

INTRODUCTION

VISION

With Townsville's population projected to exceed 300,000 over the next 25 years, it is vital that good planning strategies are put in place to ensure our city continues to be a great place to live.

The Townsville City Plan sets out the vision for how our city should grow to meet the social, environmental and economic challenges of the future. It strikes a balance between encouraging Townsville's continued growth whilst protecting our community's unique lifestyle. It is the legal document that guides and regulates the development of land within our city.

The Townsville City Plan is the first single planning scheme for Townsville and it replaces the *Townsville City Plan 2005* and the *City of Thuringowa Planning Scheme 2003*. Following the biggest community engagement program in our city's history, the plan brings together the community's aspirations under one integrated planning scheme, and presents a clear and united vision for the development of our city.

The Townsville City Plan:

- » supports the growth of Townsville as a more compact city structured around a network of centres, with more housing choice and affordability;
- » encourages the revitalisation of the Townsville CBD to create a more vibrant and cosmopolitan community heart;
- » protects our traditional suburbs by preventing further development of 'six-pack' unit developments in these areas, with higher density development instead targeted in centre locations such as the CBD, Aitkenvale, Thuringowa Central, North Ward and Hyde Park;
- » seeks to control the cost of living for the community by managing future infrastructure needs; and
- » protects our natural environment, both in and out of the urban area, ensuring our waterways, wetlands, critical habitat and ecological corridors are retained and enhanced.

PURPOSE OF THE USER GUIDE

Structurally, the Townsville City Plan is very different to the superseded planning schemes. This User Guide is intended to provide a high-level view to assist in understanding the Townsville City Plan, including:

- » the structure of the Townsville City Plan;
- » the types of development that are regulated by the Townsville City Plan;
- » how to determine the level of assessment for development;
- » the criteria used as part of the development assessment process;
- » the structure and application of the planning scheme codes; and
- » how to lodge a development application.

FOR MORE INFORMATION

More detailed information is available in a range of information sheets about the Townsville City Plan at www.townsville.qld.gov.au. Access to the Townsville City Plan can be found at www.townsville.qld.gov.au, or in hard copy format at the Council Administration Building, 103 Walker Street, Townsville.





STRUCTURE OF THE TOWNSVILLE CITY PLAN

The Townsville City Plan has been developed in accordance with the *Sustainable Planning Act 2009* (SPA) and the Queensland Government's Queensland Planning Provisions (QPP). The Townsville City Plan format and structure is consistent with all other new planning schemes across Queensland. In particular, the use of the QPP results in much greater consistency in the type of zones, definitions and assessment rules used across the state. This approach means planning schemes should be easier to understand and more consistently implemented in the future.

The Townsville City Plan may be subject to periodic amendments to ensure that it is consistent with the most up-to-date legislation released by the Queensland Government.

In accordance with the requirements of the QPP, the Townsville City Plan is divided into 11 parts, seven schedules and two appendices, as summarised below:

