

5 Tables of assessment

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Click on the required section from the menu beside.

5.1 Preliminary

The tables in this part identify the level of assessment and assessment criteria for development within the planning scheme area.

5.2 Reading the tables

The tables identify the following:

1. development that is prohibited, exempt or requires self, compliance, code or impact assessment;
2. the level of assessment for development in:
 - a. a zone and, where used, a precinct of a zone;
 - b. a local plan and, where used, a precinct of a local plan;
 - c. an overlay where used.
3. the assessment criteria for development:
 - a. whether a zone code or specific provisions in the zone code apply (shown in the “assessment criteria” 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 criteria” column);
 - c. if there is an overlay:
 - i. whether an overlay code applies (shown in the Table in section 5.10); or
 - ii. the assessment criteria as shown on the overlay map (noted in the “assessment criteria” column) applies;
 - d. any other applicable code(s) (shown in the “assessment criteria” column).
4. any variation to the level of assessment (shown as an “if” in the “level 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 in Schedule 1 of the Act or within the standard planning scheme provisions.

Editor's note - Examples of a variation are gross floor area, height, numbers of people or precinct provisions.

5.3 Levels of assessment

Click on the required section from the menu beside.

5.3.1 Process for determining the level of assessment

The process for determining a level 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 has a prescribed level of assessment, by reference to the tables in section 5.4 Prescribed levels of assessment;
4. If the development is not listed in the tables in section 5.4 Prescribed levels of assessment, determine the initial level of assessment by reference to the tables in:
 - a. section 5.5 Levels of assessment - Material change of use
 - b. section 5.6 Levels of assessment - Reconfiguring a lot
 - c. section 5.7 Levels of assessment - Building work
 - d. section 5.8 Levels of assessment - Operational work;
5. A precinct of a zone may change the level of assessment and this will be shown in the "level of assessment" column of the tables in sections 5.5, 5.6, 5.7 and 5.8;
6. If a local plan applies refer to the table(s) in section 5.9 Levels of assessment - Local plans, to determine if the local plan changes the level of assessment for the zone;
7. If a precinct of a local plan changes the level of assessment this will be shown in the "level of assessment" column of the table(s) in section 5.9;
8. If an overlay applies refer to section 5.10 Levels of assessment - Overlays, to determine if the overlay further changes the level of assessment.

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5.3.2 Determining the level of assessment

1. A material change of use is impact assessable:
 - a. unless the table of assessment states otherwise;
 - b. if a use is not listed or defined; or
 - c. unless otherwise prescribed within the Act or the Regulation.
 2. Reconfiguring a lot is code assessable unless the tables of assessment state otherwise or unless otherwise prescribed within the Act or the Regulation.
 3. Building work and operational work is exempt development, unless the tables of assessment state otherwise or unless otherwise prescribed within the Act or the Regulation.
 4. Where development is proposed on premises included in more than one zone, local plan or overlay, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, local plans or overlays.
 5. Where development is proposed on premises partly affected by an overlay, the level of assessment for the overlay only relates to the part of the premises affected by the overlay.
 6. For the purposes of Schedule 4, Table 2, item 2 of the Regulation, an overlay does not apply to the premises if the development meets the self-assessable acceptable outcomes of the relevant overlay code.
 7. If development is identified as having a different level of assessment under a zone than under a local plan or an overlay, the highest level of assessment applies as follows:
 - a. self-assessable prevails over exempt;
 - b. compliance assessment prevails over self-assessable;
 - c. code assessable prevails over self-assessable and exempt;
 - d. impact assessable prevails over code, self-assessable and exempt.
- Note - Where a development is comprised of a number of defined uses (not in an activity group) the highest level of assessment applies.
8. Despite sub-subsection 5.3.2(4) and (7) above, a level of assessment in a local plan overrides a level of assessment in a zone and a level of assessment in an overlay overrides a level of assessment in zone or local plan.
 9. Provisions of Parts 10 may override any of the above.
 10. State prescribed levels of assessment identified in Part 5, section 5.4, override all other levels of assessment for that development, with the exception of the Act or the Regulation.
 11. Despite all of the above, if development is listed as prohibited development under Schedule 1 of the Act, a development application can not be made.

