



USER GUIDE #1 - USING THE PLANNING SCHEME

MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area. The planning scheme:

- outlines a 20 year vision for the region
- identifies zones, local plans and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development; and
- sets benchmarks for the assessment of development

This user guide provides guidance on how to navigate the planning scheme to find out which planning scheme requirements apply, and the application process involved. This involves a five step process:

1. determine your type of development
2. determine your defined use
3. determine your site's planning scheme designations
4. determine your category of assessment; and
5. determine the relevant assessment benchmarks

1. DETERMINE YOUR TYPE OF DEVELOPMENT

There are four types of development* which are regulated under the planning scheme:

► Material change of use

Development which starts a new use, changes an existing use, or increases the intensity of use of the land. Eg. changing from a dwelling house to a multiple dwelling

► Reconfiguring a Lot

Subdivisions and boundary realignments. Eg. a 1 into 2 lot subdivision.

► Operational works

Work such as earthworks, roadworks, carparking and construction associated with subdivisions. Does not include building or plumbing work.

► Building work

Constructing new buildings, building extensions, demolitions, certain refits, repairs, sheds, fences and pools. Building work is not generally regulated under the planning scheme except in some circumstances on sites within the Heritage and neighbourhood character overlay.

* Types of development are defined in the *Planning Act 2017*



2. DETERMINE THE DEFINED USE

If the type of development being proposed is a material change of use, then the 'defined use' (land use) must be determined. A list of defined uses and accompanying definitions is set out in **Schedule 1** of the planning scheme. Examples of defined uses include dwelling house, dual occupancy, shop, office, food and drink outlet and warehouse.

There may be multiple uses relevant to the proposal. An application must list each use that is relevant to the proposal.

If it is unclear which defined use applies, please contact Council's Planning Advice Team.

3. DETERMINE YOUR SITE'S PLANNING SCHEME DESIGNATIONS

Mapping identifies the planning scheme designations applying to your site. Designations include:

- what zone/s applies to your site
- whether any zone precinct/s apply to your site
- whether any local plans apply to your site
- whether any overlays apply to your site

Officially, mapping is provided in **Schedule 2** of the planning scheme. However, it is much easier and more efficient to use the "planning report" function on Council's MiMAPS system. For further information please refer to *User guide #2 - What is my zone and other planning scheme designations?*

4. DETERMINE YOUR CATEGORY OF ASSESSMENT

Part 5 of the planning scheme lists the category of assessment for different types of development. The category of assessment sets out whether a development is assessable or not, and what assessment process is required.

In **Part 5**, the following tables set the 'initial category of assessment':

- material change of use - Part 5.5
- reconfiguring a lot - Part 5.6
- building work - Part 5.7
- operational work - Part 5.8 .

The category of assessment is identified in column 2 of the tables in **Part 5** (see figure 1).

Table 5.5.9 – Low density residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Caretaker's accommodation	Code assessment All circumstances	<ul style="list-style-type: none"> • Low density residential zone code • Caretaker's accommodation, dwelling unit and rural workers accommodation code • General development requirements code – provisions in the "utility and infrastructure services" and "Flooding" subsections only

Category of assessment

Figure 1 - Where to find your Category of assessment (extract from table 5.5.9)

For material change of use development, categories of assessment depend on the relevant zone and proposed use. In some cases, the category of assessment is also affected by site characteristics (eg. relevant zone precinct, area of the site) and / or proposal characteristics (eg. proposed building height).

The 'initial category of assessment' can be changed by a relevant local plan (5.9) or overlay (5.10). If there are no local plans or overlays applying to the site, or the relevant local plans and overlays are 'silent' in relation to the proposed development, then the 'initial category of assessment' remains.

There are three categories of development:

► Accepted development:

There are two types of accepted development:

- **Accepted Development** - Development for which development approval from Council is not required. The planning scheme makes some development accepted because it is low risk and appropriate for the zone.
- **Accepted development subject to requirements** - Development that is accepted, provided it complies with nominated requirements. If the development does not comply with one or more of the requirements for accepted development, **Part 5.3.3** states that it becomes code assessable.

► Assessable development:

Development for which development approval from Council is required. Council needs to assess the proposal against relevant benchmarks in the scheme. An approval (development permit) is required before the development can commence. There are two types of assessable development:

- **Code assessable** - Assessed against the codes identified as assessment benchmarks in **Part 5**. No public notification required.
 - If an application becomes code assessable due to non-compliance with one or more requirements for accepted development, then it is assessed against only those matters of non-compliance.
- **Impact assessable** - Assessed on its merits against the planning scheme and other relevant material. Public notification is required for impact assessable applications. This gives the public a chance to provide comments which are considered as part of the assessment process.

► Prohibited development:

Development for which a development application can not be made. Council can not accept an application for a prohibited development. Prohibited development is listed in Schedule 10 of the Planning Regulation 2017.