Table 1: Structure of the Townsville City Plan

Planning Scheme Component	Brief Summary
Part 1: About the planning scheme	» This part introduces the scheme, provides guidance on interpretation, identifies the categories of development, and includes a hierarchy of assessment criteria in the event that there is inconsistency between different parts of the planning scheme.
Part 2: State planning provisions	» This part confirms which elements of the Queensland Government's Single State Planning Policy are reflected in the scheme, and also indicates that the scheme is consistent with the most up-to-date version of the QPP.
Part 3: Strategic framework	» This part sets out the Strategic framework, which provides the overarching policy direction for future development in Townsville. It provides a vision for the city covering six themes and outcomes: Townsville today; a second capital for Queensland; Shaping Townsville; a Strong and connected community; an Environmentally sustainable future; and Sustaining economic growth.
Part 4: Priority infrastructure plan	» This part outlines the city's Priority infrastructure plan (PIP), which is intended to ensure that trunk infrastructure is planned and provided in an efficient and orderly manner. The PIP integrates land use and infrastructure planning and states the desired standard of service for each trunk infrastructure network.
Part 5: Tables of assessment	» This part identifies whether a development application is necessary for each type of development. Where an application is required, the tables of assessment also specify the codes and provisions the development may be assessed against.
Part 6: Zones	<p>» The Townsville City Plan divides the city into 22 zones, which designate land for a particular use (e.g. residential, industrial, rural). Part 6 also includes the codes which outline the assessment criteria for each of the zones.</p> <p>» Precincts may also be identified within part of a zone, and these precincts provide more specific planning considerations for a specific area.</p> <p>» As an additional level of detail, some precincts may contain 'sub-precincts' which further refine the development intent for a specified area. To the extent of any inconsistency between the intent of a precinct and a sub-precinct, the sub-precinct will prevail.</p>
Part 7: Local plans	» This part provides a section for any specific local plans which may be adopted. However, there are no current local plan areas within the Townsville City Plan.
Part 8: Overlays	» Overlays identify areas that have unique characteristics which require further planning consideration when a development is proposed. These characteristics may relate to natural hazards such as bushfire, flooding or landslides, contain a value such as biodiversity or heritage, or a constraint such as proximity to an airport, quarry or major water resource (e.g. Ross River Dam) and are identified over a site through overlay mapping. This part includes the codes which outline the assessment criteria for each of the overlays.
Part 9: Development codes	» This part includes the specific assessment criteria for types of development, such as 'reconfiguring of a lot' applications or specific 'changes of use'.
Part 10: Other plans	» This part identifies those areas of the Townsville local government area not subject to the Townsville City Plan. In Townsville, this includes the Oonoonba Priority Development Area, which is under the control of Economic Development Queensland and is subject to the <i>Economic Development Act 2012</i> . In this area, the Oonoonba Priority Development Area Development Scheme applies to proposed development rather than the Townsville City Plan. It also includes the Townsville City Waterfront Priority Development Area (PDA). In this area the Townsville City Waterfront PDA Interim Land Use Plan applies (until a development scheme is prepared).



<ul style="list-style-type: none"> » Schedule 1: Definitions » Schedule 2: Mapping » Schedule 3: Priority infrastructure plan mapping and supporting material » Schedule 4: Notations required under the <i>Sustainable Planning Act 2009</i> » Schedule 5: Land designated for community infrastructure » Schedule 6: Planning scheme policies » Schedule 7: Places of cultural heritage value 	<p>» The schedules provide detailed information such as mapping, definitions, planning scheme policies, land for community infrastructure and policies for implementing and interpreting the components of the planning scheme.</p>
<ul style="list-style-type: none"> » Appendix 1: Index and glossary of abbreviations and acronyms » Appendix 2: Table of amendments 	<p>» These appendices include a glossary of abbreviations used in the Townsville City Plan, and will list all amendments made to the Townsville City Plan over time.</p>

TYPE OF DEVELOPMENT REGULATED BY THE TOWNSVILLE CITY PLAN

The Townsville City Plan regulates the following types of development, as defined in the *Sustainable Planning Act 2009*:

- » making a **material change of use** of premises (this includes starting a new use or increasing the scale and intensity of an existing use); and
- » **reconfiguring a lot** (this includes subdivision and rearranging existing lot boundaries, leases exceeding 10 years and some easements).

The Townsville City Plan also regulates some development activities:

- » carrying out **building work** (such as where associated with certain works in the Character residential zone or certain work on houses triggered by the Coastal protection and Flood hazard overlays and certain work on a local cultural heritage place); and
- » carrying out **operational work** (this includes excavating or filling, placing an advertising device on premises, and clearing vegetation in particular circumstances).

Development can involve one or more of the above types of development and/or construction activities. For each of these types of development, the Townsville City Plan identifies a level of assessment (also known as a “category of development”). The level of assessment will determine if a development application is required, and how council will assess the development application.

The *Sustainable Planning Act 2009* provides for six different categories of development:

Table 2: Categories of Development

Category of development	Description
Exempt development	» Exempt development does not require a development approval, although other approvals may still be required (such as a building approval issued under the <i>Building Act 1975</i>).
Self-assessable development	» Self-assessable development does not require a development approval; however, the proposed development must comply with the self-assessable acceptable outcomes of any applicable codes contained in the Townsville City Plan. These “acceptable outcomes” list the objective requirements the proposed development must achieve. Where the development cannot meet these requirements, a development approval from council will be required.
Development requiring compliance assessment	» This category of development requires a compliance permit from the council. Compliance assessment is only used in limited circumstances under the Townsville City Plan.



