



Ipswich Planning Scheme

Features of the Planning Scheme and its Relationship to State Legislation

This guide is one of a series of guides which has been prepared to assist people to interpret local government planning schemes and implement the Integrated Development Assessment System (IDAS).

User's Guide 1 provides an overview of the typical features of a planning scheme and is designed to help people understand how a planning scheme applies to development within a local government area. This guide also explains the relationship between a planning scheme and the *Integrated Planning Act 1997* (commonly referred to as IPA) and other State Legislation.

Planning schemes are prepared by local governments to manage growth and change in their area. A scheme applies to the whole of the local government area and—

- identifies the broad outcomes sought for the local government area and more detailed outcomes in relation to certain matters or parts of the local government area;
- allocates land for different uses, including residential growth areas, having regard to a range of considerations;
- indicates the location and nature of major infrastructure proposed to be provided;
- identifies areas or places that constrain the use of land due to their environmental value or their adverse effects on development;
- identifies the kind of development that requires approval (assessable development) or that can be carried out without approval if certain requirements are met (self-assessable development);
- specifies detailed criteria to be used together with the detailed outcomes for assessing the suitability of a development proposal.

The statements and assessment criteria contained in the planning scheme reflect the current views and interests of the local residents and the desire of the local government to provide an appropriate environment for existing and future residents and visitors.

A local government's planning scheme also integrates State and regional aspects of the matters dealt with in the scheme.

A planning scheme is unique to a local government area and the assessment criteria and triggers for an application may be different from those in other areas.

FEATURES OF THE PLANNING SCHEME

A planning scheme manages development by using features such as zones, overlays, development assessment tables and codes. Below is a brief explanation of some of the features that are typically included in a planning scheme.

Desired Environmental Outcomes

All planning schemes contain desired environmental outcomes (DEOs). The DEOs express what is sought to be achieved by the planning scheme and cover a broad range of issues such as community needs, economic activity and nature conservation.

Zones

Planning schemes allocate land within the local government area to zones e.g. residential, business, recreation, rural. The zone of a particular parcel of land is identified on maps accompanying the planning scheme.

Zones may be further divided into smaller sub areas or precincts recognized as having certain special characteristics.

Overlays

Overlays in a planning scheme are a separate layer that identify areas or places that constrain the use of land due to their environmental value or their adverse effects on development e.g. flooding, mining, cultural heritage features, steep slopes, RAAF Base Amberley.

An overlay applies across zones and is identified on maps or in schedules accompanying the planning scheme.

Assessment Tables

Development assessment tables are the way to determine, for a specific proposal on a parcel of land, if—

- an application is needed for a land use, works or reconfiguring a lot; or
- the development must meet specified criteria.

Assessment Criteria

Planning schemes contain criteria against which development is assessed. These criteria may be contained in codes. Codes may relate to a zone, overlay or specific purpose or type of development.

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Maps

Planning schemes contain maps that identify zones, overlays and major infrastructure.

Defined Uses

Planning schemes define certain uses for assigning assessment categories such as different residential, business or industrial uses e.g. shop and restaurant. These definitions are necessary for using the assessment tables.

Administrative definitions are also provided for other terms used in the planning scheme (e.g. assessment category, site area, zone). (The definitions are contained in Schedule 1 of the planning scheme).

Planning Scheme Policies

Planning scheme policies support the planning scheme by providing further guidance about the interpretation and implementation of the scheme.

THE RELATIONSHIP BETWEEN A PLANNING SCHEME AND THE INTEGRATED PLANNING ACT 1997 (IPA)

As previously discussed, the planning scheme is the way the local government identifies the circumstances when development must meet certain criteria (self-assessable) or a development application is required (assessable).

Schedule 8 of IPA is the way the State government identifies self-assessable and assessable development. For example schedule 8 makes building work [assessable against the Standard Building Regulation (SBR)], Environmentally Relevant Activities and licensed brothels assessable development.

Unlike planning schemes that are unique to a particular local government area, Schedule 8 applies consistently across the State.

The planning scheme and schedule 8 complement each other. However, if there is any inconsistency between them, schedule 8 prevails.

A Proposal May be Assessable Under Both the Planning Scheme and Schedule 8 of IPA

A proposal may involve development identified as requiring a development application by both the planning scheme (e.g. to establish a new shop) and by schedule 8 (e.g. for erecting the building).

In some instances the application is made to the local government who is then responsible for assessing both aspects of the proposal. However in other instances the assessment arising from schedule 8 may be required to be undertaken by a State government department. In this instance the application is made to the local government and the State government department becomes involved as a referral agency.

Alternatively, the applicant may choose (if possible) to make separate applications (i.e. one for the planning scheme assessment and one for the schedule 8 assessment).

If the application is triggered by schedule 8 only, the assessment manager for the application may be either the local government or, as is more often the case, a State government department such as the Environmental Protection Agency (EPA) or Department of Natural Resources and Mines (DNR&M).

If an application is required, it will be assessed and decided using the Integrated Development Assessment System (IDAS). This is the case regardless of whether the application is required by the planning scheme or schedule 8, and regardless of whether the assessment manager is the local government, a State government department, or a private building certifier. For further details about determining if a development application is required, refer to User's Guide 2.

What other Guidance is Available?

To provide further assistance, the following additional User's Guides have been prepared—

- User's Guide 2: Determining if an Application is Required
- User's Guide 3: Making an Application
- User's Guide 4: Assessing an Application
- User's Guide 5: Acting on an Approval
- User's Guide 6: Commenting on an Application Assessment Checklist & Examples

Users Guide 1