Note - Development will only be taken to be prohibited development under the planning scheme if it is identified in Schedule 1 of the Act or within section 5.4 of the standard planning scheme provisions.

5.3.3 Determining the assessment criteria

1. The following rules apply in determining assessment criteria for:
 - a. Self-assessable development
 - i. must be assessed against all the identified self-assessable acceptable outcomes of the applicable code(s) identified in the assessment criteria column;
 - ii. that complies with the self-assessable acceptable outcomes of the applicable code(s) complies with the code(s);
 - iii. where the development does not comply with one or more identified self-assessable acceptable outcomes of the applicable code(s), the development becomes assessable development.
 - b. Development requiring compliance assessment
 - i. must be assessed against all the identified compliance outcomes of the applicable code(s) identified in the assessment criteria column;
 - ii. that complies with, or is conditioned to comply with, the compliance outcome(s) complies with the code(s).
 - c. Code assessable development
 - i. must be assessed against all the applicable codes identified in the assessment criteria column;
 - ii. where development becomes code assessable pursuant to clause 5.3.3(1)(a)(iii), it must
 - A. be assessed against the assessment criteria for the development application, limited to the subject matter of the self-assessable acceptable outcomes that were not complied with or were not capable of being complied with under clause 5.3.3(1)(a)(iii);
 - B. comply with all self-assessable acceptable outcomes identified in clause 5.3.3(1)(a)(i), other than those mentioned in clause 5.3.3(1)(a)(iii);
 - iii. that complies with:
 - A. the purpose and overall outcomes of the code complies with the code;
 - B. the performance or acceptable outcomes complies with the purpose and overall outcomes of the code;
 - iv. must have regard to the purposes of any instrument containing an applicable code.

Note - In relation to section 5.3.3(1)(c)(iv) above, and in regard to section 313(3)(d) of the Act, the strategic framework or the structure plan (where relevant) is considered to be the purpose of the instrument containing an applicable code.
 - d. Impact assessable development
 - i. must be assessed against all identified code(s) in the assessment criteria column (where relevant);
 - ii. the planning scheme, to the extent relevant.

5 Tables of assessment

5.4 Prescribed levels of assessment

For the development specified in the “use”, “zone” or “development” columns, the levels of assessment are prescribed.

Table 5.4.1 Prescribed levels of assessment: material change of use

Use	Level of assessment	Assessment criteria
Community residence ⁽¹⁶⁾	Self-assessment	
	If in a residential zone or residential zone category or a rural residential zone	9.2.2 'Community residence code'
Cropping ⁽¹⁹⁾ where forestry for wood production	Code assessment	
	If in a rural zone	9.2.3 'Forestry for wood production code'

Table 5.4.2 Prescribed levels of assessment: reconfiguring a lot

Zone	Level of assessment	Assessment criteria
Residential zone category or Industry zone category	Compliance assessment	
	Subdivision of one lot into two lots (and associated operational work) if compliance assessment is required under Schedule 18 of the Regulation	9.2.1 'Reconfiguring a lot (subdividing one lot into two lots) and associated operational work code' (subdividing one lot into two lots) and associated operational work code

Table 5.4.3 Prescribed levels of assessment: building work

Table not used

Table 5.4.4 Prescribed levels of assessment: operational work

Zone	Level of assessment	Assessment criteria
Residential zone category or Industry zone category	Compliance assessment	
	Operational work associated with reconfiguring a lot requiring compliance assessment under Schedule 18 of the Regulation	9.2.1 'Reconfiguring a lot (subdividing one lot into two lots) and associated operational work code' (subdividing one lot into two lots) and associated operational work code

Table 5.4.5 Prescribed levels of assessment: overlays

Table not used