Code assessable development	» Code assessable development requires a development approval from council. If a development activity requires code assessment, that activity is assessed by the assessment manager against the applicable codes and the common material of the Townsville City Plan. Where the development does not comply with any of the applicable codes, it may be assessed against the Strategic framework of the Townsville City Plan. Code assessable development applications are not subject to public notification.
Impact assessable development	» Impact assessable development requires a development approval from council, and is assessed against all relevant components of the Townsville City Plan. Impact assessable development applications are publicly notified for a specific period of time and public submissions about the development can be made during this time. Any persons who lodge a properly made submission will also have a legal right to appeal the council's decision.
Prohibited development	» Schedule 1 of the <i>Sustainable Planning Act 2009</i> includes limited circumstances where development is prohibited (for example, certain types of high-impact development in certain areas of high environmental value).

DETERMINING THE LEVEL OF ASSESSMENT AND CRITERIA FOR ASSESSMENT

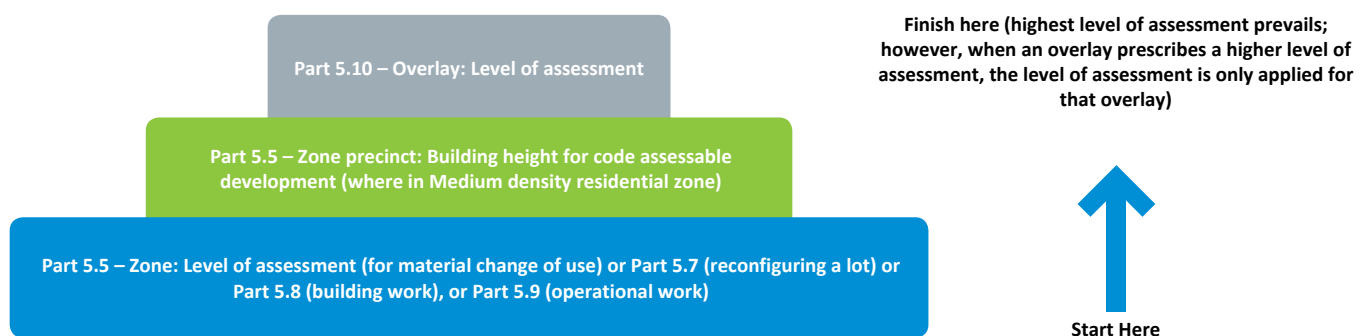
When development is proposed, it is necessary to determine the level of assessment for the type of development and those sections of the Townsville City Plan that the development will be assessed against (i.e. the assessment criteria).

Part 5 of the Townsville City Plan includes “tables of assessment” which identify both the level of assessment and the relevant assessment criteria. Page eight of this User Guide includes a flow chart to assist in understanding each of the necessary steps to determine the level of assessment and assessment criteria.

Importantly, the Townsville City Plan may identify multiple levels of assessment, depending on the type of development proposed and its intended location. For example, some overlays may change the level of assessment for certain types of uses in certain areas (such as in areas of high bushfire risk or by inclusion within a certain zone precinct). Accordingly, it is necessary to check all of the tables of assessment contained in Part 5, that are relevant to the proposed development (See Figure 1 below).

Where a zone, zone precinct and/or overlay identify different levels of assessment, the highest level of assessment prevails. However, where an overlay prescribes a higher level of assessment, the level of assessment is only applied for that overlay.

Figure 1: Level of assessment hierarchy



Where development is self-assessable, code assessable or impact assessable, the tables in Part 5 also identify those parts of the Townsville City Plan against which the development will be assessed. These are listed in the “assessment criteria” column of each applicable table.

