



Drafting a planning scheme

Guidance for local governments

March 2022

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1.0 Purpose

The purpose of this guidance is to support local government when making or amending a planning scheme by:

- identifying good drafting **principles** to apply when developing planning scheme provisions
- identifying the mandatory elements and content of a planning scheme – the **regulated requirements**
- providing guidance on how to approach the **structure** of content throughout a planning scheme
- providing guidance on key considerations when **drafting** components of a planning scheme.

Local government has a legislative requirement under section 25 of the *Planning Act 2016* (the Act) to review their planning schemes within ten years after the planning scheme was made or last reviewed. Based on that review, the local government may decide to amend or replace the planning scheme. Ongoing monitoring and regular reviews are encouraged to maintain up-to-date planning schemes that are responsive to contemporary information, challenges, new and emerging trends and changing community needs and aspirations at a local, regional and state level. For further advice on monitoring and undertaking a ten-year review refer to **Planning scheme monitoring and undertaking a ten-year review - Guidance for local governments**.

This guidance has been prepared to assist local governments in making amendments to their planning scheme in response to those regular reviews or in preparing a new planning scheme that is outcome based, meaning the planning scheme:

- can respond to changing circumstances over time and embrace innovation and opportunity
- enables development proposals to be made and considered on their merits – assessed against their ability to deliver on and enhance the outcomes intended for the area
- while still being clear and objective, providing certainty for the community and industry about intended outcomes and what complies and what does not
- is well drafted and clearly articulated as required by the **Minister's Guidelines and Rules** (MGR).

The guide is complemented by:

- the MGR which contains the guidelines and rules for the **process** of making and amending planning schemes
- the **Integrating state interests in a planning scheme – Guidance for local governments** which assists in the interpretation and integration of each of the **State Planning Policy July 2017** (SPP) state interests when making or amending a planning scheme
- the **Delivery of state interests through the Planning Regulation 2017 – Guidance for local government** which outlines how the Planning Regulation directly supports the delivery of state interests in development assessment and how local government should respond to these provisions when making or amending a planning scheme
- the **Integrating building work in planning schemes – Guidance for local governments** which provides guidance on the do's and don'ts around including building provisions in planning schemes
- the **Local infrastructure planning – Guidance for local governments and applicants** which addresses the role of the LGIP in planning for and facilitating the delivery of local infrastructure
- a **Toolkit for local government when making or amending a planning scheme** that assists local government in addressing relevant plan-drafting considerations when making a new or amending an existing planning scheme
- the **Community engagement toolkit for planning** which helps local government engage with their communities about planning in a meaningful and open manner, and
- the **Advancing Aboriginal and Torres Strait Islander interests in land use planning** which provides further guidance on the role of the planning framework in advancing these interests, engagement with Aboriginal and Torres Strait Islander communities as part of the plan-making process and information to assist local governments in identifying, understanding and advancing Aboriginal and Torres Strait Islander knowledge, culture and tradition when preparing or amending a planning scheme.

2.0 Plan-drafting approach

The purpose of the Act is to create a land use planning and development assessment system that is efficient, effective, transparent, integrated, coordinated, and accountable. The following approaches, and iterative processes applied in plan-drafting, should deliver a planning scheme that advances both the purpose of the Act and integrates the guiding principles of the SPP.

Articulate the intended **overall vision and land use planning direction for the local government area** in relation to:

- the matters that the local government seeks to manage
These matters may be articulated in a consolidated planning report that informs and provides the rationale for the scheme approach and outcomes. Individual plans may include Regional Organisation of Councils strategic plans and local government strategic and corporate plans, community visions, and strategies such as economic development plans, environmental policies and recreation and parks plans
- the relevant state interest policies in the SPP and applicable regional plan.

This vision and land use planning direction will inform the drafting of **strategic outcomes**.

Articulate **locations** in the local government area that are relevant to the integration of:

- the matters that the local government seeks to manage
 - the relevant state interest policies in the SPP and applicable regional plan.
- Determine whether these locations can be best described by zoning or by mapping relevant areas conceptually, strategically or specifically.

This vision and land use planning direction and locations will inform the preparation of **strategic mapping, allocating zones and locally specific mapping** and will enable the drafting of **zone outcomes and outcomes for specific locations** and complementary **categories of development and assessment**.

Articulate the key **content** matters that the local government wishes to address associated with:

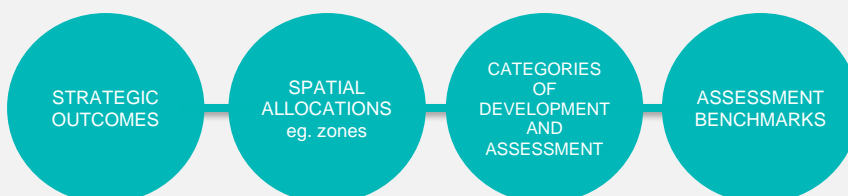
- the matters that the local government seeks to manage
- the relevant state interest policies in the SPP and applicable regional plan.

These content matters will inform the drafting of **assessment benchmarks**.

Review and test the **collective effect** of the proposed provisions to identify where any potential conflicts across provisions may arise. Refine to **minimise tensions** between provisions. Articulate where a matter is prioritised over another or where alternate solutions are necessary to accommodate divergent interests.

This testing will provide the basis for articulating how the planning scheme **considers all the relevant matters** across and between **state and local interests**.

Check for **internal consistency** across and between the scheme components and provisions as part of each step. Actively reference back to the preceding step and to the vision and direction to validate and test that approaches and provisions reflect or activate the strategic intent.



This vertical and horizontal integration achieves **alignment throughout the planning scheme** from vision to the detailed development provisions.

Does the planning scheme reflect the strategic intent from the strategic outcomes all the way to the detailed assessment benchmarks?

Clearly articulate the **rationale** for the approach taken in the planning scheme and the outcomes it is hoped will be achieved from development in accordance with the planning scheme.

The SPP guiding principles are intended to complement and support the provisions for plan making and development outlined in the Act, to ensure a planning framework that is outcome focused, integrated, efficient, positive, and accountable.

The following approaches to plan-drafting are intended to deliver on these purposes and principles. Detail on the approach to drafting specific components of a planning scheme follows in subsequent sections.

Efficient

Regulate development to the extent necessary to address potential impacts, to create a land use planning and development assessment system that is responsive and not overly restrictive.

Do not duplicate matters regulated outside the land use planning framework. For example, a planning scheme is not to include provisions about building work unless permitted and justified.

Limit content to that suited to a statutory instrument that seeks to regulate land use and planning outcomes. For example:

- ensure outcomes are those that are best delivered as result of a development assessment and are legal, reasonable, relevant and enforceable, and
- use planning scheme policies and supporting materials, if necessary, to provide further context for the planning scheme content.

Effective

Apply a clear, consistent, definitive drafting style and language that tells users what they need to know in a way that they will understand and correctly interpret.

Draft to facilitate clear and unambiguous development assessment decision making, considering the decision rules and the relevant matters the assessment must be carried out against or have regard to.

Organise concepts logically. For example, put rules before exceptions, conditions and qualifiers. However, if an exception is short, it may be moved to the front if there is a risk it would get lost or become confusing by putting it later in a long sentence.

Construct drafting that is resilient to change. For example, avoid referring to specific provisions in legislation or to assessment benchmark numbers in other parts of the planning scheme, that may change over time.

Note – General references could be intrinsic to the scheme and the specific reference extrinsic (as an editor's note).

Understand what legislation or policy changes have occurred since the planning scheme's last amendment, that may affect the planning scheme content and operation.

Transparent

Promote confidence in the planning framework through a planning scheme that is clear in its expression of the collective (community, local government and state) forward plan for the area and that enables development applications to be assessed consistently and that supports reasonable, logical and fair development decisions.

Ensure any material to be given weight in development assessment is contained in the planning scheme and located appropriately, that is, having regard to the applicable category of development and assessment.

Identify the other legislation / plans that have ongoing effect in the local government area to ensure users of the scheme are made aware of the provisions applying to land affected by the other plans.

Note – These could include for example:

- a State Development area made under the *State Development and Public Works Organisations Act 1971*
- a Priority Development Area made under the *Economic Development Act 2013*
- a port overlay for a master planned area under the *Sustainable Ports Development Act 2015*
- land subject to the *Integrated Resort Development Act 1987*
- land subject to the *Airport Assets (Restructuring and Disposal) Act 2008*

- Brisbane core port land where there is a land use plan
- land subject to location-specific legislation like the South Bank Corporation Area made under the *South Bank Corporation Act 1989*
- structure plans prepared for a declared master planned area made under the old Act and referenced under section 314 of the Act.

Integrated and coordinated

Section 4 of the Act identifies planning schemes as facilitating the achievement of ecological sustainability through *setting out integrated state, regional and local planning and development assessment policies for all of a local government area*.

As such, section 16 of the Act requires that a planning scheme must *coordinate and integrate the matters dealt with by the planning scheme, including state and regional aspects of the matters*.

Advice on integrating the content-related state interests of the SPP is provided in the [Integrating state interests in a planning scheme – Guidance for local governments](#).

Ensure vertical and horizontal alignment of all elements through the planning scheme from the overarching strategic outcomes through to specific provisions:

- the intent of the strategic outcomes must flow consistently through the other components of the planning scheme
- the allocation of spatial measures such as zones and overlays, should clearly align with and deliver on the strategic outcomes and associated strategic mapping
- there should be a clear connection and alignment between the intent of the strategic outcomes and the intents of measures such as development codes, overlay codes and local plan codes
- these intents should then be reflected in setting the category of development and assessment for each use and aspect of development, and
- there should then be a clear connection down to the assessment benchmarks for measures, that align with the higher order spatial allocations and intents and cumulatively deliver on the strategic outcomes.

Ensure the zoning of land reflects and responds to the characteristics of land that constrain its use.

Consider the cumulative impacts of provisions and consider how the elements of the planning scheme connect and relate to each other. For example, overlays that are compatible with and do not operate either individually or cumulatively to prevent or restrict land from being used for the purpose for which it has been zoned.

Accountable

Establish a sound evidence base to underpin the land use planning vision and direction. This can establish credibility for future decision making and provide a reference when determining appropriate strategic outcomes, spatial allocations and assessment benchmarks.

For example, critique development decisions and appeals and consult with development assessment teams and industry to get feedback on what parts of the current planning scheme are and are not functioning ideally and what provisions are commonly varied. Analyse current markets and consider the changing needs of the community and emerging trends in lifestyle, technology and industry.

Advancing the purpose of the Act includes providing opportunities for the community to be involved in making decisions. In the first instance this can be achieved through maximising the community's role in policy setting and plan-making. Refer to the [Community engagement toolkit for planning](#) for guidance on effective community engagement in policy setting and plan-making.

Consider what matters are of community interest and would benefit from community input at development application stage to inform the setting of category of development and assessment.

