

Part 5 Tables of assessment

5.1 Preliminary

The tables in this part identify the category of development, and the category of assessment and assessment benchmarks for assessable development in the planning scheme area.

5.2 Reading the tables

The tables identify the following:

- (1) the category of development:
 - (a) prohibited;
 - (b) accepted, including accepted with requirements; or
 - (c) assessable development, that requires either code or impact assessment in:
 - (i) a zone and, where used, a precinct of a zone;
 - (ii) a local plan and, where used, a precinct of a local plan; or
 - (iii) an overlay where used.
- (2) the assessment benchmarks for assessable development, including:
 - (a) whether a zone code or specific provisions in the zone code apply (shown in the 'assessment benchmarks' column);
 - (b) if there is a local plan, whether a local plan code or specific provisions in the local plan code apply (shown in the 'assessment benchmarks' column);
 - (c) if there is an overlay:
 - (i) whether an overlay code applies (shown in Table 5.10.1);
 - (ii) whether the assessment benchmarks as shown on the overlay map (noted in the 'assessment benchmarks' column) applies;
 - (d) any other applicable code(s) (shown in the 'assessment benchmarks' column).
- (3) any variation to the category of assessment (shown as an 'if' in the 'category of assessment' column) that applies to the development.

Note—development will only be taken to be prohibited development under the planning scheme if it is identified as prohibited development in Schedule 10 of the Regulation.

Editor's note—examples of matters that can vary the category of assessment are gross floor area, height, numbers of people or precinct provisions.

5.3 Categories of development and assessment

5.3.1 Process for determining the category of development and the category of assessment for assessable development

The process for determining a category of development and category of assessment is:

- (1) for a material change of use, establish the use by reference to the use definitions in Schedule 1.
- (2) for all development, identify the following:
 - (a) the zone or zone precinct that applies to the premises, by reference to the zone map in Schedule 2;
 - (b) if a local plan or local plan precinct applies to the premises, by reference to the local plan map in Schedule 2;
 - (c) if an overlay applies to the premises, by reference to the overlay map in Schedule 2.
- (3) determine if the development is accepted development under schedules 6 and 7 of the Regulation.

Editor's note—Schedule 6 of the Regulation prescribes development that a planning scheme cannot state is assessable development where the matters identified in the schedule are met. Schedule 7 of the Regulation prescribes development that is accepted development.

- (4) determine if the development is assessable development under schedule 10 of the Regulation..
- (5) otherwise, determine the initial category of development or assessment by reference to the tables in:
 - (a) section 5.5 Categories of development and assessment – Material change of use;
 - (b) section 5.6 Categories of development and assessment – Reconfiguring a lot;
 - (c) section 5.7 Categories of development and assessment – Building work;
 - (d) section 5.8 Categories of development and assessment – Operational work.
- (6) a precinct of a zone may change the categories of development or assessment and this will be shown in the 'Category of development and assessment' column of the tables in section 5.5.
- (7) if a local plan applies, refer to the table(s) in section 5.9 Categories of development and assessment – Local plans, to determine if the local plan changes the category of development or assessment for the zone.
- (8) if a precinct of a zone or local plan changes the category of development or assessment, this is shown in the 'Category of development and assessment' column of either a separate table in section 5.9 or the tables in sections 5.5, 5.6 and 5.7.
- (9) if an overlay applies, refer to section 5.10 Category of development and assessment – Overlays, to determine if the overlay further changes the category of development or assessment.

5.3.2 Determining the category of development and categories of assessment

- (1) A material change of use is assessable development requiring impact assessment
 - (a) unless the table of assessment states otherwise;
 - (b) if a use is not listed or defined;
 - (c) unless otherwise prescribed in the Act or the Regulation.
- (2) Reconfiguring a lot is assessable development requiring code assessment unless the tables of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- (3) Building work and operational work are accepted development, unless the table of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- (4) Where an aspect of development is proposed on premises included in more than one zone, local plan or overlay, the category of development or assessment for that aspect is the highest category under each of the applicable zones, local plans or overlays.
- (5) Where development is proposed on premises partly affected by an overlay, the category of development or assessment for the overlay only relates to the part of the premises affected by the overlay.
- (6) For the purposes of Schedule 6, Part 2 Material change of use section 2 (2)(d)(i) or (ii) of the Regulation, an overlay does not apply to the premises if the development meets the acceptable outcomes that form the requirements for accepted development in the relevant overlay code.
- (7) If development is identified as having a different category of development or category of assessment under a zone than under a local plan or an overlay, the highest category of development or assessment applies as follows:
 - (a) accepted development subject to requirements prevails over accepted development;
 - (b) code assessment prevails over accepted development where subject to requirements and accepted development;
 - (c) impact assessment prevails over code assessment, accepted development where subject to requirements and acceptable development.
- (8) Despite sub-sections 5.3.2(4) and (7) above, a category of assessment in a local plan overrides a category of assessment in a zone and a category of assessment in an overlay overrides a category of assessment in a zone or local plan.

- (9) Provisions of Part 10 may override any of the above.
- (10) The category of development prescribed under schedule 6 of the Regulation, overrides all other categories of development or assessment for that development under the planning scheme to the extent of any inconsistency.

Editor's note—Schedule 7 of the Regulation also identifies development that the state categorises as accepted development. Some development in the schedule may still be made assessable under the planning scheme.

- (11) Despite all of the above, if development is listed as prohibited development under Schedule 10 of the Regulation, a development application cannot be made.

Note—development is to be taken to be prohibited development under the planning scheme only if it is identified in Schedule 10 of the Regulation.

5.3.3 Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development

- (1) 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) as identified in the relevant column.
- (2) 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.
- (3) The following rules apply in determining assessment benchmarks for each category of development and assessment.
- (4) Code assessable development:
 - (a) is to be assessed against all the assessment benchmarks identified in the assessment benchmarks column;
 - (b) that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3 (2) must:
 - (i) be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable outcomes that were not complied with or were not capable of being complied with under sub-section 3.3(2);
 - (ii) comply with all required acceptable outcomes identified in sub-section 5.3.3(2) (a), other than those mentioned in sub-section 5.3.3(2) (c);
 - (c) that complies with:
 - (i) the purpose and overall outcomes of the code complies with the code;
 - (ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the code;
 - (d) is to be assessed against any assessment benchmarks for the development identified in section 26 of the Regulation.

Editor's note—Section 27 of the Regulation identifies the matters code assessment must have regard to.

- (5) Impact assessable development:
 - (a) is to be assessed against the identified assessment benchmarks in the assessment benchmarks column (where relevant);
 - (b) assessment is to have regard to the whole of the planning scheme, to the extent relevant;
 - (c) is to be assessed against any assessment benchmarks for the development identified in section 30 of the Regulation.

Note—the first row of each table of assessment is to be checked to confirm is there are assessment benchmarks that commonly apply to general scenarios in the zone, local plan and overlay.

Editor's note—Section 31 of the Regulation identifies the matters that impact assessment must have regard to.

5.4 [Not in use]

This section is not in use.