

Part 5 Tables of assessment

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

- (1) The tables identify the following:
 - (a) development that is prohibited, exempt or requires self, compliance, code or impact assessment.
 - (b) the level of assessment for development 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
 - (iii) an overlay where used.
 - (c) the assessment criteria for development, including:
 - (i) Whether a zone code or specific provisions in the zone code apply (shown in the 'assessment criteria' column);
 - (ii) If there is a local plan, whether a local plan code or specific provisions of the local plan code apply (shown in the 'assessment criteria' column);
 - (iii) If there is an overlay:
 - (A) whether an overlay code applies (shown in the 'assessment criteria' column); or
 - (B) whether the assessment criteria as shown on the overlay map (noted in the 'assessment criteria' column) applies;
 - (iv) any other applicable code(s) (shown in the 'assessment criteria' column);
 - (d) any variation to the level of assessment (shown as an 'if' in the 'development' column) that applies to the development.

- (2) For all development, identify the following:
 - (a) the applicable zone, (or where there are multiple zones that apply to a premises, each applicable zone) or zone precinct that applies to the area of the premises subject to the development footprint, by reference to the zone maps contained in Schedule 2;
 - (b) if a local plan or local plan precinct applies to the premises, by reference to the local plan maps contained in Schedule 2;
 - (c) if an overlay applies to the premises, by reference to the overlay maps contained in Schedule 2 and the Overlay codes contained in Part 8.

Editor's note – record the applicable zone (or zones where more than one applies), zone precincts, overlays and local plans that apply to the site.

- (3) There is a table for each zone, in alphabetical order based on the name of the zone, which is identified at the head of the table. Development within that zone is subject to the levels of assessment and assessment criteria identified in that table, subject to subsection (3).
- (4) Where a zone has been divided into precincts there will be a table for each precinct as a subset of the zone and development within that precinct is assessed under that precinct table, rather than the zone table.

Editor's note – identify the relevant zone or zone precinct table. This is the table that is applicable to determine the level of assessment and assessment criteria for the development.

- (5) For a Material change of use or uses, the applicable use or uses are identified by reference to the Use definitions in Schedule 1.1.

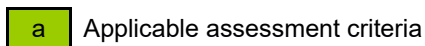
Editor’s note – record the applicable use or uses to cross reference in the relevant table.

- (6) Column 1 of each table:
 - (a) has subheadings for Material change of use, Reconfiguring a lot, Operational work and Building work and identifies specific types of development;
 - (b) identifies overlays that may vary the level of assessment for the development;
 - (c) identifies local plans that may vary the level of assessment for the development;
 - (d) other circumstances that may vary the level of assessment for the development.

Editor’s note – The level of assessment may vary where there is an applicable overlay or local plan or where there is another circumstance (for example the size, type or nature of the development). In column 1 of the table, identify the type of development proposed and whether any applicable overlays, local plans or other circumstances vary the level of assessment for the development.

- (7) Column 2 of each table identifies, by category, the level of assessment for development as exempt, self, compliance, code or impact assessable and varied levels of assessment for development as identified in subsection (5)(b), (c) and (d).
- (8) Where there are no applicable overlays, local plans or other circumstances identified in Column 1 then the relevant row for determining the level of assessment is the first row relating to that development.
- (9) Where applicable overlays, local plans or other circumstances are identified in a row, then the relevant rows for determining the level of assessment will be each of those applicable overlay, local plan or other circumstance rows.
- (10) Where the level of assessment is varied by overlays, local plans or other circumstances then the highest level of assessment applies to the development as follows:
 - (a) self-assessable prevails over exempt;
 - (b) compliance assessment prevails over self-assessable and exempt;
 - (c) code assessable prevails over compliance assessment, self-assessable and exempt;
 - (d) impact assessable prevails over code, compliance assessment, self-assessable and exempt.
- (11) Column 3 of each table identifies the assessment criteria against which the development will be assessed.
- (12) Column 3 is divided into subheadings which identify individual codes, or in the first cell the whole of the CairnsPlan 2016, against which the development will be assessed.
- (13) Codes identified in subheadings in Column 3 are contained within parts 6, 7, 8 and 9 of the planning scheme.
- (14) The symbol "a" in a green cell shown in Figure 5.2.a, identifies applicable assessment criteria for the development by reference to the subheadings in Column 3.

Figure 5.2.a – Symbol for applicable assessment criteria



- (15) The assessment criteria that are applicable are those identified by the symbol in Figure 5.2.a reading across in a row from rows in Column 1 and Column 2.
- (16) Where there are no applicable overlays, local plans or other circumstances identified in Column 1 then the relevant row for determining the assessment criteria is the first row relating to that development.