Outcome focussed and positive

Clearly and objectively articulate the outcomes intended in relation to the matter. Clear and concise statements that convey exactly what is to be achieved will improve certainty for the community and industry.

Provide a clear solution on how to achieve an outcome - know and clearly state what outcomes look like. Make it clear what complies and what does not.

3.0 Drafting planning scheme components and provisions

3.1 Structure and content

The rules – overview of content



Section 16(1) of the Act states that a planning scheme must:

- identify **strategic outcomes**
- include **measures** to facilitate the achievement of these strategic outcomes
- coordinate and integrate the matters dealt with by the planning scheme, including state and regional aspects of the matters.

Note – commonly strategic outcomes are consolidated in a single section referred to as a 'strategic framework'. If the local government chooses to refer to these provisions as something other than 'strategic outcomes', it is suggested that an explanatory statement be included in the planning scheme to identify the element of it fulfilling this requirement of section 16(1) of the Act.

Section 16(2) of the Act provides the head of power for a regulation to prescribe **regulated requirements** for the contents of a planning scheme.

Sections 6, 7 and 8 of the Planning Regulation 2017 (the Regulation) then identify the **regulated requirements** (zones and terms) that apply to local planning schemes (and how the regulated requirements apply to a planning scheme made under the Act, to the extent of any inconsistency).

Note – These are discussed in the relevant component of the planning scheme below.

There is no mandatory structure or order for inclusion of content in a planning scheme. Commonly planning schemes have followed a logical and orderly structure from the strategic to the specific to maintain useability and familiarity for users across the state. This generally involves:

- introductory and context section
- strategic outcomes
- categories of development and assessment
- zones
- assessment benchmarks e.g., for zones, aspects of development or uses, overlays and local plans
- definitions
- other schedules and technical information and supporting planning scheme policies, and
- a local government infrastructure plan (LGIP) if the local government intends to levy infrastructure charges or impose conditions about trunk infrastructure. The local government can include the LGIP within the planning scheme and maps and schedules of works as a schedule of the planning scheme.

However, a local government may choose to structure content using other approaches provided these remain logical and predictable. For example:

- tables of assessment combined with zones
- grouping content in the scheme by category of development and assessment, or
- a document structured around local plans.

Drafting tip



Balance avoiding repetition, with minimising the number of sections and volume of content a user must work through to understand what category of development and assessment applies and what is required of their development.

The structure and approach taken will be tested against the Act and the SPP principles to deliver an efficient, effective, transparent and integrated planning scheme, that is as easy for users to navigate as possible.

The rules – overview of approach



Section 43 of the Act provides the head of power for ‘categorising instruments’ – these include the Regulation and planning schemes. A **categorising instrument**:

- categorises development as prohibited, assessable or accepted development
- specifies the category of assessment (code or impact) for assessable development
- sets the assessment benchmarks development must be assessed against.

3.2 Strategic outcomes

The strategic outcomes should effectively express the overall settlement strategy, policy direction and strategies for the local government area that underpin the planning scheme.

The strategic outcomes of the planning scheme should:

- be informed by the characteristics that have shaped the local government area and emerging issues affecting the local government area (these may be addressed in the local governments' community plan, corporate plan, financial plans and economic strategy) and infrastructure network plans
- clearly identify and express the core outcomes, intention and direction for future development sought by the community and agreed to by the local government and the state for the local government area
- identify the land use planning strategies to deliver the desired future economic, social and environmental characteristics (as identified in section 3 of the Act as meeting the purpose of ecological sustainability) for the local government area
- integrate regional and state planning policy for the local government area (to transparently coordinate the integration of state interests in the planning scheme, local government may categorise strategic outcomes into themes that correlate with the SPP state interest themes of planning for liveable communities and housing, economic growth, environment and heritage, safety and resilience to hazards, and infrastructure)
- clearly set directions for the planning policies and spatial development patterns to ensure that the appropriate development occurs at the right time and in the right location in the local government area for the **life of the planning scheme**, and
- be reflected in the more detailed and specific content in the balance of the planning scheme, being the **measures** that facilitate the achievement of the strategic outcomes – including the allocation of zones, zone outcomes, categories of development and assessment, and intents and outcomes of detailed provisions, such as assessment benchmarks in codes.

Consider the role of strategic outcomes in the assessment of impact assessable development.

It is important to be aware that, as well as setting the “big picture”, the strategic outcomes will have an active role in the assessment of impact assessable development.

Be mindful that section 43 of the Act states that the assessment benchmarks for code assessment do not include the **strategic outcomes**. It is therefore important to ensure strategic elements are reflected in and consistent with all other parts of the planning scheme.

When new policy or provisions are included in a planning scheme amendment it is important to ensure this new intent is reflected through the planning scheme to maintain consistency between the strategic outcomes and the balance measures in the planning scheme.

Drafting tip



Avoid repetition and motherhood statements.

The strategic framework is a statutory element of the planning scheme and need not replicate and does not replace the local government community vision.

Drafting tip



Align the planning scheme horizon with the regional plan is optimal – otherwise a 20 year horizon is recommended. This isn't to be confused with the need to review a planning scheme on a regular basis (including the 10 year statutory requirement).

An LGIP's 10 to 15 year horizon aligns with Priority Infrastructure Areas that, as defined in the Planning Act, will accommodate at least 10, but no more than 15, years of growth.

Strategic mapping may support the written content of the strategic outcomes.

The content of any mapping or other illustrative material is to be determined by the local government and could be used to:

- articulate the strategic intent for land and how the settlement pattern for the whole of the local government area will look in the future, such as existing and future urban areas, major features of the natural environment, natural resources, economic development and community identity
- illustrate matters that cross outside of the local government area, such as major existing and future road and rail connections, linear infrastructure and environmental corridors, and
- identify other planning areas of a strategic scale such as strategic port land and State Development Areas.

The LGIP should be prepared in parallel with the strategic outcomes of the planning scheme to ensure the planning assumptions about the scale, type, location and timing of new development and growth align with the strategic land use planning outcomes.

Integrated and coordinated land use and infrastructure planning ensures a clear and realistic direction for the local government area that:

- matches development intensity to existing and planned infrastructure capacity, and
- considers the timing of development and aligns the proposed settlement pattern and associated zoning with infrastructure plans and sequencing. For example, determining when to apply an emerging community zone or future industry zone versus a residential or industrial zoning.

For more information about the role of LGIPs refer to the [Local infrastructure planning – Guidance for local governments and applicants](#).

Drafting tip



Map only what is necessary to tell the big picture.

Be mindful of how the map may apply in development assessment and avoid inconsistencies and ambiguity with more detailed mapping and provisions.

3.3 Zones

The rules – zones



Section 6 of the Regulation states that a planning scheme:

- may only include land in the **zones** identified in schedule 2 (it is not necessary to use every zone)
- must show the zones using set **zone map colours** identified in schedule 2 (refer Appendix 1)
- must include the **zone purpose statement** in schedule 2 for each zone used
- the purpose statement may not be changed unless the Minister considers the change is necessary or desirable having regard to the circumstances in the local government area. In these cases, the planning scheme must identify that the purpose statement has changed and the day the changed purpose statement took effect.

Note – where a cadastral parcel is split into more than one zone, the local government should include the split zone in the spatial data. Where possible, the local government should use well-defined cadastral points/features for the split to enable updates due to shifts in the cadastre (e.g. subsequent reconfigurations of lots or digital cadastral database upgrades). The local government should record the split parcels in the GIS attribute table in the split parcel field. If the split feature is likely to change over time (e.g. a river boundary subject to erosion and/or accretion), it would be useful to document this feature in metadata or other supporting documentation. If the feature is available as a GIS product, it should be stored to ensure the zoning split can be replicated if the need arises.

Is it mandatory to use zones as part of the planning scheme structure?

As explained in section 3.1, the only mandatory components of a planning scheme are that it identifies strategic outcomes and includes measures to facilitate the achievement of these strategic outcomes.

Zones are a fundamental building block of a performance-based development assessment system. Planning scheme measures are to objectively articulate the outcomes intended and these outcomes are to be consistent with the purpose of the zone (to not constitute a 'quasi prohibition' of development envisaged by the zone). Zones are also well-understood and a highly effective tool in communicating the planning intent for land to the community, including as articulated in the department's **Know your zone** material.

Note – the content in the balance of this guidance has been drafted on the premise that a planning scheme will allocate a zone to land and any alternate approach would need to demonstrate that it fully delivers on the purpose of the Act and SPP guiding principles as discussed in Section 2.0 and delivers greater efficiencies in scheme operation for users. Queensland's planning framework (including provisions in the SPP, the Regulation and content in regional plans) relies on the zoning of land to apply provisions and policy directions. A planning scheme that was constructed without zones would need to address how the intent of these provisions could still be given effect through the planning scheme as necessary. These include for example:

- prescribed categories of development and assessment for certain uses in certain zones
- regulatory provisions associated with regional plans linked to urban zones.

The zoning applied to the land should reflect and respond to the characteristics of the land that determine its suitability for use and development, be consistent with the strategic outcomes and strategic mapping and be compatible with the values or constraints identified for protection in locally specific mapping such as overlays.

Avoid setting an expectation through zoning that will not be able to be realised due to other known constraints. For example, should it be necessary to apply overlays to the land that individually or cumulatively prevent or restrict land from being used in accordance with the zone purpose, then inclusion of the land in a different zone may be warranted. The zone map should accurately reflect the intent for land in the local government area, providing transparency to the community.

When allocating land to a zone consider factors such as:

- the current zone, existing use and built form and any relevant approvals

Drafting a planning scheme

- whether the existing zoning fairly reflects development capability rather than having a zone that is effectively irrelevant because of overlays. For example, be cognisant of the physical constraints (e.g. flood, bushfire, landslide), resource values (e.g. agricultural land and extractive resources) and environmental characteristics (e.g. biodiversity and heritage) on the land, especially where recent technical assessments of or updates to the spatial identification of these matters has occurred, and
- consequences for other regulatory frameworks – will the zoning change the way other regulations are applied, or result in incompatibility with the Regulation? Be aware of related concepts like ‘urban area’, ‘urban zone’, ‘urban purposes’.

A local government may create a zone precinct or precincts to tailor the land use policy within the context of the overall zone.

Zone provisions are to refine (while remaining consistent with) the zone purpose statements.

These provisions form the assessment benchmarks for the zone. They may take several different forms, such as stand-alone zone intent statements, a traditional approach using overall outcomes or code performance and acceptable outcomes or different forms of assessment benchmarks.

The proposed categories of assessment and development for each zone need to be drafted to support the achievement of the zone purpose and the planning scheme zone provisions, and likewise, the provisions should be drafted cognisant of what development they are regulating and the category of assessment that will apply.

The zone assessment benchmarks, and categories of development and assessment, should be drafted concurrently.

The zone provisions are to connect with the proposed categories of assessment and development. For example, the provisions may articulate what impact assessable development may be envisaged in the zone subject to community feedback, versus impact assessable development that is specifically not envisaged.

