 places listed for local heritage significance in the localities of: Atherton, Butchers Creek, Mount Garnet, Herberton, Malanda, Millaa Millaa, Ravenshoe, Tinaroo, Tolga, Topaz, Walkamin, Wondecla and Yungaburra.



*Mt St Bernard's College is an example of a Local Heritage place at Schedule 7 of the planning scheme.*

## 5. Types of development and levels of assessment

The planning scheme regulates the following types of development, as defined under the *Sustainable Planning Act 2009* (SPA):

- making a **material change of use** of premises (e.g. starting a new use or increasing the scale or intensity of an existing use);
- **reconfiguring a lot** (e.g. subdivision of land or rearranging lot boundaries);
- carrying out **building work** (e.g. building, repairing, altering or demolishing a building); and
- carrying out **operational work** (e.g. filling or excavation, civil and landscaping works, vegetation clearing and placing an advertising device on premises).

A proposed development may involve one or more of the above types of development.

For the types of development described above, the planning scheme may identify the following categories of development (or levels of assessment), as defined under SPA:

- **Exempt** – the planning scheme does not apply and a development approval would not be required. However, approvals or licenses may be required under other state legislation (e.g. Building Regulation 2006) or Council local laws.
- **Self-assessment** – a development approval is not required from Council under the planning scheme. However, the proposed development would be required to comply with the self-assessable Acceptable Outcomes of the applicable code(s) in the planning scheme. Where a development cannot meet these Acceptable Outcomes, a development application and approval from Council is required.
- **Compliance assessment** – assessment by Council against specific technical provisions. It is limited to applications such as operational works, a reconfiguration of lot or other forms of development where a development permit has been issued and requires further assessment at a later stage in the development process to make sure that it complies.
- **Code assessment** – a development approval would be required from Council under the planning scheme. The application would be assessed against the codes identified as being applicable to the development. A code assessable development application does not require public notification. Development must satisfy the Purpose, Overall Outcomes and the Performance and Acceptable Outcomes contained in the codes relevant to the development. Consideration of the Strategic Framework in Part 3 of the planning scheme may be required where the development proposal is unable to meet all of the applicable Performance Outcomes.
- **Impact assessment** – development would require a development approval from Council and would be assessed against the planning scheme as a whole (to the extent relevant). An Impact Assessable development application requires public notification and provides third party appeal rights to any submitters. It is likely to be the subject of a report to a Council meeting. It is recommended that developers considering an impact assessable application contact the Planning Department at an early stage in the development process, to determine the likelihood of support for such a proposal and how best to meet planning scheme requirements. It is also recommended that the developer consider employing a planning consultant to assist with the application.

In addition to the above categories of development, Schedule 1 of SPA outlines the limited circumstances under which development is prohibited development. A development application or a request for compliance assessment cannot be made for prohibited development. The state also prescribes levels of assessment for certain types of development as reflected in section 5.4 (Prescribed levels of assessment) of the proposed planning scheme.

## 6. Six steps for using the planning scheme

### ***Step One: Identify the planning definition.***

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The proposal may involve building work, operational work, reconfiguring a lot or a material change of use (MCU). It may also involve more than one of these.

If the development involves an MCU refer to Schedule 1, S1.1.2 Use Definitions. Note that some definitions sound similar such as Dwelling House and Dwelling Unit or Residential Care Facility and Retirement Facility. Determine what definition in Schedule 1 Use Definitions best fits the proposal. Note that there is also a glossary of additional words (such as *Gross Floor Area*, *Minor Building Work* or *Secondary Dwelling*) used in the planning scheme at SC1.3.2 Administrative Definitions that may assist.

### ***Step Two: Look at the mapped attributes of the site.***

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There are a number of ways to access the planning scheme mapping for the site:

1. There is an online link to the interactive mapping:
2. <http://www.trc.qld.gov.au/planning-services/one-planning-scheme-tablelands/interactive-mapping/>
3. Hard copies of the maps and planning scheme are available at front counters in Council service centres and libraries
4. It is possible to purchase an electronic copy of the full scheme and mapping from the Atherton service centre at 51 Mabel Street Atherton.

Using one of these methods, identify the zone and any other mapped attributes for the site (such as Local Plan, Priority Infrastructure Area or Overlays). It is important to determine what is mapped within the area that the development is proposed (including the area required for the construction phase). Sometimes an Overlay is only mapped for a portion of a lot and is only applicable to that part of the lot covered by the Overlay. In general terms unless an Overlay is mapped over the area proposed for the development, it does not require assessment. For example, if the Flood Investigation Overlay is mapped along the rear property boundary but is on land that would not be developed, then the Flood Investigation Overlay would not be applicable.

The one exception to this "mapped Overlay rule" is if there is an Extractive Resource haulage route mapped within 100m of the proposed area of development. In this instance, the Extractive Resource Overlay is applicable even though it is not mapped over the area concerned.

### ***Step Three: Determine the level of assessment - prescribed assessment***

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If the development involves a Community Residence or Reconfiguration of one into two lots (and associated operational work) it may have a prescribed level of assessment under the Queensland Planning Provisions. Refer to Section 5.4 of the planning scheme.