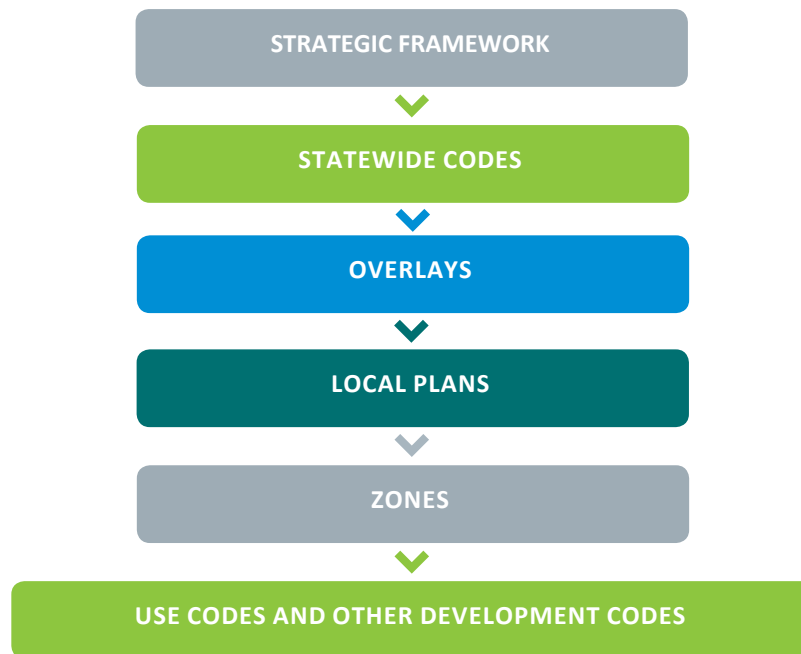
For **self-assessable or code assessable development**, the assessment criteria will generally be limited only to the applicable codes or parts of codes as listed in the assessment criteria column. There may be multiple codes applicable to the development application, depending on the particular development activity.

Check all applicable tables of assessment to ensure all applicable codes are identified. If a particular development site is subject to an overlay, then the applicable overlay table of assessment should be referred to. For **impact assessable development**, the Townsville City Plan as a whole applies to the extent it is relevant to the proposed development.



In accordance with Part 1.5 of the Townsville City Plan, where there is inconsistency between provisions within the planning scheme, the following rules apply:

1. the Strategic framework prevails over all other elements to the extent of the inconsistency;
2. statewide codes prevail over all other elements (other than the Strategic framework) to the extent of the inconsistency;
3. overlays prevail over all other elements (other than the Strategic framework and statewide codes) to the extent of the inconsistency;
4. local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency;
5. zone codes prevail over use codes and other development codes to the extent of the inconsistency;
6. provisions of Part 10 (Other plans) may override any of the above.



UNDERSTANDING THE STRUCTURE OF THE STRATEGIC FRAMEWORK

The Strategic framework sets the policy direction for the Townsville City Plan and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme. Mapping for the Strategic framework is included in Part 3 and Schedule 2 of the Townsville City Plan.

For the purpose of describing the policy direction for the planning scheme, the Strategic framework is structured in the following way:

1. the **strategic intent**;
2. **themes** that collectively represent the policy intent of the scheme;
3. the **strategic outcome(s)** proposed for development in the planning scheme area for each theme;
4. the **element(s)** that refine and further describe the strategic outcome(s);
5. the **specific outcomes** sought for each, or a number of elements; and
6. the **land use strategies** for achieving these outcomes.

Although each theme has its own section, the Strategic framework in its entirety represents the policy intent for the Townsville City Plan and should be read collectively.



UNDERSTANDING THE STRUCTURE OF CODES

The Townsville City Plan's codes are an important part of the planning scheme, as they detail the principal assessment criteria that different types of development are assessed against.

The codes are contained in Parts 6, 8 and 9 of the Townsville City Plan, and generally follow a standard structure set out in the QPP. This structure includes the following:

- » **a statement of application**, which specifies what type of development to which the code applies (e.g. "this code applies to development where the code is identified as applicable in the tables of assessment");
- » **a statement of purpose**, which specifies the intention of the code (e.g. "the purpose of the High density residential zone is to provide for higher density multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents");
- » **overall outcomes**, which specify the strategic outcomes for how the purpose of the code will be achieved (e.g. "development provides for high-rise and high density multiple dwellings and short-term accommodation in locations clustered around or near the principal centre (CBD)");
- » **criteria for assessment**, which are detailed in a two-column table, with the left-hand column containing 'performance outcomes' and the right-hand column containing 'acceptable outcomes'.