Provide direction on how specific sites of unzoned or special land are treated.

Where the local government area has land that is not included in a zone in the planning scheme (e.g. a road, closed road, waterway or reclaimed land), the local government should provide direction on how that land is to be treated in the planning scheme, including the zone that should apply for the purposes of development assessment.

Note – options could include:

If adjoined on both sides by land in the same zone or is adjoined on only one side by land in a zone—the entire road, closed road, waterway or reclaimed land is in the same zone as the adjoining land.

If adjoined on one side by land in a zone and adjoined on the other side by land in another zone—the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equal distance from the adjoining boundaries.

Some parcels of land in the local government area fall outside of the local governments’ planning jurisdiction such as ports, Priority Development Areas, state development areas, land below high-water mark, federal land. The planning scheme should clearly articulate areas that are not subject to the planning scheme and identify the existing function / jurisdictional responsibility for these lands.

3.4 Overlays

Where spatially identifiable constraints, resources, environmental values or opportunities affect development, a local government may seek to apply assessment benchmarks to these identified locations. Commonly, planning schemes have delivered this through inclusion of an overlay map and associated provisions specific to the overlay area (such as an overlay code containing assessment benchmarks).

Where necessary to help deliver a desired outcome, a local government may also increase or lower the category of development or assessment within an overlay for identified uses or circumstances.

The cumulative effect of the categories of development and assessment and the assessment benchmarks applying within an overlay should be considered when allocating land to a zone, to ensure development envisaged by the overlay can apply in a way that is workable and reasonable within the context of the purpose of the zone.

Using overlays to integrate state interests of the SPP:

The SPP identifies state interests that are supported by mapping layers provided or referred to in the **SPP integrated mapping system (SPP-IMS)** and the available GIS data can be accessed at the **Queensland Spatial Catalogue - QSpatial**. This state mapping typically forms the basis for overlays in schemes. However, it is possible that it is incorporated in schemes in different ways. For example, as part of a development or zone code. For information on how to appropriately integrate these SPP state interest policies in a planning scheme refer to the **Integrating state interests in a planning scheme – Guidance for local governments**.

Using overlays to advance regional interests:

Where relevant, the planning scheme should appropriately recognise and protect the values, areas and assets identified in a regional plan for the local government area. These values may include, for example, Indigenous landscape values, regional biodiversity networks and regional landscape values. In addition to considering the underlying zoning that is most suited to dealing with these values, the use of overlay mapping and assessment benchmarks may be an appropriate way for the planning scheme to recognise and respond to these regional interests.

Using overlays to identify and consider local interests:

A local government may also include overlay mapping and assessment benchmarks to facilitate desired local outcomes, for example neighbourhood character. The intent for the overlay and its relationship and effect on the underlying zone should be clearly articulated.

Drafting tip



Changes to the underlying category of development and assessment should be handled very carefully to avoid confusion and ambiguity for users.

Avoid the cumulative effect of multiple overlays so they do not undermine the underlying intent for the land.

3.5 Locally specific components

A local government may include more specific provisions (additional or more focussed assessment benchmarks) in locally specific components where detailed and fine-grained planning has been completed for a smaller area, such as a suburb, group of suburbs or a geographical area sharing special attributes within the local government area.

The planning scheme may be structured as a series of locally specific elements, or these may operate as 'exceptions' to underlying elements. For example, in the form of local plans or precincts within zones. A local plan area may be broken down into smaller parts, for example using sub-precincts, to provide more refined planning intent for specific areas, with precinct-specific assessment benchmarks.

To ensure transparency in planning scheme intent and efficiency in development assessment, planning provisions operating by exception should only be included at a localised scale where necessary to provide a more detailed level of planning that cannot be achieved in the 'wider' provisions, such as zone codes. Avoid local planning elements that become overly complex and onerous.

Locally specific assessment benchmarks:

- should not duplicate information that is contained elsewhere in the planning scheme
- must not conflict with the strategic outcomes or other scheme elements such as zone and overlay assessment benchmarks
- should reflect and enable the outcomes included in the strategic mapping to be delivered in a finer level of detail, and
- could be supported by complementary underlying zoning and categories of development and assessment. For example, if a local plan or precinct establishes a 'new' intent for an area, this should be consistent with the underlying zone provisions. This may require changes to the zoned land as part of the local planning process.

It is also possible, if necessary, to vary the underlying level of assessment in local plans or through precincts within zones. A variation to the category of development or assessment may affect the entire local plan area or apply only to one precinct. As with overlays, such variations should only be made with caution, to ensure the planning scheme overall remains simple for users to find and understand what is required.

Drafting tip



Consider how to utilise existing scheme elements (e.g. zones and overlays) to deliver desired local outcomes, before including additional locally specific elements, such as local plans, which have the risk of adding extra layers, complexity, duplication and ambiguity.

3.6 Categories of development and assessment

The rules – categories of development and assessment



Section 43 of the Act provides the head of power for ‘categorising instruments’ – these include the Regulation and planning schemes. Amongst other things, a **categorising instrument**:

- categorises development as prohibited, assessable or accepted development
- specifies the category of assessment (code or impact) for assessable development.

Section 44 of the Act gives the head of power for the Regulation to categorise development:

- Section 18 of the Regulation makes development stated in **schedule 7** of the Regulation **accepted** development (provided the stated requirements are met)
- Section 19 of the Regulation makes development **prohibited** if stated in **schedule 10**
- Section 20 of the Regulation makes development **assessable** if stated in **schedule 9 or 10**

Under Section 43 of the Act, a planning scheme may:

- only make development prohibited if a regulation allows (it does not)
- **not make** development **assessable** if a regulation prohibits this. Section 16 of the Regulation prohibits a planning scheme from making the development stated in **schedule 6** of the Regulation assessable development (provided the stated requirements are met).

Under Section 44 of the Act, development is **accepted**, if a categorising instrument does not categorise it otherwise, i.e. this is the ‘default’ category of assessment in a planning scheme other than where a different category of development and assessment is specified in the Regulation.

How the categories of development and assessment operate:

Development is categorised as either accepted or assessable. The Act identifies two categories of assessment for assessable development: code assessment and impact assessment.

Within the context of the Act and the Regulation, the local government establishes the category of development and assessment for development in the local government area. In drafting a planning scheme, the local government should consider and understand for each category of development and assessment:

- how their planning scheme content applies
- the opportunity for community input on development proposals, and
- the decision-making rules that apply to assessment managers as contained in the Act, the Regulation and the **Development Assessment Rules** that set out the development assessment process.

Drafting tip



Only those categories of development or assessment defined in the Act are to be used – terms such as accepted with requirements, code notifiable, impact inappropriate, consistent, or inconsistent may not be used (consistent or inconsistent uses may be expressed through assessment benchmarks or strategic outcomes).

Similarly, the terms ‘exempt’ and ‘self-assessable’ from repealed Acts may not be used.

How the categories of development and assessment work			
	Accepted development	Code assessable development	Impact assessable development
Approval requirement	A development approval under the Act is not required. Note – often a planning scheme will specify thresholds or requirements for development to remain accepted rather than assessable.	A development approval under the Act is required.	A development approval under the Act is required.
Scope of assessment	Nil.	Under section 45(3) of the Act and the provisions of the Regulation, the only aspects of a planning scheme that code assessment may be carried out against are the relevant assessment benchmarks . As such this category of development is often referred to as being a 'bounded assessment'.	Under section 45(5) of the Act and the provisions of the Regulation, an impact assessment must be carried against the assessment benchmarks and may be carried out against, or having regard to, any other relevant matter (other than a person's personal circumstances, financial or otherwise), such as planning need.
Community input	No requirement for notification.	No requirement for notification. Where local government is the assessment manager for a code assessable development it may also have regard to the common material ¹ for a development application and this may include a submission about the application that the assessment manager has accepted or any other advice or comment about the application that a person gives to the assessment manager.	Under section 53 of the Act an applicant must give notice of an impact assessable development application that allows for submissions on the application. The Development Assessment Rules set out the ways the notification must occur.
Decision-making rules	Nil.	Under section 60 of the Act the assessment manager must decide to approve the application to the extent the development complies with all the assessment benchmarks for the development . In addition, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks , for example where the decision resolves a conflict between assessment benchmarks. The assessment manager may decide to refuse an application that does not comply with some or all of the assessment benchmarks only if compliance cannot be achieved by imposing development conditions .	Section 60 of the Act states that the assessment manager must decide whether to approve, approve part or refuse the application.

Note that the 'highest' category of assessment need not provide the greatest control over an outcome. With well-drafted and objective assessment benchmarks, code assessment may provide more decisive control for the assessment manager as, unlike impact assessable development, the application is not subject to decision-making against a broader range of matters or to third-party appeals.

Temporary uses

In setting categories of development and assessment, local government should keep in mind whether the activity constitutes development.

Temporary or infrequent activities do not constitute development as they do not materially change the use of the premises and are not regulated by the planning system. Where a local government wishes to permit certain forms of activities as a temporary use – for example a short-term hydrogen demonstration project or a research project which will only have a temporary life span – it may be of assistance for the planning scheme to notate this. The

¹ This consideration of the common material may assist the assessment manager in determining whether the proposal complies with the assessment benchmarks and to impose conditions that enable the development to meet the assessment benchmarks. Consideration of common material cannot change the assessment managers application of the decision-making rules.

local government may also wish to prepare or update a local law to provide appropriate requirements around the establishment and operation of the temporary use.

Note – A temporary use is not a defined use term as prescribed by the Regulation. It is an administrative term that the local government may use to assist in explaining matters in the planning scheme. Temporary use is defined by the Regulation as a use that is carried out on a non-permanent basis and does not involve the construction of, or significant changes to, permanent buildings or structures.

Approach to selecting the category of development and assessment to apply to development:

In allocating categories of development and assessment, the extent of regulation proposed by the local government should:

- align with the planning scheme strategic outcomes and assessment benchmarks which reflect the expectations of the local government and their community and address state interests
- balance efficient (simple and fast) assessment processes and risk tolerance with the community's desire to be informed and have a say
- be informed by the complexity of the development application and the nature of assessment necessary to efficiently and effectively regulate impacts
- be commensurate with the level of risk and the potential nature and scale of impacts, and
- consider the frequency of the development type.