If the development meets the prescribed level of assessment, the tables at Section 5.4 indicate the applicable level of assessment and Assessment Criteria. If there is a prescribed level of assessment proceed to step 5 if there is no prescribed level of assessment for the development, proceed to Step Four.

## ***Step Four: Determine the level of assessment (not prescribed)***

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Within the area that the development is proposed determine the level of assessment and Assessment Criteria according to the zone and zone precinct. If the proposed development is across two zones or zone precincts, note the highest level of assessment.

- If the proposal includes a Material Change of Use - go to the Tables at Part 5.7 of the planning scheme. Find the Zone table applicable to the lot.
- If the proposal includes a Reconfiguration - go to the Tables at Part 5.10 of the planning scheme.
- If the proposal includes Building work - go to the Tables at Part 5.11 of the planning scheme.
- If the proposal includes Operational work - go to the Tables at Part 5.12 of the planning scheme.

Then consider the other mapped attributes of the site and the level of assessment and Assessment Criteria for each of these. The levels of assessment are all within Part 5 of the planning scheme.

Where there is conflict between the different levels of assessment identified, the following rules apply:

1. Where there is conflict between the levels of assessment for a Zone and a Local Plan with no overlays, the Local Plan level of assessment has priority.
2. Where there is conflict between the levels of assessment for a Zone, an Overlay or Overlays and/or a Local Plan - the highest level of assessment determined from the Local Plan or Overlay/s applies.

Further information on the rules for the levels of assessment are available at section 5.3 of the planning scheme.

## ***Step Five: Assess the development against the codes***

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Refer to The Tables of Assessment final column to identify the relevant Assessment Criteria. Make a list of all Assessment Criteria identified under the various mapped attributes of the site. Proceed to Part 6 through to Part 9 of the TRC planning scheme and consider the proposal against the relevant Assessment Criteria Tables.

Self assessment: Only consider the final column (Acceptable outcomes) for those sections described as "For assessable and self-assessable development." If the development cannot meet all of the Acceptable outcomes, the level of assessment becomes Code assessment, unless the levels of assessment at Part 5 state otherwise.

Code assessment: The proposal should meet all of the Performance Outcomes. The Acceptable Outcomes provide examples of how to meet the Performance Outcome. Should a proposal not meet the relevant Performance Outcomes, it will be considered against the first section of the code, the *Overall Outcomes and Purpose of the code*. If it does not meet the Overall Outcomes and Purpose, it is considered not to comply with the code. Unless the levels of assessment state otherwise, the level of assessment for Code assessment does not change. If the proposal does not satisfy the code, assessment against the Strategic Framework at Part 3 of the Planning Scheme is required. Not meeting a code increases the likelihood of refusal for the development and the Strategic Framework at Part 3 of the planning scheme will also be considered to determine the application.

Impact assessment: The proposal would be subject to the same level of assessment as a code assessable application and would also be assessed against the entire planning scheme.

## ***Step Six: Determine if infrastructure charges apply for self-assessable development***

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Exempt development is not required to contribute towards the provision of trunk infrastructure. Other types of development that increase population densities, or create an additional lot, are likely to require infrastructure charges. These charges need to be paid before development is commenced.

Typical uses that increase the load on trunk infrastructure include:

- the creation of an additional lot
- any use that increases the population of residents or customers or workers on the application site.

This is discussed at Section 5.3 of the Planning Scheme. Where self-assessable development is considered like to increase demand on trunk infrastructure, the level of assessment would increase to Code assessment unless an Infrastructure agreement is entered into with Council.

**Note: If the proposal involves construction, a building permit may also be required. Some forms of development may require separate assessment by a state of federal agency. Examples include development over a registered Aboriginal Heritage site and vegetation removal.**





## 7. Examples

Council has a range of examples designed to be read in conjunction with this guide to illustrate navigating through the various steps. These examples are:

1. Secondary dwelling in a Medium Density Residential zone
2. Reconfiguring a lot 8ha Rural zone.
3. Multiple dwellings in the Medium Density Residential zone.
4. Large subdivision in an Emerging Community zone requiring a Structure plan.

There is also a wealth of other information available from Council service centres and online including *Frequently Asked Questions and Answers* on the planning scheme. Hard copies of these can be picked up from a Council service centre or posted on request. They are also available online. Simply go to: <http://www.trc.qld.gov.au/planning-services/one-planning-scheme-tablelands/>



## 8. Where to go for help

This document is intended to be an introduction on how to use the TRC Planning Scheme. Planning schemes can be complex as they must meet a broad range of Council and State Government interests and be legally defensible. If it is still uncertain whether a development requires planning assessment or there are questions relating to the Assessment Criteria, contact the Planning Group within Council. Planning staff are located at 51 Mabel Street, Atherton. Contact details are provided below.



Some of the friendly faces ready to assist you with your enquiry, at 51 Mabel Street Atherton.

### **Contact information**

**All council telephone enquiries: 1300 362 242**

**Email: [info@trc.qld.gov.au](mailto:info@trc.qld.gov.au)**

**Fax: 07 4091 4300**

### **Address all postal correspondence to:**

The CEO  
Tablelands Regional Council  
PO Box 573  
ATHERTON QLD 4883