GUIDE TO USING CITY PLAN

Dedicated to a better Brisbane

Brisbane City Plan 2014 (City Plan) has been developed by Brisbane City Council in consultation with the community to support a simple, fast and clear development assessment process. The plan guides how land in Brisbane can be used and developed to support economic growth, while protecting our city's enviable way of life.

Brisbane City Plan 2014 replaced *Brisbane City Plan 2000*. This guide will help you understand how to use City Plan.

Brisbane City Plan 2014 includes two online interactive planning tools: the ePlan (electronic version of *Brisbane City Plan 2014)* and the interactive mapping tool to make it easy for you to see what requirements may affect your development. All of these tools can be found by visiting Council's website and searching for *Brisbane City Plan 2014*.

Interactive mapping tool

Council's interactive mapping tool allows you to search for a property on a map to see the zone, zone precinct, overlays and neighbourhood plans that apply to the site. It can also generate a property report that will help to identify the planning provisions. Understanding the planning provisions will allow you to determine the assessment benchmarks Council will use to assess an application. Refer to the Using the City Plan factsheet available on Council's website for steps on how to generate a property report.

The interactive mapping tool has been developed to easily use City Plan maps. These maps are not the legal copies. The legal copies are available as static PDF documents on Council's website.

ePlan

Once you have generated a property report using the interactive mapping tool, you can read more about development requirements for a proposed development in Council's ePlan. The ePlan is divided into sections so you can quickly and easily find the relevant criteria.

Determining the definition of your development

Development is broken up into the following components outlined in the *Planning Act 2016* as per table opposite.

Component of development	Examples
Material change of use	New dwelling house, industry, multiple dwelling
Reconfiguration of a lot	Subdividing land, boundary alterations, amalgamation of lots
Operational works	Filling, excavation, prescribed tidal work
Building work	Demolition, extension to an existing dwelling house

Components of development

Table SC1.1.1.B in Schedule 1 of ePlan provides the definition of each use, examples of activities included in the definition and activities not included in the definition. The examples form part of the definitions. If a use is not listed in column 1 of Table SC1.1.1.B, it is an undefined use.

A use definition can be, but is not necessarily, contained within a Defined activity group. Table SC.1.1.2A in Schedule 1 lists defined activity groups and Table SC1.1.2B defines the uses within each group. Defined activity groups are clusters of uses Council has created to assist in identifying uses attached to, or considered suitable within, a zone and also to assist in reducing the length of the Tables of assessment in the planning scheme.

Activity groups are not defined uses but allow a degree of flexibility in changing between similar defined land uses. For example, an approval can be granted for an activity group such as Centre activities. This allows for future tenancy changes between land uses in that activity group, such as a shop to a sales office, providing that the category of assessment does not differ between the defined land uses.

Determining the category of assessment

Once you have details of a site, have identified the component of development and the land use definition for a material change of use, the category of assessment is determined by Part 5 of the ePlan.

Part 5 of the ePlan defines development that is accepted development under the planning scheme and identifies the rules for determining the category of assessment for development that is otherwise subject to the planning scheme. To identify the category of assessment, first refer to the relevant Table of assessment for that component of development in Part 5 - either material change of use, reconfiguring a lot, operational work or building work. Find the category of assessment applicable to the zone or zone precinct of the site.

Overlays and neighbourhood plans may change the category of assessment that applies to the zone or zone precinct. Part 5.3.1 of the scheme outlines the process for determining this, as summarised below.

- Determine whether a neighbourhood plan changes the category of assessment in the zone/precinct by referring to the neighbourhood plan category of assessment in Part 5.9 of the planning scheme. A summary table of all neighbourhood plans, and whether they change the category of assessment (listed in the zones) for each component of development, is provided at the beginning of Part 5.9 (Table 5.9.1). Each neighbourhood plan then has its own table outlining in further detail the category of assessment for various development (if changed), and the applicable assessment assessment benchmarks (relevant codes).

- Determine whether one or more overlays change the category of assessment in the zone/precinct by referring to the category of assessment in Part 5.10.

Part 5.3.2 of the planning scheme outlines the specific rules for determining the category of assessment. The hierarchy of assessment levels is shown below.

Determining applicable codes

The assessment benchmarks relevant to a development are identified within the assessment benchmarks column of the relevant category of assessment table in Part 5 of the planning scheme. There are also prescribed secondary codes listed in Section 5.3.5 that apply to a wide range of assessable developments across a number of zones.

Prescribed secondary codes include assessment benchmarks relating to stormwater, carparking, filling, landscaping and other matters.

In addition to the above, determining the applicable assessment benchmarks involves the following steps.