For example:

Category	Considerations
Accepted development (generally, the default that applies unless the planning scheme specifies otherwise)	<p>Development that the local government does not seek to regulate in the planning framework as it is low risk development and is:</p> <ul style="list-style-type: none"> • not considered to have an impact on other matters relevant to the planning scheme • adequately regulated through other means • encouraged or contemplated in the zone and does not involve technical issues that would require a level of professional expertise to assess, for example when within an existing building. <p>A local government may apply thresholds that categorise development as accepted rather than assessable. These are often referred in the planning scheme as 'requirements', being matters a development must comply with to remain accepted development.</p> <p>Where a development becomes assessable as a result of not meeting the requirements for the development to remain accepted, there is the option of only requiring the proposal to be assessed against individual assessment benchmarks that 'correspond' with the requirement that was not met – this will mean the planning scheme needs to be structured in a way that makes this correlation evident. In applying this approach, be aware that this does not override the decision-making rules.</p>
Code assessable development	<p>Development that is consistent with the intent of the zone / overlay / local plan.</p> <p>A high degree of confidence the development has manageable impacts that can be assessed against assessment benchmarks.</p> <p>Assessment of achievement of the assessment benchmarks requires technical expertise.</p>
Impact assessable development	<p>Development where public input is considered warranted.</p> <p>Development that has qualities or potential impacts that may or may not be capable of adequate management and may or may not be suitable in all circumstances, for example, across the whole of a zone.</p> <p>Development that is clearly contrary to the intent for the zone / overlay / local plan, or unforeseen by a planning scheme.</p>

Drafting tip



Carefully consider the chosen category of development and assessment, as this is a powerful tool affecting the resources, costs and time involved in proposing and assessing development proposals.

Commonly, the category of development and assessment is identified in 'tables of assessment', this phrase is used within this document; however, there is no requirement that this content be presented in a table format.

There is no set format or structure for articulating the category of development in a planning scheme or rules about where this content is located in the planning scheme.

The approach to articulating the categories of development and assessment in the planning scheme should make it easy for users to work out what applies to them and minimise the number of places users must check.

The planning scheme needs to clearly identify:

- the applicable category of development (accepted or assessable) and assessment (code or impact assessment) for all aspects of development and uses
- the area (e.g. zone, zone precinct, local plan, local plan precinct, overlay, overlay sub-category) the specified category of development and assessment applies to
- the assessment benchmarks applicable to assessable development
- any thresholds or requirements applicable to maintain development as accepted development:
 - should be articulated as quantifiable measures with no element of subjectivity that are capable of 'self-assessment' as to whether a proposed development requires a planning application, and set up a practicable and demonstrable basis for future compliance action if complaints are received
 - need to be readily and easily located and understood, as they are likely to be used by persons who may not have experience in navigating the planning framework.
 - for example:

Requirement	Proponent	
The activity uses no more than 50 square metres. The activity is conducted wholly within an enclosed structure.	✓	Proponent can easily determine "yes, that is what I am doing" Compliance easily assessed is action required.
Delivery vehicles for the activity operate between 8am to 6pm Monday to Saturday.	✓	Proponent can tell themselves "yes, I will operate that way" Compliance easily assessed is action required.

To ensure transparency for users, it is recommended (but not mandatory) that the planning scheme alert users to the categories of development and assessment regulated outside of the planning scheme, via the Regulation. To avoid the risk of inconsistency over time, the planning scheme should not replicate the Regulation. For more information refer to the [**Delivery of state interests through the Planning Regulation 2017 – Guidance for local government**](#).

Approaches to articulating the applicable category of development and assessment may include:

- 'Overriding' the default category of development, being accepted (to the extent the Regulation allows) by applying an alternate 'default' category of assessment (code or impact) for any other development / use for which a category of development and assessment is not specified:
 - this may simplify tables of assessment (that is, where the majority of development is proposed to be code or impact assessable development rather than accepted development)
 - this will ensure any development not specifically identified is captured in the way intended
 - this approach can be applied for the whole-of-scheme or by aspects of development, zones etc.
- Choosing how to present / group categories of development and assessment – for example:
 - by use
 - spatially by zone, zone precinct, or collections of zones, local plan, or overlay
 - functionally by aspect of development (material change of use, reconfiguring a lot, building work, operational work)
 - a combination of the above.
- Applying 'whole-of-scheme' categories of development or assessment and identifying those in one part of the planning scheme and/or in each separate table of assessment by zone, aspect of development or other parameter, for example, local plan or overlay.

There is no requirement to locate tables of assessment in a specific part of the planning scheme. For example, they could be located together in one part of the planning scheme or co-located with zone / overlay / local plan

Drafting a planning scheme

assessment benchmarks. The preferred approach should provide efficiency and transparency for users and minimise the number of places throughout the scheme to check.

Options for structuring applicable category of development and assessment involve, for example, a flat or hierarchical structure. The interrelationship between different tables of assessment should be clear. Where a hierarchical structure is used, the planning scheme should clearly establish the primary table of assessment and the hierarchy of how the tables of assessment then vary or replace each other. Rules could include, for example, that the highest category of development and assessment applies, or that the category established by one element of the planning scheme (such as an overlay) has precedence over the category established in another element (such as a zone), regardless of whether higher or lower.

Using criteria as a trigger to change the category of development or assessment for the same activity can reinforce the desired outcomes articulated in assessment benchmarks and strategic outcomes. If a different category of development or assessment is applied to the same use, based on whether the development meets identified criteria, this should be clearly identifiable. Examples of qualifications:

- Based on nature of use: *utility installation where a sewerage treatment plant*
- Based on built form: *multiple dwelling, if no more than 4 storeys*
- Based on site characteristics: *warehouse where on a site of over 2000 square metres*
- Base on site location: *agricultural supplies store with a frontage to a district road or higher.*

Care needs to be taken to ensure the category of development and assessment that applies where development does not accord with the specified criteria is also clearly identified. For example:

Category of assessment	Use	Assessment benchmarks
Code assessment	Warehouse on a site of over 2000 square metres in area	Warehouse code
Impact assessment	Warehouse where not code assessable	Warehouse code

Category of assessment	Use	Assessment benchmarks
Code assessment	Multiple dwelling, if no more than 4 storeys in height	Residential code
Impact assessment	Multiple dwelling, if more than 4 storeys in height	Residential code

Category of assessment	Use and criteria	Assessment benchmarks
Code assessment	Utility installation where a sewerage treatment plant	Utility services code
Impact assessment	Any use listed in this table and not meeting the criteria specified for the use	Utility services code

The planning scheme may also use criteria to apply different assessment benchmarks to the same activity, whether or not also changing the category of development and assessment, to ensure the appropriate scope of considerations taking into account the circumstances of the development.

For example, where no change to the category of assessment:

Category of assessment	Use	Assessment benchmarks
Code assessment	Community use	Community activities code
Code assessment	Community use where in the open space zone	Community activities code and Park code

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Category of assessment	Use	Assessment benchmarks
Code assessment	Environment facility	Park use code
Code assessment	Environment facility where in the Biodiversity area overlay	Park use code and Biodiversity overlay code

Category of assessment	Use	Assessment benchmarks
Code assessment	Medium impact industry	Industry zone code – Part A
Code assessment	Medium impact industry where within 200m of a boundary with a residential zone	Industry zone code – Part A and Part B

Note – qualifying criteria of which assessment benchmarks within a code are relevant in different circumstances could also exist within sub-components of a code or the individual assessment benchmark, but the table of assessment should still clearly specify the collection of assessment benchmarks (such as a code) applicable to the development.

For example, where also changing the category of assessment:

Category of assessment	Use	Assessment benchmarks
Code assessment	Community use	Community activities code
Impact assessment	Community use where in the open space zone	Community activities code, Park code and Open space zone code

Category of assessment	Use	Assessment benchmarks
Code assessment	Environment facility	Park code
Impact assessment	Environment facility where in the Biodiversity area overlay	Park code and Biodiversity overlay code

Category of assessment	Use	Assessment benchmarks
Code assessment	Medium impact industry	Industry code – Part A
Impact assessment	Medium impact industry where within 200m of a boundary with a residential zone	The whole of the planning scheme ²

When dealing with similar uses such as *nature-based tourism* and *tourist park*, ensure the categories of development and assessment and associated assessment benchmarks reflect the differing nature and impacts of the uses. Avoid a situation where an applicant may seek to define their development as one use rather than another to avoid meeting required benchmarks or to utilise a preferred category of development or assessment.

In setting categories of development and assessment, it is also helpful to consider the types of uses which may be ancillary to a principal use and may not require separate regulation. Assessment benchmarks may acknowledge these uses as a complementary activity to the uses envisaged in the zone. Also, ensure that the assessment benchmarks address any particular considerations associated with these activities and do not inadvertently preclude these complementary activities.

² If the assessment benchmark is stated as “the whole of the planning scheme” a local government may choose to suggest which elements are of most relevance.

3.7 Assessment benchmarks

The rules – assessment benchmarks



Section 43 of the Act provides the head of power for ‘categorising instruments’ – these include the Regulation and planning schemes. Amongst other things, a **categorising instrument** sets the assessment benchmarks development must be assessed against.

Under Section 43 of the Act, a planning scheme must not be inconsistent with the assessment benchmarks identified in section 17 of the Regulation.

Section 55 of the Act gives the head of power for the Regulation to prescribe the matters a development application must be assessed against. **Schedules 9 and 10** prescribe the matters a development application must or may be assessed against – these are often the **state development assessment provisions (SDAP)**. A planning scheme should not duplicate existing legislative requirements such as the SDAP.

Assessment benchmarks are the matters against which assessable development proposed in a development application must be assessed against.

It is imperative that the components of the scheme used as assessment benchmarks for assessable development are well drafted and constructed. They must be objective, rather than subjective, and have a point of reference from which clear conclusions as to the outcomes intended and compliance can be measured.

There is no mandatory format for the inclusion of assessment benchmarks in a planning scheme. They could comprise:

- a traditional code format comprising acceptable outcomes (AOs) and performance outcomes (POs) and overall outcomes / purposes
- a stated objective / desired policy outcome, or
- a list of standards to be met.

Note – guidance on specific considerations when drafting assessment benchmarks in a traditional code format are included in Appendix 2.

The content and construct of strategic outcomes, assessment benchmarks and categories of development and assessment must work together to objectively articulate the outcomes intended. The scheme should always include an explicit statement of the planning policy intent and outcome sought and may prescribe a solution that delivers on that outcome.

Where a scheme includes both an outcome and a solution:

- for code assessable development the solution may be contained in part of the assessment benchmark (e.g. as an AO) and the outcome must also be contained in an assessment benchmark (e.g. as PO, purpose of the code, or the zone purpose statement)
- for impact assessable development, the solution may be contained in part of the assessment benchmark or in a strategic outcome.

Where a scheme does not state a solution, for code assessable development the outcomes intended must be articulated in an assessment benchmark.

Ensure it is easy for users to identify all the assessment benchmarks that apply to the proposal.

The planning scheme should clearly identify which assessment benchmarks apply to what assessable development in what circumstances.

The elements of a planning scheme that the local government seeks to assess code assessable development against (to the extent relevant to a particular development) must be identified as 'assessment benchmarks'. Those benchmarks must then contain content that is relevant and meaningful for the development being regulated, because the assessment manager may consider an assessment benchmark only to the extent it is relevant to the development.

Assessment benchmarks may be grouped by zone, use, aspect of development, category of assessment, overlay or local area.