Please refer to *User guide #3 - Do I need to lodge a development application?* For more information about determining your category of assessment.

5. DETERMINE THE RELEVANT ASSESSMENT BENCHMARKS

Part 5 of the planning scheme also identifies the relevant assessment benchmarks for development. These benchmarks are located in column 3 of the applicable tables in Part 5 (see figure 2). Applications are assessed against these benchmarks.

Table 5.5.9 – Low density residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
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Assessment Benchmarks

Figure 2 - Example of assessment benchmarks in Part 5

For code assessable applications or accepted development subject to requirements, the assessment benchmarks are usually codes. For impact assessable applications, assessment benchmarks include the entire planning scheme.

It is important to determine all applicable assessment benchmarks by looking in **Part 5** for the type of development (Part 5.5, 5.6, 5.7 or 5.8), as well as any local plans and overlays applicable (Part 5.9 and 5.10).

Please refer to *User guide #5 - Making a development application*, for further details on the information required to lodge an application.

Figure 3 identifies the bookmarks in the planning scheme PDF. Use these bookmarks to easily navigate to specific parts and schedules of the planning scheme. Clicking on the plus symbols next to each section expands that section enabling you to navigate to a specific sub-section.

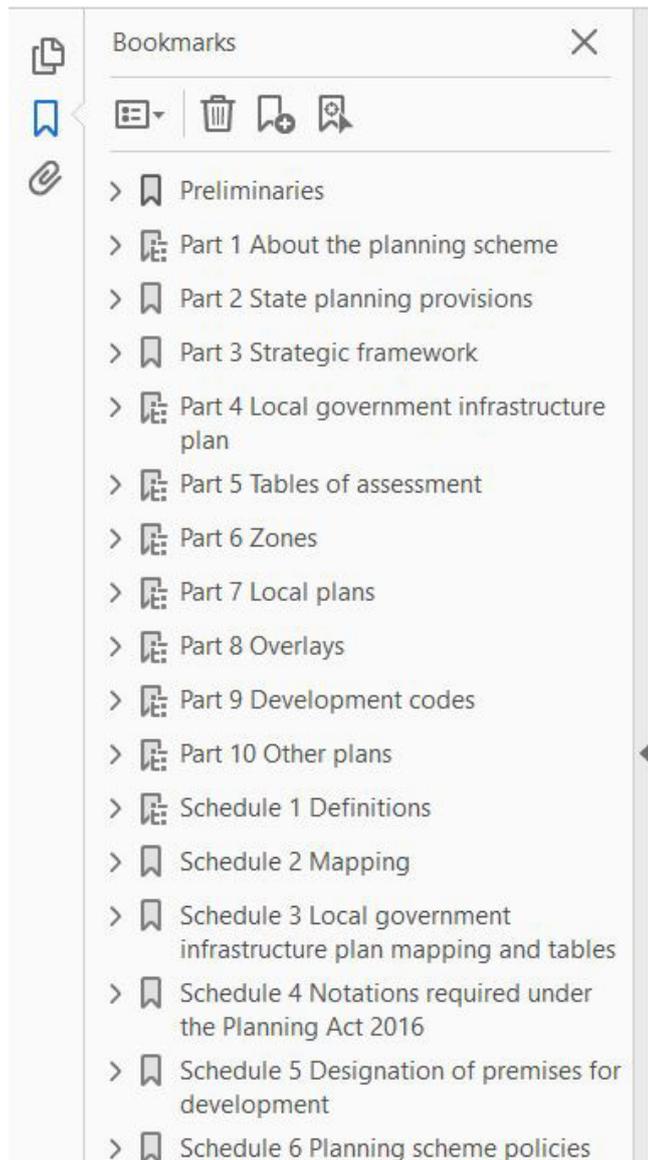


Figure 3 - Planning scheme bookmarks

This user guide is a summary of how to determine your application requirements under the Mackay Region Planning Scheme 2017. There may be further state referral requirements as listed in the Planning Regulation 2017. Please contact the Department of State Development, Manufacturing, Infrastructure and Planning regarding these matters.

OTHER RELEVANT USER GUIDES:

General

- #2 What is my zone and other planning scheme designations?
- #3 Do I need to lodge a development application?
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

Specific

Please refer to user guides relevant to your proposed development

FOR MORE INFORMATION

This user guide provides an overview of planning scheme requirements only. To view the planning scheme in full please visit Council's website - www.mackay.qld.gov.au/planningscheme

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for the development assessment process.

Council provides general development advice:

- [Online enquiries](#) can be lodged via the [Planning advice online enquiries form](#)
- [Phone enquiries](#) and appointments can be lodged by phoning 1300 MACKAY (1300 622 529)

You can also contact a building certifier, consultant town planner, building designer or other qualified professional who can provide assistance and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL
ON **1300 MACKAY** (1300 622 529)
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**