

5 Tables of assessment

5.1 Preliminary

1. The tables in this part apply to all development in the planning scheme area and identify the category of development and:
 - a. for assessable development the category of assessment and the applicable assessment benchmarks that development;
 - b. for accepted development subject to requirements, the requirements that the development must satisfy.

5.2 Reading the tables

The tables identify the following:

1. the category of development; i.e prohibited, accepted or assessable
2. the category of assessment - code or impact for assessable development according to:
 - a. the zone of land and, where used, a precinct of the zone;
 - b. any local plan over the land and, where used, the precinct of a local plan;
 - c. any overlay over the land.
3. the assessment benchmarks for assessable development and the requirements applicable to development identified as accepted development subject to requirements. Specifically:
 - a. whether a zone code or specific provisions in the zone code apply (shown in the “assessment benchmarks for assessable development and requirements for accepted development” 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 for assessable development and requirements for accepted development” column);
 - c. if :
 - i. the table in section 5.10 indicates that an overlay code applies;
 - ii. the additional assessment benchmarks applicable to that overlay (shown in the “assessment benchmarks for assessable development and requirements for accepted development” column);
 - d. any other applicable code(s) or code provisions (shown in the “assessment benchmarks for assessable development and requirements for accepted development” column).
4. any variation to the category of categories of assessment and development assessment (shown as an “if” in the “categories of assessment and development assessment” column) that applies to the development.

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

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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 the applicable 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 and any zone precinct that apply to the premises, by reference to the zone maps in Schedule 2;
 - b. if a local plan and any local plan precinct apply to the premises, by reference to the local plan maps in Schedule 2;
 - c. if an overlay applies to the premises, by reference to the overlay maps in Schedule 2.
3. Determine if the development has a category of development and category of assessment that has already been set by Regulation and cannot be altered by a local planning instrument by reference to the tables in section 5.4 Regulated categories of development and categories of assessment prescribed by the Regulation as well as the schedules in the Regulation;
4. If this local planning instrument is not prevented from allocating a category of development or category of assessment for the development, and a local plan does not apply to the premises, determine the initial categories 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;
5. A precinct of a zone may change the categories of development and assessment and this will be shown in the "Categories of development and assessment" column of the tables in sections 5.5, 5.6, 5.7 and 5.8;
6. If a local plan applies and this local planning instrument is not prevented from allocating a category of development or a category of assessment for the development, refer to the table(s) in section 5.9 Categories of development and assessment - Local plans, to determine the initial categories;
7. If a precinct of a local plan changes the category of development or the category of assessment this will be shown in the "categories of development and assessment" column of the table(s) in section 5.9;
8. If an overlay applies refer to section 5.10 Categories of development and assessment - Overlays, to determine if the overlay further changes the category of development or category of assessment from that allocated for the zone or local plan.