Some options and approaches:

- group benchmarks for similar uses and/or to minimise duplication
- include all the assessment benchmarks for code assessable development in one location to improve useability, or
- structure information by development process, for example, include information about the thresholds that keep development as accepted in the same location as any specific assessment benchmarks that will apply if the proposal does not meet those thresholds and is, therefore, assessable development, so users are aware of the provisions that apply in both circumstances.

Assessment benchmarks applicable to certain development may be grouped together, for example within a code. Within that code, further specificity may be provided about the precise details of when individual assessment benchmarks apply. For example, a Residential zone code may include assessment benchmarks applying to all development in the zone, and within that code individual assessment benchmarks may apply to specific uses.

Assessment benchmark	Outcome	
Reconfiguring a lot to create new lots in the Township zone	✓	The assessment benchmark specifies the aspect of development and the zone that it applies to.
Multiple dwellings in the Commercial precinct where fronting an arterial road....	✓	The assessment benchmark specifies the use, the local plan precinct, and the specific circumstances, that it applies to.

Headings or sub-headings may achieve the same outcome. Make sure headings capture all the uses/situations you intend and only those you intend. For example:

Assessment benchmark	Outcome	
If in the Mixed use zone		
Development includes....	✓	The heading specifies when the assessment benchmark is relevant. The assessment benchmark would apply to all development as triggered by the table of assessment.
Development for a multiple dwelling has a maximum	✓	The heading specifies when the assessment benchmark applies. The assessment benchmark then refines further and specifies the use that it applies to.

As discussed in the earlier 'Categories of development and assessment' section, the Regulation and State Development Assessment Provisions also contain assessment benchmarks that apply where the Regulation categorises development. To avoid the risk of inconsistency and duplication, these assessment benchmarks should not be replicated in the planning scheme. For more information refer to the [Delivery of state interests through the Planning Regulation 2017 – Guidance for local government](#).

Drafting tip



Ensure there is a clear connection between the strategic outcomes through to the provisions in the planning scheme that comprise assessment benchmarks. This will ensure that code assessable development is contributing to the delivery of the overarching planning scheme direction, and consequently advancing the purpose of the Act.

The interrelationship between assessment benchmarks should be clear.

Often development may be assessed against assessment benchmarks in several different codes and or components of the planning scheme. Avoid setting up inconsistencies between these, for example zone assessment benchmarks that are inconsistent with the use assessment benchmarks applying to development that is likely to occur / be envisaged in that zone.

Planning schemes should make it clear how assessment benchmarks are to be interpreted and how compliance is to be determined (it is especially critical for code assessment that determining compliance can be a clear-cut matter). This may include how the different assessment benchmarks or different components of a single assessment benchmark may work together in development assessment.

For example, if there is a hierarchy of the assessment benchmarks across the scheme, how they apply and interrelate must be clear to the user. For example, that the assessment benchmarks in a local plan vary or provide more detail to the assessment benchmarks applicable to a zone or a use. The local government may choose to include rules about how to deal with inconsistencies between provisions in the planning scheme, that is, which provisions take precedence.

Drafting assessment benchmarks:

The content of assessment benchmarks needs to be relevant to the nature and context of the development they apply to. For example, assessment benchmarks applicable to development that does not involve an increase in gross floor area (a change in tenancy) should not deal with matters that:

- can only be influenced when involving a new or expanded building, such as frontage setbacks and landscaping or car parking provision
- are not relevant to or impacted on by the development, such as stormwater management.



The content of assessment benchmarks will be informed by the context in which they apply. For example:

- assessment benchmarks applying to a zone may constitute statements on the overarching desired land use and built form outcomes for the area (that deliver on the purpose of the zone) and may identify the types of development that are consistent/inconsistent with achieving those outcomes, and
- assessment benchmarks applying to a specific use may contain more detailed outcomes specific to the likely characteristics and potential impacts arising from that use.

Draft assessment benchmarks using clear and determinable active verbs in the present tense. Avoid:

- subjective considerations that could reasonably be interpreted differently e.g. “attractive”
- repetitive or meaningless statements e.g. “development consistent with the intent for the area”, as the assessment benchmark should be articulating the intended outcome
- statements that will result in different outcomes over time e.g. “development consistent with prevailing character”, and
- wording that may be difficult to interpret over time e.g., that discusses whether a site has been “redeveloped”.

A process does not comprise an assessment benchmark, as a process may be followed and still result in an unacceptable outcome. An applicant cannot be ‘required’ to undertake a certain study or prepare a certain report. A planning scheme may articulate that following a process may assist in demonstrating achievement of an assessment benchmark. For example:

Assessment benchmark	Outcome	
A noise impact assessment report is prepared.		Preparing a report may not deliver desired noise quality outcomes. In asking for a report there is no requirement for the assessment manager to review it, unless it is also identified that the report is to demonstrate certain matters.
Development does not result in noise emission that exceeds.... Note – a noise impact assessment that is undertaken and report prepared in accordance with the Noise planning scheme policy		Desired outcome is clearly stated. Undertaking an investigation and preparing a report may assist in demonstrating that the desired outcomes will be achieved.

can assist in demonstrating achievement of this assessment benchmark.		
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Notes may be included in an assessment benchmark to draw attention to other legislation to be complied with, for example, an Australian Standard to support an assessment benchmark, or providing guidance on interpretation of an assessment benchmark.

3.8 Terms and definitions

The rules – terms



Use terms

Section 7 of the Regulation states that a planning scheme may only adopt the **use terms** related to the use of land for development that are contained in schedule 3 of the Regulation.

If a planning scheme adopts a use term it must include the definition of the term.

Administrative terms

Section 8 of the Regulation states that a planning scheme may include additional **administrative terms**, but only if the term and definition used is consistent with and does not change the effect of, the administrative terms and their definitions in the Regulation. If a planning scheme includes an administrative term it must include the definition of the term.

Note – it is possible that a planning scheme prepared under a superseded Act contains content (such as use terms) that are inconsistent with the regulated requirements contained in the Regulation. If the scheme was prepared under the Sustainable Planning Act 2009 (SPA), Part 9 of the Regulation explains how that the regulated requirements would already prevail over the scheme to the extent of any inconsistency. Given this, where it is practicable to do so, amendments should look to ensure that the regulated requirements are reflected in the scheme amendment (and this may be required by the Minister as part of a planning scheme amendment). However, any amendment should avoid making a change that would result in conflicting terms being utilised in different parts of the planning scheme. The amendment processes established in the [Minister's Guidelines and Rules](#) (MGR) enable local government to fast track the update of their scheme to reflect the regulated requirements as an administrative amendment..

The planning scheme should be clear about when a word has a specified meaning.

Plan-drafters should be aware of how terms are to be interpreted. A term used in the planning scheme has the meaning assigned to that term by one of the following:

- the *Planning Act 2016*
- the *Planning Regulation 2017*
- the definitions of the planning scheme
- the *Acts Interpretation Act 1954*, and
- the ordinary meaning where that term is not defined above.

If a term has been assigned a meaning in more than one of the instruments listed, the meaning contained in the instrument highest on the list will prevail.

A reference in the planning scheme to any Act includes any regulation or instrument made under it; and amended or replaced, if the context permits, means the amended or replaced Act.

Drafting tip



Ensure the defined meaning of any new term is applicable in all circumstances.

Avoid creating administrative terms that have a common plain English meaning that may be used frequently in the planning scheme text in different contexts, for example for “amenity”, “mixed use” or “preservation”.

Drafting a planning scheme

A reference in the planning scheme to a specific resource document or standard means the latest version of the resource document or standard.

Use terms

The use terms for local planning instruments are listed in column 1 of the table in schedule 3 of the Regulation and each term has the meaning set out beside it under the 'definition' in column 2.

It is not necessary to adopt all the use terms in a planning scheme. However, use definitions have a role in establishing whether development is assessable, and if the development is assessable, the level of assessment.

A planning scheme should avoid not listing a use (i.e. making the use an undefined use) unless it is clear that a defined term is not relevant in the particular circumstance. For example, a landing would not be needed in an inland local government area with no navigable waterways. Where an activity does not 'fit' within a use definition it is an undefined use for the purposes of the planning scheme and the local government should set out a process for how the activity is to be regulated, for example, that an undefined use is subject to impact assessment. The assessment rules for impact assessable development in the Planning Act will ensure that the assessment of an undefined use is against the planning scheme and other relevant planning matters to ensure a balanced planning outcome in the public interest.

Administrative terms

The administrative terms for local planning instruments are listed in column 1 of the table in schedule 4 of the Regulation and each term has the meaning set out beside it under the 'definition' in column 2.

A local government need only include those administrative terms that are relevant to its planning scheme.

A local government may add additional administrative terms, if the term is consistent with and does not change the effect of terms in schedule 4 of the Regulation.

Where a planning scheme seeks to manage aspects of a defined use in a specific way it may 'define' that use as an administrative definition, to avoid repeating the qualifying criteria. For example, rather than repeating cumbersome criteria e.g. "a *tourist park* where for camping for no more than 5 tents on a site", the planning scheme could define this sub-use as "small-scale camping". The tables of assessment and triggers for assessment benchmarks could then refer to "*Tourist park* where for small-scale camping".

Include the definitions in the planning scheme in a way that means they are easy to access and keep them up to date.

The planning scheme may include the definitions for adopted use terms and included administrative terms in their preferred format.

Examples of options include:

Option 1 – refer generally to the Regulation for the definition of terms

For example, include the following text in the *Definitions* section in the planning scheme:

"As prescribed by section 7 of the Regulation the definitions for the following use terms are located in schedule 3 column 2 of the Regulation" and then list the use terms adopted in the planning scheme.

"As prescribed by section 8 of the Regulation the definitions for the following administrative terms are located in schedule 4 column 2 of the Regulation" and then list the administrative terms relevant to its planning scheme.

It is recommended for planning schemes that are regularly accessed from the web that a hyperlink to the Regulation be included to improve the planning scheme's usability.

Drafting tip



Option 1 PRO'S: terms will always reflect the most up-to-date version in the Regulation. No need to update the planning scheme if there are changes to the content of the definitions in the Regulation.

Option 1 CON'S: this option is not very convenient for users as doesn't link directly to the definition within the relevant part of the Regulation.

Option 2 – refer to the specific part of Regulation for the definition of each individual term

The local government may include the list of use and administrative terms in combined or in separate lists. It is recommended the reference be to the precise part of the Regulation, to avoid users jumping between schedule 3, schedule 4 and schedule 24 of the Regulation. The use of hyperlinks will improve efficiency for users. Below is an example of a part of a table for Use terms:

Column 1 Use term	Column 2 Definition
Aquaculture	See the Planning Regulation 2017, schedule 3 .
Bar	See the Planning Regulation 2017, schedule 24 .
<etc>	<etc>

Drafting tip



Option 2 PRO'S: terms will always reflect the most up-to-date version in the Regulation. No need to update the planning scheme if there are changes to the content of the definitions in the Regulation.

Option 2 CON'S: need to maintain hyperlinks (if used) to the relevant part of the Regulation.

