

FACT SHEET

Superseded Planning Scheme Application

What is a superseded planning scheme application?

When a new or changed planning scheme is introduced, anyone can request that council apply a 'superseded planning scheme' to carrying out a development or assessing a development application.

What is a superseded planning scheme?

A superseded planning scheme is a planning scheme, part of a planning scheme and/or any related planning scheme policies that were in effect immediately before:

- the latest version of the planning scheme or any of the policies in the scheme were amended or replaced; or
- any policy was repealed or a new policy was made for the planning scheme.

When can a request to apply a superseded planning scheme be made?

A person may make a superseded planning scheme request within one year of the planning scheme being superseded.

A superseded planning scheme request enables a person to find out council's position before taking further action, such as lodging a development application or carrying out development.

A superseded planning scheme request needs to be a written request made to council requesting that the local government either:

- accept, assess and decide a development application (known as a 'superseded planning scheme application') under a superseded planning scheme; or
- apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.

Further information about making a superseded planning scheme application is available by contacting council.

Decision on a superseded planning scheme request

Council must decide whether or not to agree to the request within the period prescribed by, or extended as required under, the Planning Regulation 2017.

If no decision notice is given by Council it is taken to have agreed to the request.

Superseded planning scheme application

For the development application to be assessed and decided under the superseded planning scheme, it must be made within six months of council either agreeing to the request or being taken to have agreed to the request.

Council then assesses the development application against the superseded planning scheme as if the superseded planning scheme was still in effect.

This fact sheet provides general information and is provided as a guide only to assist the community to understand the draft planning scheme and its mapping. It is encouraged to view the relevant sections of the draft planning scheme and talk to a planner.