5.3.2 Determining the category of development and category of assessment

1. A material change of use is assessable development requiring impact assessment:
 - a. unless the applicable table of assessment states otherwise; or
 - b. if the use is not listed in the applicable table of assessment or is not a use defined in schedule 1;unless otherwise prescribed within the Act or the Regulation.
2. Reconfiguring a lot is assessable development requiring code assessment unless the tables of assessment state otherwise or the Act or the Regulation prescribe otherwise.
3. Building work and operational work is accepted development that is not subject to any requirements of this planning scheme, unless the tables of assessment state otherwise or the Act or the Regulation prescribes otherwise.
4. Where an aspect of development is proposed on premises having more than one zone, or that is covered by one or more overlays, the category of development or assessment for that aspect is the highest category under each of the applicable zones or overlays.
5. Where an aspect of development is proposed on premises covered by a local plan and one or more overlays, the category of development or category of assessment for that aspect is the highest category under the applicable local plan or overlay.
6. Where development is proposed on premises partly affected by an overlay, the category of development and assessment for the overlay only relates to the part of the premises affected by the overlay.
7. Where all or part of the premises are covered by a local plan, the underlying zone or zones for the part covered by the local plan is not to be used for determining the category of development and the category of assessment.
8. For the purposes of Schedule 6, Part 2 Material change of use, section 2(2)(d) of the Regulation, an overlay does not apply to the premises if the development meets the requirements for accepted development in the relevant overlay code.
9. If development is identified as having a different category of development or category of assessment under a zone or local plan than under an overlay, the highest category of development or assessment applies as follows:
 - a. accepted development subject to requirements prevails over other accepted development;
 - b. assessable development prevails over any form of accepted development;
 - c. impact assessment prevails over code assessment.
10. Provisions of Part 10 may override any of the above.
11. Unless stated otherwise in the Act or Regulation, a category of development and category of assessment allocated by these instruments prevails to the extent if any inconsistency with the categories allocated by this planning scheme for the same development. The categories of development and categories of assessment identified in Part 5, section 5.4, are prescribed by the Regulation.
12. Despite all of the above, if development is listed as prohibited development under Schedule 10 of the Regulation, a development application can not be made.

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5.3.3 Determining and applying the requirements for accepted development and the assessment benchmarks for assessable development

1. The following rules apply in determining and applying development requirements for prescribed forms of accepted development:
 - a. Development categorised as accepted development subject to requirements
 - i. Accepted development does not require a development approval and is not subject to assessment benchmarks. However, certain requirements may apply to some forms of development for them to be categorised as accepted development. If listed in the tables of assessment as accepted development subject to requirements, that development must comply with the requirements for accepted development (RAD's) identified in the assessment benchmarks for assessable development and requirements for accepted development column or its development category may change.
 - ii. Unless specifically indicated otherwise, accepted development that does not comply with one or more of the nominated requirements for accepted development (RAD's) identified in the assessment benchmarks for assessable development and requirements for accepted development columns becomes code assessable development.

2. The following rules apply in determining assessment benchmarks for assessable development:
 - a. Code assessable development
 - i. must be assessed against all of the assessment benchmarks identified in the assessment benchmarks for assessable development and requirements for accepted development column;
 - ii. where development becomes code assessable pursuant to clause 5.3.3(1)(a)(ii), it must
 - A. be assessed solely against those components of the assessment benchmarks for the development application, identified in the applicable codes(s) as corresponding to the requirements for accepted development (RAD's) that were not complied with or were not capable of being complied with under clause 5.3.3(1)(a)(ii);
 - B. comply with all requirements for accepted development (RAD's) identified in clause 5.3.3(1)(a)(i), other than those mentioned in clause 5.3.3(1)(a)(ii);
 - iii. that complies with:
 - A. the purpose and overall outcomes of the code identified in the assessment benchmarks for assessable development and requirements for accepted development column complies with that code;
 - B. the performance outcomes or their corresponding examples complies with the purpose and overall outcomes of that code;
 - iv. must be assessed against all other assessment benchmark for the development identified in section 26 of the Regulation.

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

 - b. Impact assessable development
 - i. must be assessed against all identified assessment benchmarks in the assessment benchmarks for assessable development and requirements for accepted development column;

- ii. must have regard to the whole of the planning scheme, to the extent relevant.
- iii. must be assessed against all other assessment benchmarks identified in Section 30 of the Regulation.

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

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5.4 Regulated categories of development, categories of assessment and assessment criteria prescribed by the Regulation

For the development specified in the “use” or “zone” columns of the following tables:

- the categories of development and assessment cannot be varied by a local planning instrument;
- the assessment benchmarks for assessable development and requirements for acceptable development cannot be varied by a local planning instrument.