Option 3 – include the full details of terms and definitions

The local government may replicate the definitions contained in the Regulation. Care should be taken to ensure content is duplicated accurately and then updated as soon as any amendment to the content of the definitions in the Regulation occurs.

For use terms, Appendix 3 provides further guidance on examples of the types activities that are consistent with each use term (Column 3 in example table below) and supporting information to assist in determining what activities may or may not form part of the use and the connections between use definitions (Column 4 in example table below). A local government may choose to include this additional guidance in their planning scheme (and may modify, provided still consistent with the definition in Column 2), in order to help users interpret the definitions.

Below are example tables for Use terms, both with and without these additional columns:

Column 1 Use term	Column 2 Definition – as contained in the Planning Regulation 2017
Cemetery	Cemetery means the use of premises for the interment of bodies or ashes after death.

Column 1 Use term	Column 2 Definition – as contained in the Planning Regulation 2017	Guidance	
		Column 3 For example	Column 4 Supporting information
Cemetery	Cemetery means the use of premises for the interment of bodies or ashes after death.	Burial ground, columbarium, crypt, lawn cemetery, mausoleum, pet cemetery	Premises for the cremation rather than the burial of bodies constitute a crematorium .

Drafting tip



Option 3 PRO'S: definition content immediately available to users.

Option 3 CON'S: definitions will be outdated if the planning scheme is not updated immediately on any amendment to the Regulation.

Option 3 CON'S: risk the definitions are not replicated accurately.

Grouping definitions

The local government may choose to cluster use terms into groups to assist in reducing the length of tables of assessment or triggers for assessment benchmarks in the planning scheme. Groups of use terms are not defined uses, rather they are a mechanism for clustering uses. If this technique is used, be careful to ensure that when the grouped term is used, it means all the uses that have been included in the group.

3.9 Planning scheme policies

The rules



A planning scheme policy is not a local categorising instrument under section 43 of the Act and as such may not:

- regulate the level of assessment for development or contain assessment benchmarks that an assessment manager must assess assessable development against
- take the place of a policy that should be contained in the body of the planning scheme
- require land, infrastructure or monetary contributions.

Section 4(e) of the Act outlines that planning scheme policies may set out policies for all or part of a local government area that *support planning and development assessment policies under planning schemes, action by a local government in making or amending local planning instruments, and action by a local government under the development assessment system.*

Examples of the types of material that may be included in a planning scheme policy are:

- information the local government may request for a development application
- the consultation the local government may carry out in accordance with seeking additional third party advice, relating to the assessment manager seeking advice or comment about a development application, as specified in the **Development Assessment Rules**
- the actions the local government may take to support the process for making or amending its planning scheme
- the standards identified in an assessment benchmark
- the guidelines or advice in relation to satisfying assessment benchmarks in the planning scheme, for example, the steps and processes to follow in undertaking a study and/or preparing a report that may assist in demonstrating achievement of an assessment benchmark, and
- advice on the criteria or process the local government has following in developing elements of the planning scheme.

Drafting tip



Provided the 'head of power' sits in the assessment benchmark in the planning scheme, the planning scheme policy may contain the detailed provisions called up in the assessment benchmark, such as design standards and standard drawings.

3.10 Specific elements

The planning scheme should include information necessary to help users interpret the scheme correctly and understand the status of content.

The local government may seek to provide the following information in the planning scheme:

- A non-statutory strategic vision or community statement that describes the aspirations of the community and provides a link between the local governments' community plan and the planning scheme. These broad visionary statements and objectives shape and guide expectations for the context of future development. If included, the local government should then consider how these intents will be delivered through the strategic outcomes and flow through the balance of the planning scheme.
- The date the planning scheme was gazetted and date the planning scheme commenced.
- The version of the SPP and regional plan reflected in the planning scheme or aspects not reflected in the planning scheme, so that applicants and assessment managers can be clear on when assessment benchmarks in the SPP or regional plan may apply.
- A list of amendments made to the planning scheme and planning scheme policies, including:
 - the date of adoption by the local government
 - the planning scheme version number, the amendment type (i.e. administrative, minor, qualified state interest and major under the provisions of the **Minister's Guidelines and Rules**)
 - a brief description of the amendment, and
 - reference to where amendments to the planning scheme can be found.
- Identification of the area the planning scheme applies to and how boundaries are defined – the boundaries of the local government area are described by the maps referred to in the Local Government Regulation 2012.
- Identification of matters that form part of the planning scheme versus matters that are extrinsic. The local government should consider providing this clarity for the effective operation of the planning scheme.

The following matters are part of a planning scheme for the purposes of the *Acts Interpretation Act 1954*:

 - standard drawings contained in assessment provisions including codes and schedules
 - maps that provide information to support the outcomes of the planning scheme, and
 - notes, as identified by the title 'Note'.

Editor's notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954*, and are identified by the title 'Editor's note' or 'Footnote'. They are provided to help interpret the planning scheme. They do not have the force of law.
- How lists are to be interpreted (e.g. when all points apply versus when not all points apply).
- An index, a glossary of terms and/or a list of any shortened forms used in the planning scheme.
- Administrative matters to clarify specific matters relevant to the local government area, for example where a mall is established or proposed to be established under section 80A of the *Local Government Act 2009*, the local government may note that the local government is required, under section 58(3) of the Local Government Regulation 2012, to identify the mall or proposed mall in its planning scheme.

Drafting tip



The *Acts Interpretation Act 1954* contains useful rules to be aware of, like the meaning of commonly used words and how to refer to external documents.

3.11 Notations

The notations required by the Act to be included in a planning scheme are detailed in Appendix 4. Commonly, these are included in schedules.

The rules

The planning scheme must include notation of:

- designation of premises for development of infrastructure under Chapter 2, Part 5 of the Act
- particular approvals under Chapter 3, Part 5, Division 5 of the Act
- resolution(s) under Chapter 4, Part 2, Division 2 of the Act
- registration for urban encroachment provisions under Chapter 7, Part 4 of the Act.



Appendices

Appendix 1 – zone mapping

The mapping colours of zones are regulated in accordance with the provisions of section 6(2)(b) and schedule 2 of the Regulation. Schedule 2 identifies the relevant red, green and blue values, referred to as RGB values, for each zone. If local government is concerned with the clarity or readability of colour variation across adjacent zones, it may wish to add a symbol or letter to each zone colour to assist in differentiating between zones. Where a local government wishes to add a symbol or letter to the zone it should be clearly identified in the legend.

For assistance with mapping contact the department's Information Technology Services Spatial Services unit at mappingenquiries@dsgmip.qld.gov.au.

Mandatory suite of zones						
General zones	General	R	G	B	Specific	Specific zones
Residential zones category						
General residential		255	220	220		Low density residential
		255	164	164		Low-medium density residential
		255	101	101		Medium density residential
		170	0	0		High density residential
		255	175	219		Character residential
		255	75	39		Tourist accommodation
Centres zones category						
Centre		200	225	255		Neighbourhood centre
		134	166	255		Local centre
		112	130	170		District centre
		66	107	255		Major centre
		0	50	255		Principal centre
Recreation zones category						
Recreation and open space		110	175	75		Open space
		175	225	200		Sport and recreation
Environment zones category						
Environmental management and conservation		55	145	130		Conservation
		50	125	0		Environmental management
Industry zones category						
Industry		225	200	225		Low impact industry
		200	143	200		Medium impact industry
		175	86	175		High impact industry
		150	30	150		Special industry
		140	125	222		Research and technology industry
		200	175	225		Industry investigation area
		85	60	155		Waterfront and marine industry
Tourism zones category						
Tourism		179	210	52		Major tourism
		222	231	135		Minor tourism
Other zones category						
Community facilities		255	255	100		
Emerging community		232	190	175		
Extractive industry		100	50	0		
Innovation		25	205	255		
Limited development		250	175	50		
Mixed use		255	120	0		
Rural		240	250	230		
Rural residential		160	120	120		
Special purpose		204	204	0		
Specialised centre		169	169	169		
Township		255	225	175		

Appendix 2 – traditional assessment benchmarks

When drafting assessment benchmarks in a traditional code format comprising purpose, performance outcomes (POs) and acceptable outcomes (AOs), consider the following:

- POs should clearly and objectively establish what the local government seeks to achieve but need not mandate how to achieve that desired outcome.
- An AO may specify a solution that achieves the desired outcome. This is the local governments' preferred way, but need not be the only way, of achieving the PO.
- An AO can provide efficiency by articulating a solution that avoids the need for an applicant to undertake studies and otherwise demonstrate the rationale for a proposed outcome.
- Given that the construct of most planning schemes is that satisfying an AO is taken to then satisfy its associated PO, AOs need to be carefully drafted and well-conceived, to ensure they do not lead to unintended outcomes.
- A PO should not restate the AO, or vice versa. Where this situation arises, the local government should consider not including an AO and retaining the content as an objective PO.
- Where assessment benchmarks are drafted as AOs and POs, a PO need not be accompanied by an AO. Whether both a PO and AO are included for each matter in the planning scheme will be informed by the nature of the matter being addressed. Sometimes:
 - it is not possible for an AO to be prescribed that offers a specific or simple solution that will meet the PO in all situations, or
 - local government may seek to more definitively express the desired outcome for a specific matter in the planning scheme by explicitly specifying a solution within a PO without an accompanying AO.

These scenarios are explored below.

Scenario 1 – performance outcome and acceptable outcome

When applying this structure, ensure the scope of the content fully aligns between the AO and the PO, i.e. that the PO fully describes and explains the outcome desired by compliance with the AO. To achieve this, there may be multiple AOs for a single PO. For example:

PO Development in the Rural zone is not visually obtrusive when viewed from highways or significant public vantage point

AO Development in the Rural zone is setback from highway frontages by a minimum of 50m

PO Local recreational parks are of a sufficient size, shape and topography to accommodate a usable activity area, accommodating recreational facilities that meet local needs for a range of age cohorts, such as play equipment, kick-about areas, picnic areas, seating and the like

AO Local recreational parks have a minimum usable activity area of 0.5ha

AO Parks are square to rectangular with the ratio of dimensions no greater than 2:1

AO At least 80 percent of the park has a grade of no more than 1:10

Scenario 2 – performance outcome, no acceptable outcome

Where the local government determines it is not possible for an AO to be prescribed that offers a single or simple solution that will meet the PO in all situations

Examples of matters where a single AO is unlikely to deliver the desired outcome include design elements where there are a multitude of outcomes that will vary on a case-by-case basis, informed by the nature of the proposal and its context. For example:

PO New development optimises views and physical connections to important landscape features to enhance legibility and sense of place

AO No acceptable outcome is nominated

PO Design elements contribute to an interesting and attractive streetscape and building through:

- projections and recesses in the façade*
- variations in material and building form*
- modulation in the façade, horizontally or vertically*
- articulation of building entrances and openings*
- elements which assist in wayfinding and legibility*
- elements which relates to the context, including surrounding buildings, parks, streets and open spaces*

AO No acceptable outcome is nominated

Scenario 3 – performance outcome, no acceptable outcome

Where the local government seeks to more definitively express the desired outcome by explicitly specifying a solution within a PO without an accompanying AO

Matters where the local government may seek to more definitively express the desired outcome are most likely to be matters of significant community interest or concern, the outcomes of which are clearly visible or impacting.