- (17) Where overlays, local plans or other circumstances are applicable to the development and identified in a row or where more than one row applies, then the relevant rows for determining the assessment criteria will be all of those applicable overlay, local plan or other circumstance rows.
- (18) Impact assessable development is required to be assessed against the whole of the planning scheme and the presence of the symbol in Figure 5.2.a in the first subheading of Column 3 identifies that requirement.

5.3 Additional matters about levels of assessment

- (1) A Material change of use is impact assessable:
- unless the tables of assessment states otherwise; or
 - if a use is not listed in the tables of assessment; or
 - if a use is not defined in the Use definitions contained in Schedule 1.1; or
 - unless otherwise prescribed within the Act or the Regulation.
- (2) Reconfiguring a lot is code assessable, unless:
- the tables of assessment state otherwise; or
 - 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
 - otherwise prescribed within the Act or the Regulation.
- (4) Development undertaken by or on behalf of the local government is:
- as per the level of assessment as identified in Part 5; or
 - Code assessable where identified as Impact assessable in Part 5 and is to be assessed against the whole planning scheme, to the extent relevant.
- (5) Where development is proposed on premises included in more than one zone, local plan, overlay or other circumstance, the level of assessment is the highest level for each aspect of the development under each of the applicable zones, local plans, or overlays or other circumstances.
- (6) 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.
- (7) Where a development is comprised of a number of defined uses (not in an activity group), the highest level of assessment applies.
- (8) 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.
- (9) Despite sub-subsections 5.3 (4), 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 a zone or local plan.
- (10) Provisions of Part 10 may override any of the above.
- (11) State prescribed levels of assessment identified in Part 5, section 5.5, override all other levels of assessment for that development, with the exception of the levels of assessment prescribed in the Act or the Regulation.

- (12) Despite all of the above, if development is listed as prohibited development under Schedule 1 of the Act, a development application cannot be made.

Note – Development is to be only taken to be prohibited development under the planning scheme if it is identified in Schedule 1 of the Act, a state planning regulatory or in section 5.4 of the standard planning scheme provisions.

5.4 Additional matters about determining the assessment criteria

- (1) In addition to the above, the following rules apply in determining assessment criteria for each level of assessment:
- (a) Self-assessable development:
 - (i) is to be assessed against all the identified self-assessable acceptable outcomes of the applicable code(s) identified in Column 3;
 - (ii) that complies with the self-assessable acceptable outcomes of the applicable code(s) complies with the code(s);
 - (iii) that does not comply with one or more identified self-assessable acceptable outcomes of the applicable code(s) becomes code assessable development unless otherwise specified.
 - (b) Development requiring compliance assessment:
 - (i) is to be assessed against all the identified compliance outcomes of the applicable code(s) identified in Column 3;
 - (ii) that complies with, or is conditioned to comply with, the compliance outcome(s) complies with the code(s).
 - (c) Code assessable development:
 - (i) is to be assessed against all the applicable codes identified in Column 3;
 - (ii) that occurs as a result of development becoming code assessable pursuant to sub-section 5.4(1)(a)(iii), should:
 - (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 sub-section 5.4(1)(a);
 - (B) comply with all self-assessable acceptable outcomes identified in subsection 5.4(1)(a)(i) and 5.4(1)(a)(ii), other than those mentioned in sub-section 5.4(1)(a)(iii);
 - (iii) that complies with:
 - (A) the purpose and overall outcomes of the code;
 - (B) the performance or acceptable outcomes - complies with the code;
 - (iv) is to have regard to the purposes of any instrument containing an applicable code.

Note - In relation to section 5.3.3(4)(d) above, and in regard to section 313(3)(d) of the Act, the strategic framework (where relevant) is considered to be the purpose of the instrument containing an applicable code.

- (d) Impact assessable development must be assessed against the whole planning scheme, to the extent relevant.

5.5 Prescribed levels of assessment

- (1) Prescribed levels of assessment exist for the following types of development:
 - (a) Material change of use:
 - (i) for Community residence in a residential zone or residential zone category or a rural residential zone;
 - (ii) for Cropping where involving forestry for wood production within a rural zone;
 - (b) Reconfiguring a lot:
 - (i) for 1 lot into 2 lots in accordance with Schedule 18 of the Regulation;
 - (c) Operational work:
 - (i) associated with reconfiguring a lot for 1 lot into 2 lots in accordance with Schedule 18 of the Regulation.

- (2) Prescribed levels of assessment for the above are contained within the tables in section 5.6 Levels of assessment.