

# Proposed Douglas Shire Planning Scheme User Guide



**DOUGLAS SHIRE  
PLANNING SCHEME**

*Our Plan, Our Shire, Our Destiny*

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# Structure of the Proposed Douglas Shire Planning Scheme

## Part 1 – About the Planning Scheme

This provides an introduction to the planning scheme. It includes information about how to use and interpret the planning scheme and other administrative functions.

## Part 2 - State Planning Provisions

This confirms the Deputy Premier, Minister of Infrastructure, Local Government and Planning and Minister for Trade and Investment, Jackie Trad MP, considers all relevant elements of the State Planning Policy, Regional Plan and Queensland Planning Provisions have been appropriately reflected in the proposed Douglas Shire planning scheme.

## Part 3 - Strategic Framework

This sets out the policy direction for how the Douglas Shire will grow and develop through strategic outcomes identified within six themes:

1. Settlement pattern
2. Environment and landscape
3. Economy
4. Natural resource management
5. Infrastructure and transport
6. Strong communities and identity

Although each theme has its own section, the themes and strategic outcomes within them are all equally weighted for the purpose of assessing proposed development. Strategic outcomes within Part 3 are reinforced throughout the codes in the planning scheme. Part 3 is used in the assessment of impact assessable development and is considered in the assessment of code assessable development.

## Part 4 – Local Govt Infrastructure Plan

This will contain the Local Government Infrastructure Plan which integrates infrastructure planning and land use planning for the region. It will identify infrastructure necessary to service urban development at the desired standard of service in a coordinated, efficient and financial sustainable manner. Douglas Shire is in the process of preparing this plan and has until 30 June 2018 to do so.

## Part 5 – Tables of Assessment

Put simply, this lists what you can and cannot do in the various zones. There are 14 zones and these tables identify when a development application is needed, the level of assessment and what assessment criteria (codes) are applied. This part also describes how to use and interpret the tables of assessment.

## Part 6 – Zones

All land within Douglas Shire has been allocated a zone. This establishes what is intended to be developed and encourages compatible land uses. Each zone has a code which contains assessment criteria for development in that zone. Applicable zones can be identified using the Zone maps in Schedule 2. A property can be covered by more than one zone. The applicable zone or zones are only those covering the area where the development is proposed.

## Part 7 – Local Plans

Local plans have been prepared for specific areas (there is not a local plan for all areas). These plans set out locally appropriate assessment criteria designed to promote development opportunities, whilst protecting the unique character of each local plan area. Local plan areas are broken up into precincts and in some instances, sub-precincts. Each Local Plan area has a code which contains assessment criteria for development within the mapped local plan area. Local plan areas can be identified using the local plan maps in Schedule 2.

## Part 8 – Overlays

There are 13 Overlay maps from Acid Sulfate Soils through to Transport Noise Corridors.

Overlay maps identify land which may be constrained, sensitive to the impacts of development or represent a valuable resource or development opportunity.

Each overlay has an overlay code which contains assessment criteria for development within the mapped overlay area.

Applicable overlays can be identified using the Overlay maps in Schedule 2. A property can be covered by more than one overlay but the applicable overlays are only those which cover the area where the development is proposed.

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## Part 9 – Development Codes

This part sets out State-wide codes, Use codes and Other Development codes.

- State-wide codes are those used consistently throughout Queensland for specific forms of development.
- Use codes contain assessment criteria for specific uses, eg. Dual occupancy code.)
- Other Development codes contain assessment criteria which may apply to a number of uses and types of development (e.g. access, parking and servicing code.)

## Part 10 – Other Plans

There are no other plans in the Douglas Shire but this Part has been included as the State Government requires all local government's to follow a standard structure and format in their Planning Scheme so as to achieve consistency across Queensland.

## Schedule 1 – Definitions

This comprises Use definitions, Defined activity groups, Industry thresholds and Administrative definitions.

- The Use definitions provide definitions and examples for each of the specified uses under the Proposed Douglas Shire Planning Scheme. A use not listed in this section is considered as an undefined use. This section is used when determining which use a proposed development falls within for the purpose of making a Material Chance of Use.
- The Defined activity groups cluster the uses in the Use definitions. These Defined activity groups are used throughout the Proposed Douglas Shire Planning Scheme to refer to several uses at once.
- The Industry thresholds provide more detailed examples of the activities anticipated for each of the industry uses.
- The Administrative definitions provide clarification of key terms used through the Proposed Douglas Shire Planning Scheme.

## Schedule 2 – Mapping

This is where all the maps associated with the proposed Planning Scheme may be found. There is a map index at the front.