Building height is one example of a tangible aspect of the built form regulated by most planning schemes that can be a significant point of contention, where a local government may seek to ensure the greatest possible degree of certainty for the community about desired outcomes. For example:

PO Development has a maximum building height of 15 metres

AO No acceptable outcome is nominated

When drafting a PO without a corresponding AO, the local government must also consider how the PO relates to other components of the assessment benchmark, such as a code's overarching overall outcomes or purpose statements (and the rules established in the planning scheme about how achievement of each of these components is to be interpreted in deciding whether a proposal meets an assessment benchmark), and the alignment of the PO with the strategic outcomes of the planning scheme.

Appendix 3 – guidance on use terms

Guidance on:

- examples of the types activities that are consistent with each use term
- supporting information to assist in determining what activities may or may not form part of the use and the connections between use definitions.

Use term	Guidance	
	For example	Supporting information
Adult store	Sex shop	<p>The following premises do not constitute an adult store— a shop, newsagent, registered pharmacist or video hire, where the primary use of these are concerned with:</p> <ul style="list-style-type: none"> • the sale, display or hire of printed or recorded matter (not of a sexually explicit nature); or • the sale or display of underwear or lingerie; or • the sale or display of an article or thing primarily concerned with or used in association with a medically recognised purpose.
Agricultural supplies store	Animal feed, bulk veterinary supplies, chemicals used in agricultural activities, farm clothing, fertilisers, irrigation materials, saddlery, seeds	
Air service	Airport, air strip, helipad, public or private airfield	
Animal husbandry	Cattle stud, grazing of livestock, non-feedlot dairy, milking shed, shearing shed, weaning pen	More intense forms of producing animals or animal products are likely to be an intensive animal industry .
Animal keeping	Aviary, cattery, kennel, stable, wildlife refuge	The keeping of domestic pets is not a defined use in the regulated requirements of the Regulation. However, a local government administers the requirements of the Queensland Government <i>Animal Management (Cats and Dogs) Act 2008</i> that provides for the identification of cats and dogs and registration of dogs. A local government may further regulate the keeping of pets through local laws – keeping some animals may require a permit and be subject to certain conditions.
Aquaculture	Hatchery, pond farm, raceway system, rack and line system, sea cage tank system	
Bar		Where a premises contains seating for more than 60 people, and no longer meets the threshold of being a bar , it is likely to be a hotel .
Brothel		

Use term	Guidance	
	For example	Supporting information
Bulk landscape supplies		Landscape supplies provided at a smaller scale and predominantly packaged, such as bags of potting mix, are likely to constitute part of a <i>garden centre</i> .
Caretaker's accommodation		A caretaker's accommodation must be linked to a non-residential use on the site. If the accommodation is not for person/s in this caretaker role, then a single dwelling is likely to constitute a <i>dwelling unit</i> .
Car wash		
Cemetery	Burial ground, columbarium, crypt, lawn cemetery, mausoleum, pet cemetery	Premises for the cremation rather than the burial of bodies constitute a <i>crematorium</i> .
Childcare centre	Before or after school care or vacation care (on the premises of a crèche, early childhood centre or kindergarten), crèche, early childhood centre, kindergarten	Where childcare is provided in a dwelling by the resident of the dwelling, for example as home-based childcare or family day care, the activity is likely to be a <i>home-based business</i> rather than a <i>childcare centre</i> .
Club	Bowls club, club house, guide or scout club, RSL, surf lifesaving club	Where the preparing or selling food and drink is the primary function of the premises, the use is likely to be either a <i>food and drink outlet, bar, hotel</i> or <i>nightclub entertainment facility</i> .
Community care centre	Disability support services, drop in centre, indigenous support centre, respite centre	
Community residence	Hospice, Specialist Disability Accommodation	Where the premises accommodate more than six persons who require assistance or support with daily living needs, or more than one support worker, the use is no longer a <i>community residence</i> and is likely to be a <i>residential care facility</i> . Where residents require minimal support and share some communal spaces the use may comprise <i>rooming accommodation</i> .
Community use	Art gallery, community centre, community hall, library, museum	A cinema is a type of <i>theatre</i> . Where a premises is used predominantly for sporting or recreational activities, it is likely to be <i>indoor sport and recreation</i> .
Crematorium		Premises for the burial rather than the cremation of bodies constitute a <i>cemetery</i> .
Cropping	Fruit, nut, vegetable and grain production, forestry for wood production, fodder and pasture production, plant fibre production, sugar cane growing, vineyard	
Detention facility	Correctional facility, detention centre, prison, youth detention centre	A <i>detention facility</i> does not include a facility where the lawful detention of persons is a

Use term	Guidance	
	For example	Supporting information
		secondary or temporary function, such as holding cells in a police station or court complex.
Dual occupancy	Duplex, two dwellings within one single community title scheme under the <i>Body Corporate and Community Management Act 1997</i> , two dwellings within the one body corporate to which the <i>Building Units and Group Title Act 1980</i> continues to apply	A dual occupancy arrangement is two independent dwellings on the premises. Neither dwelling is subordinate to the other. There is flexibility in the built form arrangement of a dual occupancy – the two dwellings may be sited as attached (side-by-side, or above-and-below) or detached.
Dwelling house		A dwelling house is only one dwelling on the premises. A premises for a dwelling house may include a secondary dwelling .
Dwelling unit	A single 'shop-top' apartment	A dwelling unit comprises a single dwelling on a lot that also contains another non-residential use, other than a home-based business. As such the dwelling cannot comprise a dwelling house , as a dwelling house only involves the residential use of premises.
Educational establishment	College, outdoor education centre, preparatory school, primary school, secondary school, special education facility, technical institute, university	
Emergency services	Ambulance station, auxiliary fire and rescue station, emergency management support facility, evacuation centre, police station, rural fire brigade, State emergency service facility, urban fire and rescue station	
Environment facility	Bird hide, boardwalk, nature-based attraction, observation deck, seating, shelter, walking track	An environment facility , for example, would include walks through a nature conservation area such as wetlands, whereas a park may also include recreational and other facilities and a park need not comprise an area of cultural, environmental or heritage value.
Extractive industry	Quarry	
Food and drink outlet	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, take-away shop, tearoom	
Function facility	Conference centre, reception centre	
Funeral parlour		Premises for the burial of bodies constitute a cemetery and premises for the cremation of bodies constitute a crematorium . Premises used for organised worship and other religious activities other than just funerals, memorials and other similar events, is likely to be a place of worship .

Use term	Guidance	
	For example	Supporting information
Garden centre	Retail plant nursery	
Hardware and trade supplies	Hardware store	
Health care service	Dental clinic, medical centre, natural medicine practice, nursing service, physiotherapy clinic	
High impact industry		The planning scheme is to include a statement of what constitutes this industry and/or use industry thresholds to define, and distinguish between, the High impact industry, Low impact industry, Medium impact industry and Special industry use terms (this statement sits outside of the actual definition that cannot be changed).
Home-based business	Bed and breakfast, home office, family day care, home based childcare	Undertaking a hobby, including selling or gifting work, is not a home-based business .
Hospital		
Hotel	Pub, tavern	
Indoor sport and recreation	Amusement parlour, bowling alley, enclosed tennis court, gymnasium, squash court	A cinema is a type of theatre .
Intensive animal industry	Feedlot, piggery, poultry meat and egg production	Less intense forms of producing animals or animal products are likely to be animal husbandry . Drought feeding or feeding as a result of a natural disaster/ hand feeding/ maintenance feeding for the purpose of keeping stock alive constitutes a temporary activity as it does not materially change the use of premise and is not regulated by the planning system.
Intensive horticulture	Greenhouse or shade house plant production, hydroponic farm, mushroom farm	Where the intensive production of plants is for wholesale on or next to the premises, this is likely to be a wholesale nursery .
Landing	Boat ramp, jetty, pontoon	A landing constitutes only a structure rather than the wider use of premises. A landing is most likely to be a personal or public recreational structure, rather than a commercial premises that contains other functions such as ticketing and waiting areas. These larger scale facilities such as a marina, constitute a port service .
Low impact industry		The planning scheme is to include a statement of what constitutes this industry and/or use industry thresholds to define, and distinguish between, the High impact industry, Low impact industry, Medium impact industry and Special industry use terms (this statement sits outside

Use term	Guidance	
	For example	Supporting information
		of the actual definition that cannot be changed).
Major electricity infrastructure	Powerlines greater than 66kV	Minor electricity infrastructure as described in schedule 6, section 26(5) of the Regulation includes development for a supply network or for private electricity works that form an extension of, or provide service connections to, properties from the network, if the network operates at standard voltages up to and including 66kV. Minor electricity infrastructure is not regulated by the planning system.
Major sport, recreation and entertainment facility	Convention centre, entertainment centre, exhibition centre, horse racing facility, sports stadium	Smaller sporting facilities such as a local sporting field is likely to be outdoor sport and recreation or indoor sport and recreation .
Marine industry	Boat building, boat storage, dry dock	
Market	Car boot sale, farmers market, flea market	Temporary or infrequent activities (for example, an annual school fete) do not constitute development as they do not materially change the use of the premises and are not regulated by the planning system.
Medium impact industry		The planning scheme is to include a statement of what constitutes this industry and/or use industry thresholds to define, and distinguish between, the High impact industry, Low impact industry, Medium impact industry and Special industry use terms (this statement sits outside of the actual definition that cannot be changed).
Motor sport facility	Car racetrack, go-kart track, lawnmower racetrack, motocross track, motorcycle racetrack, off road motorcycle facility, trail bike park, 4WD and all terrain park	
Multiple dwelling	Apartments, flats, row housing, townhouses, triplex, units	
Nature-based tourism	Environmentally responsible tourism facility or accommodation, including a cabin, hut, lodge or tent	Where for a tourism facility, consider thresholds and parameters to clearly distinguish the facility from a tourist attraction . A tourist attraction may have a wider role than a nature-based tourism facility, which is only for the appreciation, conservation or interpretation of an area of environmental, cultural or heritage value, a local ecosystem, or the natural environment. Similarly, where for accommodation, consider thresholds and parameters to clearly