Table 5.4.1 Development under Schedule 6 of the Regulation: material change of use

| Use | Categories of development and assessment of assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|--|--|--|
| Community residence ⁽¹⁶⁾ | Accepted development subject to requirements | |
| | <p>If in a zone under the heading “Residential zones” in schedule 2 of the Regulation, Emerging community zone, Township zone - Township residential precinct, or a Rural residential zone</p> <p>Note - For a “Community residence” in any other zone, refer to the material change of use assessment tables for that zone to determine the applicable category of development, category of assessment and assessment benchmarks.</p> | <p>The requirements prescribed in Schedule 6, Part 2, item 6 of the Regulation</p> <p>Note - If the proposed development does not comply with one or more of the requirements prescribed in Schedule 6, Part 2, item 6 of the Regulation, (other than the zone requirements), the development becomes assessable under section 5.3.3(1)(a). The applicable assessment benchmarks in such instances are the performance outcomes in 9.2.2 Community Residence code.</p> |
| Cropping ⁽¹⁹⁾ involving forestry for wood production | Accepted development subject to requirements | |
| | <p>If in a rural zone</p> <p>Note - Where cropping in the form of forestry for wood production is not in a Rural zone refer to the material change of use assessment tables for that zone to determine the applicable category of development, category of assessment and assessment benchmarks.</p> | <p>The requirements prescribed in Schedule 13 of the Regulation</p> <p>Note - If the proposed development does not comply with one or more of the requirements prescribed in Schedule 13 of the Regulation, (other than the zone requirements), the development becomes assessable under section 5.3.3 (1) (a). The applicable assessment benchmarks in such instances are the performance outcomes in 9.2.3 Cropping involving forestry for wood production code.</p> |

Table 5.4.2 Reconfiguring a lot which Schedule 12 of the Regulation applies

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|---|--|---|
| If in a zone under the heading “Residential zones” or the heading “Industry zones” in Schedule 2 of the Regulation | Assessable development - Code assessment | |
| | <p>Reconfiguring a lot to the extent prescribed in the applicability statement for Schedule 12 of the Regulation.</p> <p>Note - Refer to the reconfiguring a lot assessment tables for category of development, category of assessment and</p> | <p>The assessment benchmarks for the reconfiguring a lot as set out in Schedule 12 of the Regulation.</p> |

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|------|--|--|
| | assessment benchmarks for any reconfiguring that does not comply with the applicability statement or requirements prescribed in Schedule 12 of the Regulation, or is proposed in any other zone. | |

Table 5.4.3 Operational work for reconfiguring a lot to which Schedule 12 of the regulation applies

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|---|---|---|
| If in a zone under the heading “Residential zones” or the heading “Industry zones” in Schedule 2 of the Regulation | Assessable development - Code assessment | |
| | Operational work associated with reconfiguring a lot to which Schedule 12 of the Regulation applies. Note - Refer to the Operational work assessment tables for category of development, category of assessment and assessment benchmarks for operational work that does not comply with the requirements prescribed in Schedule 12 of the Regulation, or is not associated with reconfiguring a lot to which Schedule 12 of the Regulation applies. | The assessment benchmarks for the reconfiguring a lot and associated operational works as set out in Schedule 12 of the Regulation. |

Table 5.4.4 Operational work for harvesting trees for wood production to which Schedule 13 of the Regulation applies.

| Zone | Categories of development and assessment | Assessment benchmarks for assessable development and requirements for accepted development |
|-------------------|---|--|
| Rural zone | Accepted development subject to requirements | |
| | Operational work for harvesting trees for wood production to which Schedule 13 of the Regulation applies. Note - Refer to the operational works assessment tables for the category of development, category of assessment and assessment benchmarks for operational works not referred to in the application statement of Schedule 13 of the Regulation or not undertaken in a Rural zone. | The requirements prescribed in Schedule 13 of the Regulation Note - If proposed development does not comply with one or more of the requirements prescribed in Schedule 13 of the Regulation, (other than the zone requirements or application statement), the development becomes assessable under section 5.3.3 (1) (a). The applicable assessment benchmarks in such instances are the performance outcomes in 9.2.3 Cropping involving forestry for wood production code. |