1. Identify the zone: Check the category of assessment to determine the applicable code(s) for the development.

2. Identify if the site is within a neighbourhood plan (and any precinct) and check if additional codes apply.

3. Identify if the site is affected by an overlay and check if additional codes apply.

Assessment hierarchy

3 Overlay category of assessment

2 Neighbourhood plan category of assessment

1 Zone category of assessment

Start here
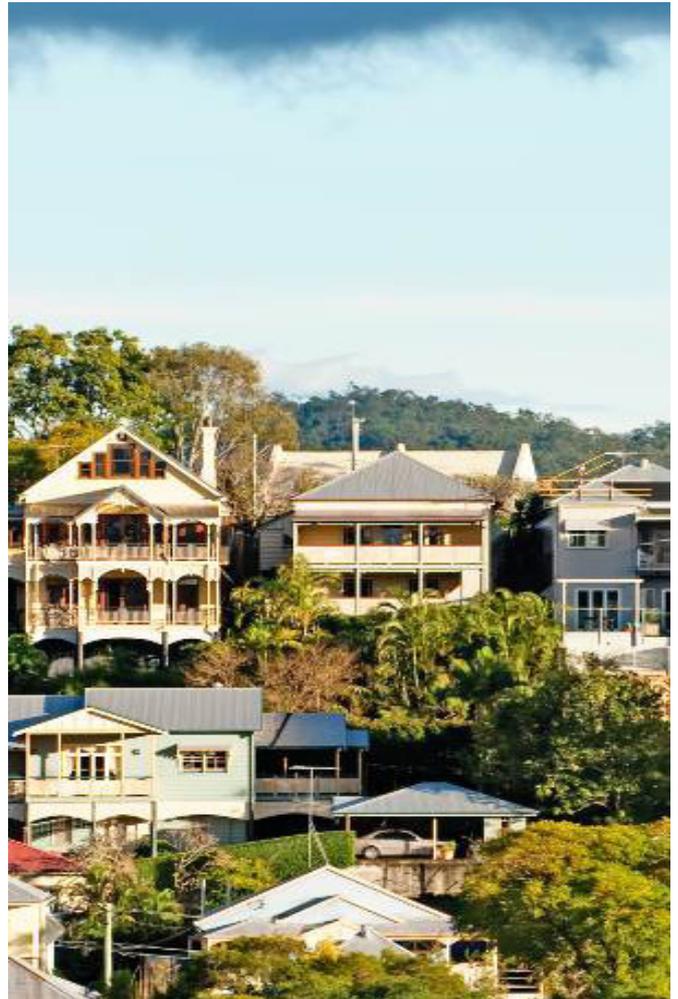
Rules for determining assessment benchmarks (see Part 5.3.3 of the planning scheme)

Category of development and assessment	Assessment benchmark rules
Accepted development, subject to requirements	• Accepted development does not require a development approval and is not subject to assessment benchmarks. However, certain requirements may apply to some types of development for it to be accepted development. Where nominated in the tables of assessment, accepted development must comply with the requirements identified as acceptable outcomes in the relevant parts of the applicable code(s). • Accepted development that does not comply with one or more of the nominated acceptable outcomes in the relevant parts of the applicable code(s) becomes code assessable development unless otherwise specified.
Code assessment development	• Development is assessed against all the assessment benchmarks identified in the assessment benchmarks column. The local planning instrument assessment benchmarks identified in the assessment benchmarks column are: - the relevant code, being the code purpose, overall outcomes, performance outcomes and acceptable outcomes of the specified code, and any prescribed secondary code identified in section 5.3.5; - the relevant zone code, being the code purpose and overall outcomes; - supported by any planning scheme policy identified in the relevant code. • Where development has become code assessable (due to non-compliance with all the identified acceptable outcome(s)): - assessment of the application by Council is limited to the required acceptable outcome(s) that were not complied with. This means it is only assessed against the specific performance outcome relevant to the particular acceptable outcome that the proposal did not meet - development must still comply with all other nominated acceptable outcomes in the relevant parts of the applicable codes. • Development that complies with the purpose, overall outcomes and performance outcomes of the code complies with the code • Development is assessed against any assessment benchmarks for the development identified in Schedule 11 of the Planning Regulation. Section 11 also identifies the matters that code assessment must have regard to.
Impact assessment development	• Development is assessed against the identified assessment benchmarks in the assessment benchmarks column (where relevant). The assessment benchmarks column specifies aspects of the planning scheme of greatest application. Assessment is to have regard to the whole of the planning scheme, including the Strategic Framework, to the extent relevant. • Is to be assessed against any assessment benchmarks for the development identified in Schedule 12 of the Planning Regulation. • Public notification of the proposal is part of the assessment process.

Assessment using codes

A proposal will be assessed against all relevant codes (zone, use, neighbourhood plan and overlay codes). The codes make use of notes and editor's notes, provided to assist in the interpretation of the planning scheme and codes.

Codes within the planning scheme are structured as follows:

- the application of the code

- the purpose of the code

- the overall outcomes that achieve the purpose of the code

- identification of any category or sub-category

- the performance outcomes (PO) that achieve the overall outcomes and purpose of the code

- the acceptable outcomes (AO) that achieve the POs, the overall outcomes and the purpose of the code

- the POs and AOs of any specific use, category or sub-category that achieve the overall outcomes of the code.

Generally, assessment of a proposal will start against all relevant AOs, and if not compliant with AOs, then assessed against the corresponding POs as a performance assessment.

Should a proposal not meet the relevant AOs and POs, it will be considered against the overall outcomes and purpose of the code. If the proposal does not meet the overall outcomes and purpose of the code, it does not comply with the code. Applications subject to code assessment can be refused where proposed development does not comply with applicable codes, and compliance cannot be achieved by imposing conditions.

If a proposal is impact assessable, and/or the proposal clearly does not comply with the code, assessment can be broadened to consider the proposal against the Strategic Framework.

More information

For more information about City Plan visit Brisbane City Council and search for *Brisbane City Plan 2014*, or phone Council on (07) 3403 8888.

Disclaimer:
The content of this information sheet is a summary and has been prepared to assist the reader to understand City Plan. Please refer to the full City Plan document, entitled *Brisbane City Plan 2014,* on Council's website for further detail.