



CairnsPlan 2016 and the new Planning Act 2016

Planning Act 2016 (New legislation)

CairnsPlan 2016 Version 1.1 has been prepared and adopted under the *Sustainable Planning Act 2009*. The *Planning Act 2016* commenced on 3 July 2017. The *Planning Act 2016* introduces new categories of development and terminology relating to development assessment.

An Alignment Amendment to reflect the changes under the *Planning Act 2016* has not yet been made to the CairnsPlan 2016. Given this, the CairnsPlan 2016 and the associated fact sheets make reference to outdated terminology from the *Sustainable Planning Act 2009*.

This fact sheet provides guidance on how to interpret the CairnsPlan 2016 in light of the new categories of development and new terminology under the *Planning Act 2016*.

New categories of development

The *Planning Act 2016* introduces new categories of development. The table below provides a description of each new category.

New category of development	Description
Accepted development	All development other than assessable or prohibited development or identified as such in a planning scheme.
Assessable development	<p>Assessable development is development that can only be carried out with a development approval. There are two types of assessable development as follows:</p> <p>Code assessable A code assessment is a bounded assessment against assessment benchmarks (as identified in the planning scheme) and having regard to matters prescribed by the Planning Regulation. The assessor must approve the development application to the extent it complies with assessment benchmarks, or if compliance with assessment benchmarks can be achieved by imposing development conditions.</p> <p>Impact assessable An impact assessment is carried out against the assessment benchmarks (as identified in the planning scheme) and having regard to any matters prescribed by regulation; and may be carried out against or having regard to any other relevant matters, such as planning need, or the current relevance of the assessment benchmarks in the light of changed circumstances. Impact assessment also requires a period of public notification.</p>
Prohibited development	Development identified in a categorising instrument as prohibited.



New terminology

The *Planning Act 2016* introduces new terminology for development assessment. The below table identifies outdated terms used in the CairnsPlan 2016 (particularly in Part 5) and the corresponding new term under the *Planning Act 2016*.

Term used in the CairnsPlan 2016	New term under the <i>Planning Act 2016</i>
<i>Exempt development</i>	<i>Accepted development</i>
<i>Self-assessable development</i>	To the extent the development complies with all applicable codes for the self-assessable development, it is considered to be <i>Accepted development</i>
<i>Self-assessable development</i>	To the extent the development does not comply with all applicable codes for the self-assessable development, it is considered to be code assessable development.
A code, identified assessment criteria, or other matter, against which assessable development must be assessed	an <i>Assessment benchmark</i>
<i>Compliance assessment</i>	<i>Code assessment</i>

What else do I need to know?

The Department of Infrastructure, Local Government and Planning has prepared a number of fact sheets and guidance material on the *Planning Act 2016* which can be found on the Department's website www.dilgp.qld.gov.au.

For more information

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