Use term	Guidance	
	For example	Supporting information
		distinguish from a traditional short-term accommodation or tourist park .
Nightclub entertainment facility		Where selling liquor for consumption on the premises is the primary activity on the premises, the use is likely to be either a bar (if seating 60 persons or less) or a hotel .
Office	Bank, real estate agency	A home office (where you regularly work from home) is not a defined use in the regulated requirements of the Regulation and is not regulated by the planning system. Where a home is the principal place of business, it is likely to be a home-based business .
Outdoor sales	Agricultural machinery sales yard, motor vehicles sales yard	Where a car sales also includes a non-ancillary indoor area this constitutes both an outdoor sales and a showroom.
Outdoor sport and recreation	Cricket oval, driving range, football ground, golf course, swimming pool, tennis court	
Outstation	Indigenous camp site	An outstation involves only camping activities by Aboriginal people or Torres Strait Islanders linked to cultural or recreational activities and does not mean a rural homestead dwelling.
Park	Urban common	Where the primary function of the premises is to maintain cultural, environmental or heritage values and the facilities are limited to those to enable access and viewing of these values then the activity may constitute an environment facility , whereas a park need not comprise an area of cultural, environmental or heritage value and may also include recreational and other facilities.
Parking station	Car park, bicycle parking station, 'park and ride'	
Party house		Refer to section 276 of the Act for specific provisions relating to the regulation of party houses.
Permanent plantation		Where involving the harvesting of plants for a purpose, for example forestry for wood production or energy crops for biofuel production, the activity constitutes cropping .
Place of worship	Chapel, church, mosque, synagogue, temple	Where the organised activities only involve conducting funerals, memorials and other similar events, the premises is likely to be a funeral parlour .
Port service	Ferry terminal, marina	A small scale structure without any other associated elements is likely to be a landing .
Relocatable home park		Where accommodation such as cabins or on-site caravans are regularly let for periods of

Use term	Guidance	
	For example	Supporting information
		less than three months, then this accommodation is likely to be a tourist park rather than a relocatable home park .
Renewable energy facility	Geothermal power, hydroelectric power, solar farm, tidal power, wind farm	Wind turbine or solar panels supplying energy to domestic or rural activities on the same site are considered to be ancillary to the primary use of the premises and do not form a renewable energy facility .
Research and technology industry	Aeronautical engineering, biotechnology industry, computer component manufacturing, computer server facility, energy industry, medical laboratory	
Residential care facility	Convalescent home, hospice, nursing home	Where the premises accommodate six or less persons who require assistance or support with daily living needs, and no more than one support worker, the use may be a community residence .
Resort complex	Resort that includes integrated facilities such as a bar, meeting and function facility, restaurant, sporting or fitness facility	
Retirement facility	Retirement home, retirement village	
Roadside stall	Produce stall	
Rooming accommodation	Boarding house, monastery, off-site student accommodation	
Rural industry	Packing shed	
Rural workers' accommodation	Accommodation for farm employees and their families on a permanent basis	Where accommodation is provided to tourists and travellers primarily for recreational purposes, even if involved in performing some activities on site, for example, as part of a farm stay, these activities do not constitute rural workers' accommodation .
Sales office	Display dwelling	
Service industry	Audio visual equipment repair, bicycle repairs, clock and watch repairs, computer repairs, dry cleaning, film processing, hand engraving, jewellery making, laundromat, locksmith, picture framing, shoe repairs, tailor	
Service station		Where washing vehicles is the primary use of the premises, the use constitutes a car wash . Where an electric vehicle charging station is for a single site, such as a residential dwelling, hotel or parking station its likely to be ancillary to the existing use.

Use term	Guidance	
	For example	Supporting information
		Where an electric vehicle charging station use is provided in large scale with other forms of fuel for sale as the main service and is supported by other ancillary services such as a food and drink outlet it is likely to be a service station .
Shop	Betting agency, corner store, department store, discount department store, discount variety stores, hairdresser, liquor store, supermarket	
Shopping centre		
Short-term accommodation	Backpacker's accommodation, cabin, youth hostel, motel, hotel accommodation, serviced apartment	
Showroom	Bulk stationary supplies, bulky goods sales, indoor motor vehicles sales showroom	Where a car sales also includes a non-ancillary outdoor area this constitutes both an outdoor sales and a showroom .
Special industry		The planning scheme is to include a statement of what constitutes this industry and/or use industry thresholds to define, and distinguish between, the High impact industry, Low impact industry, Medium impact industry and Special industry use terms (this statement sits outside of the actual definition that cannot be changed).
Substation	Substation, switching yard	Minor electricity infrastructure is defined as an administrative term in the Regulation. As described in schedule 6, section 26(5) of the Regulation it includes development for pole-mounted and pad-mounted substations and is not regulated by the planning system.
Telecommunications facility	Broadcasting station, telecommunication tower, television station	<p>A telecommunications facility associated with an air service is an aviation facility and comprises part of the air service definition rather than the telecommunications facility definition.</p> <p>A telecommunications facility that comprises a 'low-impact telecommunications facility' are specified in the Telecommunications (Low-impact Facilities) Determination 2018 and may include small radiocommunications dishes or antennae, underground cabling and cable pits, public pay phones and emergency facilities. These facilities do not constitute development. For further information refer to the Schedule – Facilities and Areas (section 3.1) of the Telecommunications (Low-impact) Facilities Determination 2018.</p>

Use term	Guidance	
	For example	Supporting information
Theatre	Cinema, concert hall, dance hall, film studio, movie house, music recording studio, permanent outdoor cinema	Temporary and infrequent activities do not constitute development as they do not materially change the use of the premises (for example, a temporary film studio or one-off outdoor cinema screening) and are not regulated by the planning framework.
Tourist attraction	Theme park, zoo	
Tourist park	Camping ground, caravan park, holiday cabin	Where accommodation such as a cabin or an on-site caravan is let for a period of more than three months, then this accommodation is considered to be long term and constitutes a relocatable home park rather than a tourist park .
Transport depot	Premises used for storing buses, trams, light rail vehicles, taxis, heavy vehicles or heavy machinery, contractors' depot	
Utility installation	Mail depot, pumping station, refuse transfer station, sewerage treatment plant, water reservoir, water treatment plant	
Veterinary service	Animal hospital	
Warehouse	Self-storage facility, storage yard	
Wholesale nursery		
Workforce accommodation	Contractor's camp, construction camp, temporary workers' accommodation, as well as any ancillary recreation and entertainment uses associated with the accommodation	This may include short-term contractors, seasonal farm workers, or workers employed on a fly in – fly out (FIFO) or drive in – drive out (DIDO) basis, working long shifts for a specific number of days whilst on site and time off is spent away from the work site (e.g. at home).
Winery	Cellar door	

Appendix 4 – notations in planning schemes

It is recommended that notations required under the Act be included in schedules to the planning scheme.

Notation of designation of premises for development of infrastructure under Chapter 2, Part 5 of the Act

In accordance with section 42(1) of the Act, if either the local government makes, amends, extends or repeals a designation or receives a notice about the Minister making, amending, extending or repealing a designation, the local government must include a note in the planning scheme. Section 42(3) of the Act requires that the note must include the following information:

- identify the premises that were designated
- describe the type of infrastructure for which the premises were designated (schedule 5 of the Regulation prescribes the types of infrastructure that can have premises designated), and
- state the day the designation, amendment, extension or repeal started to have effect.

This could be identified in a table like the following:

Table – Designation of premises for development of infrastructure under section 42 of the Act

Date the designation, amendment, extension or repeal takes effect	Location of premises (real property description)	Street address	Type of infrastructure
<insert details>	<insert details>	<insert details>	<insert details>

Sub-sections 42(4) and (5) of the Act provide additional information for local government to consider regarding the effect of a note in a planning scheme, including that a note must be included in the planning scheme so as not to affect the other provisions of the planning scheme that apply to the designated premises, for example:

Note – Section 42(5)(a) of the Act states that a note in the planning scheme for the purposes of a designation is not an amendment of a planning scheme.

Specific information on the process for making or amending infrastructure designations made by either the local government or the Minister for Planning may be found in the [Minister's Guidelines and Rules](#).

Notations of particular approvals under Chapter 3, Part 5, Division 5 of the Act

Section 89 of the Act requires that the local government include notations of decisions affecting the planning scheme in the following circumstances:

- development approvals that are substantially inconsistent with the planning scheme
- variation approvals, and
- decisions agreeing to a request for assessment and decision of a development application against a superseded planning scheme.

Where a notation is required, it should include the following information:

- date of the decision
- location (the real property description, for example Lot 8 RP 030609)
- decision type (variation approval for a reconfiguring a lot or material change of use), and
- local government file or map reference.

This could be identified in a table like the following:

Table – Notation of decisions under section 89 of the Act

Date of decision	Location (real property description)	Decision type	File/Map reference
<insert details>	<insert details>	<insert details>	<insert details>

Editor's note – this schedule contains details of development approvals that are substantially inconsistent with the planning scheme, variation approvals, and decisions agreeing to a superseded planning scheme request to apply to a superseded scheme to a particular development.

Drafting a planning scheme

Note – Section 89(3) of the Act states that the inclusion of a note to the planning scheme under this provision does not amend the planning scheme.

Notation of resolution(s) under Chapter 4, Part 2, Division 2 of the Act

Section 118(1)(b) of the Act prescribes that after the local government has made a charges resolution for an LGIP, they must then attach a copy of the resolution to each copy of the planning scheme they give to or publish for others. This could be delivered by including the following table and note in the planning scheme:

Table – Notation of resolutions under Chapter 4, Part 2, Division 2 of the Act

Date of decision	Date of effect	Details	Contact information
<insert details>	<insert details>	<insert details>	<insert details>

Editor's note – this schedule provides information about the adopted infrastructure charges for the <insert local government name> local government and where a copy of the adopted charges can be obtained, including a link to the local government website where a copy of the infrastructure charges resolution can be viewed or downloaded in accordance with the requirements of section 117(1)(a) of the Act.

Notation of registration for urban encroachment provisions under Chapter 7, Part 4 of the Act

In accordance with the provisions in section 267(13) of the Act, when the local government receives a notice from the Minister for Planning for the registration of premises or renewal of registration of premises related to an urban encroachment they must, as soon as practicable, note the registration on:

- the local government planning scheme (if any), and
- any planning scheme that the local government makes before the registration expires.

The note in the planning scheme must include the information prescribed by section 63 of the Regulation. This could be identified in a table like the following:

Table – Notation of registrations made under section 267 of the Act

Date of registration of the premises	Location of premises (real property description)	Details of registration	Terms of registration
<insert details>	<insert details>	<insert details>	<insert details>

Note – Section 267(11) of the Act states that the decision notice will identify the period the registration or a renewed registration will continue to have effect (between 10 and 25 years), unless cancelled. If the decision notice does not state a period, the registration will have effect for 10 years.

Mining tenements

In addition, Section 4B of the *Mineral Resources Act 1989* requires that once a local government has been given notice of a mining tenement (mining claim, mineral development licence or mining lease) that has been granted or renewed in their local government area, the local government must add a note to their planning scheme mapping that:

- identifies the area of the mining tenement (refer to the [GeoResGlobe](#))
- states that the Planning Act does not apply to development in the area authorised under the *Mineral Resources Act* (other than development on a Queensland heritage place under the *Heritage Act*), and
- states that interested persons may obtain details of the mining tenement from the chief executive of the department in which *Mineral Resources Act* is administered (being the Department of Resources).



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