## Schedule 3 – Local Government Infrastructure Plan Mapping

This section will contain the maps associated with the Local Government Infrastructure plan which is being developed separately for incorporation into the Planning Scheme.

## Schedule 4 – Notations Required Under the Sustainable Planning Act 2009

This provides a record of notations required under the *Sustainable Planning Act 2009*. For example, decisions varying the effect of the Douglas Shire Planning Scheme under section 648D of the *Sustainable Planning Act 2009*.

## Schedule 5 – Land Designated for community infrastructure

This section details land designated for community infrastructure. There is no land designated for community infrastructure in the proposed Douglas Shire Planning scheme however this Schedule has been included as the State Government requires all local government's to follow a standard structure and format in their Planning Scheme so as to achieve consistency across Queensland.

## Schedule 6 – Planning Scheme Policies

This section sets out the Policies which:

- Provide information which may be required or requested for a development application
- Contain standards; and
- Include guidelines or advice about satisfying assessment criteria in the planning scheme.

Codes within the proposed Douglas Shire Planning Scheme should be read in conjunctions with any relevant Planning Scheme policies. Notes and editor's notes within codes make reference to planning scheme policies where they specifically relate to a performance outcome or acceptable outcome. A Planning Scheme policy may however, still be relevant to the code even when there is no specific reference.

## Appendix 1 – Index and Glossary

This section provides a list of abbreviations and acronyms used throughout the document.

## Appendix 2 – Table of Amendments

There are no amendments as yet, however as mentioned previously, this Appendix has been included as the State Government requires consistent structure and formatting of local government planning schemes across Queensland.

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## Types of Development Regulated by the Proposed Douglas Shire Planning Scheme

The Proposed Douglas Shire Planning Scheme applies to the following types of development:

- Making a Material Change of Use of premises (this includes starting a new use, re-establishing a use that was abandoned and increasing the scale and intensity of an existing use);
- Reconfiguring a lot (subdividing a lot or realigning the boundaries of an existing lot, leases exceeding ten years and some easements);
- Carrying out Building Work (building, repairing, altering, moving or demolishing a building)
- carrying out Operational Work (filling or excavating, vegetation clearing or placing an advertising device on land)

Development can involve one or more of the above types of development. For each of these types of development, Part 5 of the proposed Douglas Shire Planning Scheme identifies a level of assessment. The level of assessment will determine whether a development application is required and the assessment criteria by which the application will be assessed. Levels of assessment can be determined by reference to the level of assessment zone tables in Part 5.



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## Levels of Assessment

### Exempt

An exempt development does not require an application under the Proposed Douglas Shire Planning Scheme.

### Self-Assessment

A self-assessment development does not require an application to be lodged with Council if it complies with all the acceptable outcomes listed in the self-assessable criteria section within the applicable codes. Applicable codes are identified in the assessment criteria column within the relevant zone table in Part 5. Where a development complies with all the self-assessable outcomes, it is taken to comply with the code.

If the development does not comply with one or more of the self-assessable outcomes, then the development will become code assessable, requiring a development application to be lodged with Council. But, the application will only be assessed against the performance outcomes relating to the matter of non-compliance. For example, where a proposed development exceeds the height stated in an acceptable outcome, it will be assessed against all performance outcomes relating to height.

### Compliance Assessment

Compliance assessable developments require an application to be lodged with Council for a compliance permit. Compliance assessment is only applicable in limited circumstances – in this instance it applies where the development is for, or directly associated with reconfiguring a lot (one lot into two lots) in an Industrial Zone refer Table 5.6.e in Part 5. The development will be assessed against all acceptable outcomes listed in Part 6, specifically 6.2.5 Industry zone code.

### Code Assessment

Code assessable developments require an application to be lodged with Council. The application will be assessed against all the applicable codes identified in the relevant zone in Part 5. Where a development complies with the acceptable outcomes or performance outcomes within an applicable code, it is taken to comply with the code. Where a development does not comply with the acceptable outcomes or performance outcomes, the development will be assessed against the overall outcomes and purpose of the applicable code. Regard may also be given to the Strategic framework in the assessment.

### Impact Assessment

Impact assessable developments require an application to be lodged with Council. The application will be assessed against all relevant sections of the proposed Douglas Shire Planning Scheme. Impact assessable developments also require the applicant to undertake public notification whereby members of the public may make submissions on the application. Any person who makes a properly made submission will also have a right to appeal any decision of Council.

### Impact Inconsistent Use

Impact Inconsistent Uses must be assessed against the whole of the planning scheme, to the extent relevant. However, Impact Inconsistent Uses are taken to be inconsistent with the overall intention of the relevant Zone or Local area plan precinct, and the whole of the planning scheme in a more general sense.

