

TORRES SHIRE COUNCIL PLANNING SCHEME

AN EXAMPLE OF HOW THE PLANNING SCHEME WORKS

3

FACTSHEET

MAPPING

David looks at the **mapping** in Schedule 2 of the planning scheme to find out what **zone** the land is in and what **overlays** apply.

Centre Zone

Airport Environs Overlay

THE PROPOSAL

David wants to build a new building on land on Thursday Island. David wants to use the new building use as a Shop.

THE PLANNING SCHEME

David accesses the Torres Shire Council Planning Scheme to find out what it says about his development.



DEVELOPMENT MCU

David finds that his new Shop is a **Material Change of Use**, with the defined land use being **Shop**

CATEGORISATION TABLES

David reads the Categorisation Tables in Part 3 of the planning scheme and finds his Material Change of Use is **Assessable Development** requiring Code Assessment. He needs to make a **development application** to Council.



Assessable Development
Application and Approval
Required

Shop

1. Accepted Development, where:

- (a) located within an existing building;
- (b) any building work is limited to minor building work; and
- (c) complying with all Standard Outcomes of the identified requirements.

2. Assessable Development – Code Assessment, where paragraph 1 does not apply

6.1.1	Centre Zone Standard Outcomes
6.3.2	Landscaping Standard Outcomes
6.3.3	Parking, Access and Transport Standard Outcomes
6.3.6	Works, Services and Infrastructure Standard Outcomes
5	Merit Outcomes, to the extent prescribed pursuant to Section 3.1(11), where paragraph 2 applies.

Extract of Part 3

LODGEMENT

David prepares a development application and lodges the application with Council to seek a development approval

ASSESSMENT BENCHMARKS

Council assesses the development application against the assessment benchmarks listed in Part 3. This consists of comparing David's development to each applicable outcome, an example of which is provided below.

SO1	All buildings and structures comprise an <u>overall height</u> of no greater than three (3) <u>storeys</u> and 12 metres.	✓ or ✗
SO2	Buildings are <u>setback</u> from a <u>front boundary</u> as follows:	✓ or ✗
	(a) built to boundary where fronting Douglas Street (Thursday Island); or (b) a minimum of 0 metres and a maximum of three (3) metres otherwise. <small>Note – A setback greater than 0 metres in locations where paragraph (a) applies does not comply with SO2.</small>	
SO3	Buildings are <u>setback</u> from a <u>side boundary</u> as follows:	✓ or ✗
	(a) a minimum of three (3) metres where adjoining land not within the Centre Zone or Community Facilities Zone; or (b) a minimum of 0 metres otherwise.	

DID YOU KNOW?

The State Government mandates certain aspects of a planning scheme. These cannot be changed by a Council. The **regulated requirements** are:

- Zone names, colours and purpose statements
- Land use names and definitions
- Administrative definitions

DECISION

Council decides to approve or refuse the development application on the basis of the assessment undertaken.



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FACTSHEET

MAPPING

Lucy looks at the **mapping** in Schedule 2 of the planning scheme to find out what **zone** the land is in and what **overlays** apply.

Low-Medium Density Residential Zone

- Airport Environs Overlay
- Bushfire Hazard Overlay
- Environmental Significance Overlay
- Heritage Overlay
- Residential Dwelling Overlay

CATEGORISATION TABLES

Lucy reads the Categorisation Tables in Part 3 of the planning scheme and finds her Reconfiguring a Lot is **Assessable Development** requiring Code Assessment. She needs to make a **development application** to Council. Lucy also finds that all the overlays mean that more outcomes apply.



Assessable Development Application and Approval Required

LODGEMENT

Lucy prepares a development application and lodges the application with Council to seek a development approval.

PLANNING SCHEME POLICY

The planning scheme is supported by planning scheme policies (Schedule 6). *Planning Scheme Policy 2 – Cultural Heritage* provides requirements in relation to development in places of known or potential Indigenous and non-Indigenous cultural heritage.

DECISION

Council decides to approve or refuse the development application on the basis of the assessment undertaken.



Approve



Refuse

THE PROPOSAL

Lucy wants to subdivide a block of land on Thursday Island into 10 new lots.

THE PLANNING SCHEME

Lucy accesses the Torres Shire Council Planning Scheme to find out what it says about her development.



DEVELOPMENT

RAL

Lucy finds that her subdivision is **Reconfiguring a Lot**

Low-Medium Density Residential Zone	
1. Assessable Development – Code Assessment, other than:	6.1.7 Low-Medium Density Residential Zone Standard Outcomes
(a) the creation of an easement giving access to a lot from a constructed road; or	6.3.4 Reconfiguring a Lot Standard Outcomes, where paragraph 1 applies
(b) dividing land into parts by agreement.	6.3.6 Works, Services and Infrastructure Standard Outcomes
2. Assessable Development – Code Assessment, where paragraph 1 does not apply	5 Merit Outcomes (Reconfiguring a Lot), where paragraph 2 applies
	5 Merit Outcomes, to the extent prescribed pursuant to Section 3.1(11).

Heritage Overlay	
No Change, where involving land mapped in one or more of the following areas of the Heritage Overlay shown on Map OM-701 to Map OM-705b:	6.4.7 Heritage Overlay Standard Outcomes
(a) State heritage place; or	5 Merit Outcomes, to the extent prescribed pursuant to Section 3.1(11)
(b) Local Indigenous heritage place; or	
(c) Local non-Indigenous heritage place; or	
(d) Indigenous heritage high risk area; or	
(e) Non-Indigenous heritage high risk area.	

Extracts of Part 3

ASSESSMENT BENCHMARKS

Council assesses the development application against the assessment benchmarks listed in Part 3. In this example, the land is within the Heritage Overlay. The Standard Outcomes for the Heritage Overlay require that:

- The development be undertaken in accordance with an agreement or management plan as it involves ground disturbance.
- Consultation occurs with the local Indigenous people.
- The local Indigenous people are able to monitor and observe on-site works.

The land in this example is mapped as being of both Indigenous and non-Indigenous heritage importance and is subject to known and potential heritage significance.