

Queensland Planning Provisions— overlays

This fact sheet relates to overlays included in local government planning schemes that are prepared under the *Sustainable Planning Act 2009* (SPA).

What is an overlay?

An overlay is a layer within a planning scheme, which covers one or many parcels of land. An overlay identifies land that is sensitive to development, subject to constraints, contains valuable resources or presents opportunities for development. Examples of overlays include, but are not limited to, building heights for particular areas, identification of land that may be at risk from natural hazards, contain biodiversity, or be important for agriculture.

Inclusion of overlays in a planning scheme ensures that specified constraints, values and opportunities are addressed at the outset of the development assessment process and that proposals are designed accordingly.

An overlay provides a filtering role for development that requires a planning application. This means that consideration of these matters only applies if land has an identified overlay. An overlay also provides an initial identification of a site's constraints or opportunities that may require further investigation as part of a development proposal.

What are the requirements for overlays in the Queensland Planning Provisions?

A planning scheme prepared under SPA must appropriately reflect the standard planning scheme provisions, known as the Queensland Planning Provisions (QPP).

The QPP set out a consistent framework and format for all planning schemes in Queensland. Overlays are one component of the QPP.

A local government does not have to incorporate overlays for a planning scheme area. However, where an overlay is used it must be mapped.

The standard suite of overlays provided in the QPP allows a local government to choose the overlays that are relevant to the planning scheme area. A local government may also propose additional overlays or sub-categories to an existing overlay, where it is necessary to reflect particular local circumstances.

How does an overlay relate to regional plans?

In areas where a regional plan exists, a planning scheme must appropriately reflect the policies of that regional plan. The inclusion in a planning scheme of an overlay map (and where necessary, a code) is one way of reflecting the regional plan policies at the local level and is encouraged.

How does an overlay relate to state planning policies?

The planning scheme for an area must reflect state planning policies (SPPs). However, SPPs do not specify how the policies should be reflected in a local

government planning scheme. An overlay map (and where necessary, a code) is one way of reflecting SPPs.

On some occasions, the state may provide a map which should be locally verified before the data can be used in a planning scheme. Once an overlay is included in a scheme, the state map should have no further relevance.

How accurate is overlay mapping?

The accuracy of the mapping depends on the scale at which the mapping is undertaken and accuracy of the available baseline data. The intention of an overlay map is to broadly identify where there is potential for constraints, values or opportunities to occur. The overlay map provides a reference for more detailed consideration of development that is identified within the overlay.

How do overlays affect development assessment?

An overlay only applies to development proposals within the area covered by the overlay and does not impact on existing lawful uses carried out on the land.

Overlays are able to change the level of assessment (where necessary, although not as standard practice) and may provide additional assessment criteria through individual codes. It is important that an overlay map is read in conjunction with the tables of assessment and any codes that may apply to the overlay in the planning scheme.

For example, a heritage overlay may be in place in a certain area. The heritage overlay may identify properties that have particular heritage characteristics that are to be subject to specific development controls. A heritage overlay may change the level of assessment or require assessment against a code which contains particular design considerations for development proposals.

In some cases, a property falling within an overlay area might be subject to further investigation before any development assessment conditions are imposed.

Inclusion within an overlay cannot result in development being prohibited.

How do overlays affect my property?

If your property has particular characteristics, such as waterways, heritage character, locally significant vegetation or other constraints or features, an overlay may exist over your property.

To understand what this means if you are proposing development on your property, it is recommended that you contact your local council.

Further information

Further fact sheets on related matters are available on the department's website.