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## Structure of Codes

Codes contained in Parts 6, 7, 8 and 9 of the proposed Douglas Shire Planning Scheme are made up of the following components:

- A statement of application which identifies the types of development to which the code applies;
- A purpose which describes the intent of the code;
- Overall outcomes describing the specific outcomes sought by the code to achieve the purpose;
- A table containing assessment criteria comprising Performance Outcomes in the left column and Acceptable Outcomes in the right column. Some tables are split into criteria applying to both self-assessable and assessable development, and criteria which only apply to assessable development.

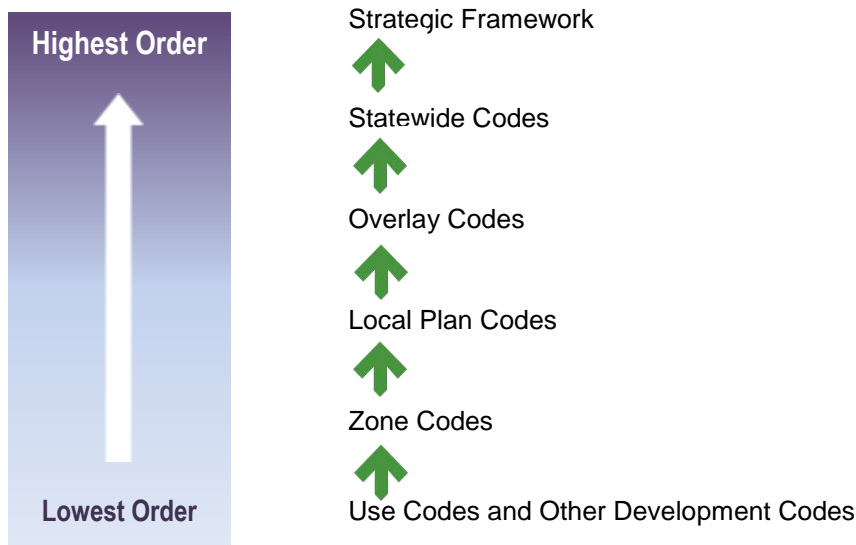
Performance outcomes in the left column provide for one or more statement(s) that the corresponding acceptable outcome(s) in the right column should achieve. There may be multiple acceptable outcomes for each performance outcome. Acceptable outcomes describe the preferred way of achieving the performance outcome. However if the acceptable outcome cannot be achieved, development will be assessed against the performance outcome.

Where a proposed development cannot comply with the acceptable outcomes or performance outcomes, it will be assessed against the overall outcomes and purpose of the code.

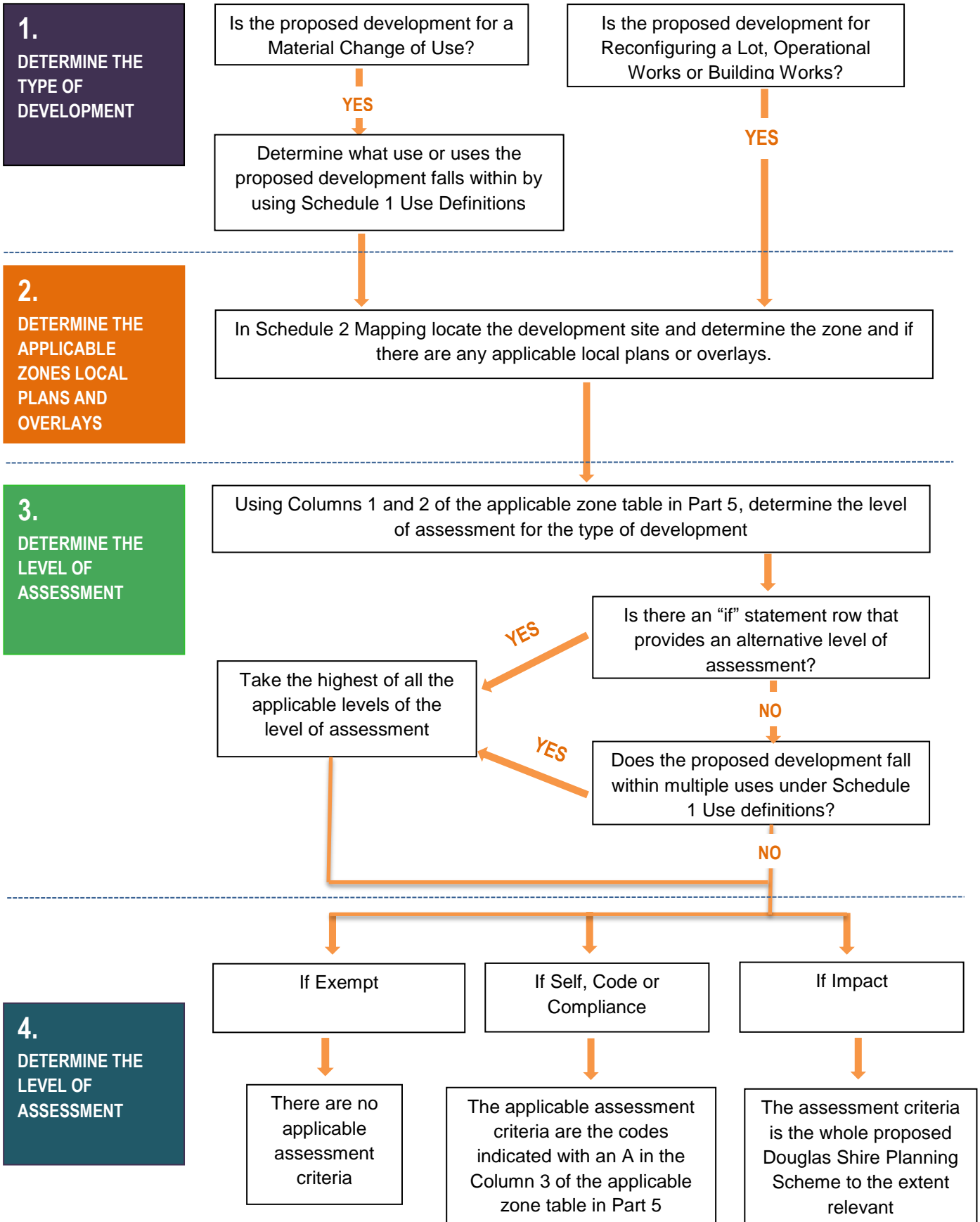
Notes and editor's notes have been included throughout the codes to assist with interpretation and provide guidance on achieving the outcomes of the code.