The Townsville City Plan is a performance-based planning scheme, which means development is required to demonstrate how it can achieve the specified performance outcomes. The performance outcomes are considered to be overarching guidelines for development, whilst the acceptable outcomes are highly prescriptive, measurable criteria for development and represent one way of achieving the performance outcomes.

A development is deemed to comply with the performance outcome if:

- » the acceptable outcomes to the performance outcome are complied with; or
- » sufficient information is provided to demonstrate the criterion has been met through an alternative solution.

As such, development applications must show how the proposed development complies with the performance outcome either by complying with the requirements listed as acceptable outcomes (the right-hand column of the code), or show how an alternative approach can still achieve the stated performance outcome.

The Townsville City Plan also contains several different types of codes, which are summarised in Table 3:

Table 3: Types of codes

Type of Code	Brief Outline
Zone codes	» Zone codes provide the assessment criteria for assessable development in each of the Townsville City Plan's 22 zones. Each zone code describes the type of development generally anticipated to occur within the zone, and includes assessment criteria that will be used to assess development proposed in that zone. Zone codes are contained in Part 6 of the Townsville City Plan, and zones, zone precincts and sub-precincts within a precinct for the city are contained in the mapping included in Schedule 2.
Overlay codes	» Overlay codes provide the assessment criteria for assessable development that is subject to one or more of the Townsville City Plan's nine overlays (e.g. Coastal protection overlay; Flood hazard overlay, etc.). These codes ensure development appropriately considers the specific requirements of these overlays as part of the development assessment process. Overlay codes are contained in Part 8 of the Townsville City Plan, and the overlays for the city are contained in the mapping included in Schedule 2.
Statewide codes	» Statewide codes are specific codes common across Queensland and are provided by the Queensland Government. They cover development for Community residences, Forestry for wood production and Reconfiguring a lot from one lot to two lots. Statewide codes are contained in Part 9 of the Townsville City Plan.
Use codes	» Use codes provide the assessment criteria for particular assessable development. These codes ensure the effects of development arising from the specified use are appropriately considered and assessed as part of the development application. Use codes are contained in Part 9 of the Townsville City Plan. The Telecommunications facilities and utilities code is the only use code currently within the Townsville City Plan.
Other development codes	» Other development codes contain the assessment criteria for development of a stated type (e.g. Reconfiguring a lot, Landscape, Advertising devices, etc.). Other development codes are contained in Part 9 of the Townsville City Plan.



HOW TO LODGE AN APPLICATION

» Where a material change of use (MCU) is identified as **self-assessable development**, assess the proposed development against the criteria for self-assessable development (i.e. acceptable outcomes) in the applicable codes (the codes identified as applying to the proposed use as determined in the relevant tables of assessment).

» If the proposed MCU complies with all the acceptable outcomes for self-assessable development in the applicable codes, then no further reference to the Townsville City Plan is necessary and the proposal is deemed to comply with the provisions of the planning scheme. If the proposed MCU does not comply with one or more of the self-assessable acceptable outcomes, the proposal is code assessable development.

» When an MCU is identified as **code assessable development**, a development application must be made to the council for assessment. The development application will be assessed against all applicable code(s) identified as applying to the proposed use as determined in previous steps.

Note: section 313 of the SPA identifies other matters against which code assessable development must be assessed.

» Determine the proposal's compliance with the planning scheme, having regard to the assessment rules in section 5.3.3(c).

» Where an MCU is identified as **impact assessable development**, a development application must be made to the council for impact assessment (including public notification). The development application will be assessed against the entire Townsville City Plan to the extent relevant.

Note: section 314 of the SPA identifies other matters against which impact assessable development must be assessed.





FLOW CHART FOR DETERMINING THE LEVEL OF ASSESSMENT AND ASSESSMENT CRITERIA