## Hierarchy of Assessment Criteria

Certain sections within the Proposed Douglas Shire Planning Scheme prevail over other sections. The diagram below shows the hierarchy of assessment criteria which applies where there is an inconsistency between assessment criteria within the planning scheme.



## Determining the Level of Assessment and Criteria





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## How Can I Access a Copy?

A copy of the Proposed Douglas Shire Planning Scheme may be viewed and/or obtained a number of ways:

- It may be viewed and/or downloaded from Council's website <http://douglas.qld.gov.au/development/schemes-masterplans/draft-douglas-shire-planning-scheme/>
- Hard copies are available for viewing at:
  - Council's Administration Building: 64-66 Front Street Mossman
    - 8:30am to 4:30pm Mon to Fri
  - Port Douglas Hub: Port Douglas Community Hall in Mowbray St
    - 9am to 4pm Mon to Fri
  - Mossman Library, 14 Mill Street Mossman
    - 10am to 5pm Mon to Wed
    - 10am to 6pm Thu
    - 10am to 4:30pm Fri
    - 9am to 12 noon Sat
  - Hard copies may be purchased for \$180 if picked up from Council's Administration Building: 64-66 Front Street Mossman
- An electronic copy of the full plan is available on a USB stick on request

## Enquiries

During the consultation period, Council's planners will be available to answer any queries

- Email enquiries: [planningscheme@douglas.qld.gov.au](mailto:planningscheme@douglas.qld.gov.au)
- Telephone:
  - Gaye Scott (07) 4099 9414 or
  - Simon Clarke on (07) 4099 9480 or
  - Enquiries (07) 4099 9444

Drop in to talk to a Planner who will be available:

- Fridays at the Port Douglas Hub, Community Hall in Mowbray St, 9am to 4pm
- Council's Administration Building Mon to Friday - 8:30am to 4:30pm

Make an Appointment with a Planner by calling (07) 4099 9444 or emailing [planningscheme@douglas.qld.gov.au](mailto:planningscheme@douglas.qld.gov.au)

## How do I lodge a submission?

Council's is seeking feedback on the Proposed Planning Scheme by 30 September 2016. Comments need to be *Property Made Submissions*. For your submission to be considered a "properly made submission" it must include the following:

- Be in writing, and unless you lodged your submission electronically, must be signed by each person who is making the submission; and
- Be received by Council during the notification period (i.e. on or before 30 September 2016; and
- Your name(s) and residential or business address; and
- The grounds of the submission and the facts and circumstance relied on in support of the grounds;

You can lodge your submission with Council as follows:

- By Email: [planningscheme@douglas.qld.gov.au](mailto:planningscheme@douglas.qld.gov.au)
- By Mail: Douglas Shire Council, PO Box 723, Mossman, Qld 4873 or
- In Person: Drop off your submission at Council's Administration Building or at the Port Douglas Hub.