

WHEN IS A DEVELOPMENT APPLICATION REQUIRED & HOW TO DETERMINE A LEVEL OF ASSESSMENT

Not all development activities require a development application to be made. The Assessment Tables for each district determine the level of assessment for a development which in turn determines if a development application is required to be made. There are three categories of development, each involving a different process.

The categories are:

1. Exempt;
2. Self – assessable; and
3. Assessable.

EXEMPT DEVELOPMENT

All development is exempt development **unless** it is made self-assessable or assessable development by CairnsPlan or schedule 8 of IPA. Development that is exempt does not require a development application to be made.

SELF – ASSESSABLE DEVELOPMENT

A self – assessable development requires assessment to be performed by the person proposing the development and must comply with the Acceptable Measures of all applicable Codes. Self – assessable development does not require a development application to be made if it complies with all applicable Codes. If the development does not comply with the Acceptable Measures of the applicable Codes, the development becomes Assessable and a development application will need to be made.

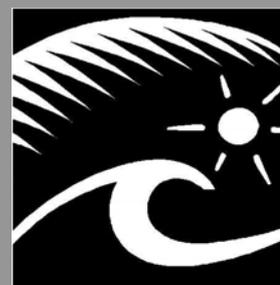
ASSESSABLE DEVELOPMENT

Development that is made assessable through CairnsPlan or schedule 8 of IPA requires a development application to be made. There are two types of assessable development – Code and Impact.

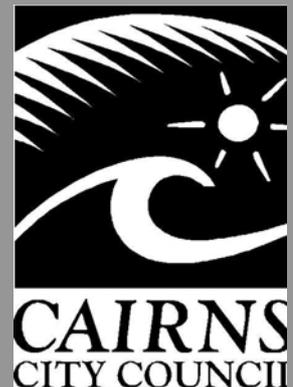
CODE ASSESSABLE

For code assessable development, compliance with the Acceptable Measures of applicable Codes represents one way in which the Performance Criteria can be satisfied.

This guide is one of
a series of guides
which has been
prepared to assist
people interpret
CairnsPlan.



This guide is one of a series of guides which has been prepared to assist people interpret CairnsPlan.



For further enquiries:

Please contact the
Customer Service
Centre on
07 4044 3044

Alternative solutions may be presented. In this case, the proponent must demonstrate that the Performance Criteria of the Code are satisfied by the alternative solutions. Where no Acceptable Measures are specified, the proponent is required to demonstrate that the Performance Criteria are satisfied, and thus, the Purpose of the Code is satisfied.

IMPACT ASSESSABLE

The Codes are also applicable to impact assessable development; in particular, impact assessable development should have regard to the purpose of each of the Codes applicable to the particular location and form of development.

An impact assessable application is required to be publicly notified in accordance with the requirements of Part 4 of Chapter 3 of IPA.

If you are a required to make a development application, **User's Guide 3: How to Make a Well-Made Application**, provides information on how to prepare a well-made development application.

WHAT IS DEVELOPMENT?

CairnsPlan regulates activity that falls within the definition of 'development' under IPA. Section 1.3.2 of IPA defines development as any of the following:

1. Carrying out **building work**:

Examples include, but are not limited to - building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or excavating or filling.

2. Carrying out **operational work**:

Examples include, but are not limited to -extracting gravel, rock, sand or soil from the place where it occurs naturally; or conducting a forest practice; or excavating or filling that materially affects premises or their use; or erecting an advertising device on premises; or undertaking work in, on, over or under premises that materially affects premises or their use; or clearing vegetation.

This guide is one of
a series of guides
which has been
prepared to assist
people interpret
CairnsPlan.



For further enquiries:

Please contact the
Customer Service
Centre on
07 4044 3044

3. Carrying out **plumbing and drainage work**

4. **Reconfiguring a lot:**

Examples include, but are not limited to - creating lots by subdividing another lot; or amalgamating 2 or more lots; or rearranging the boundaries of a lot by registering a plan of subdivision; or creating an access easement.

5. Making a **material change of use:**

Examples include, but are not limited to - the start of a new use of the premises; or the re-establishment on the premises of a use that has been abandoned; or a material change in the intensity or scale of the use of the premises.

A premises is defined as—

- (a) a building or other structure; or
- (b) land (whether or not a building or other structure is situated on the land).

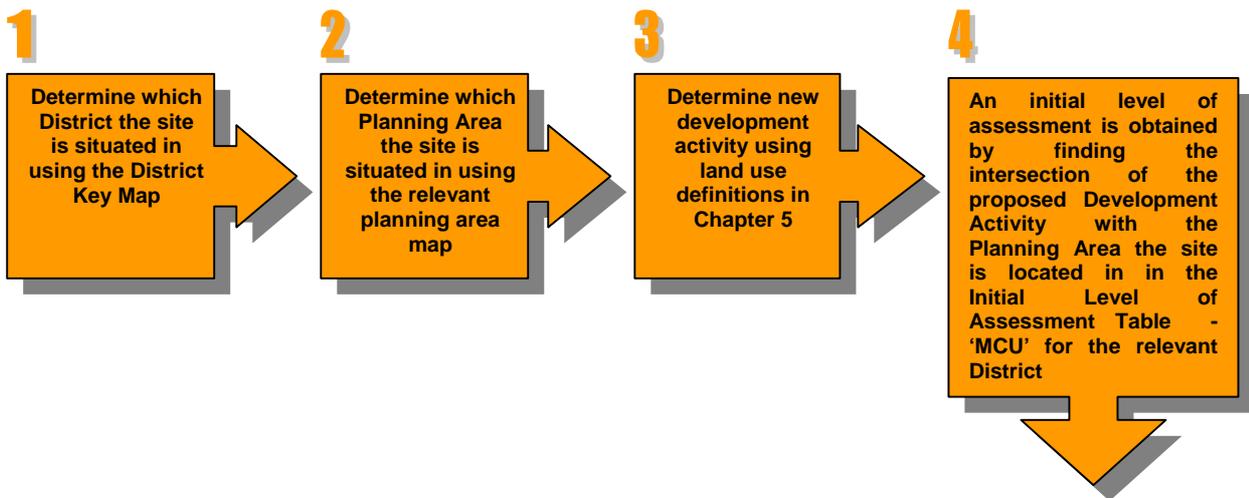
HOW TO DETERMINE A LEVEL OF ASSESSMENT

Before you determine the Level of Assessment, you must first determine:

1. If what you are proposing to do constitutes development.
2. If what you are proposing to do does constitute development, what the use is defined as using the land use **definitions in Chapter 5 of CairnsPlan**

The level of assessment for development is identified in CairnsPlan primarily through the Assessment Tables for each District. The following flow chart will assist in determining the correct Level of Assessment for a Material Change of Use. The Flow chart can be adapted to development other than a Material Change of Use by following the directions under the Flow Chart.

LEVEL OF ASSESSMENT FLOWCHART



Checklist

1. District	
2. Planning Area	
3. New Land Use <u>or</u> Development Activity	
4. Initial Level of assessment	
5. Overlays	
6. Conversion Table Final Level of Assessment	

5 Determine if the subject site is affected by any of the Overlays for the District. If the subject site is not affected by any overlays, the Initial Level of Assessment stands.

6 If the subject site is affected by any of the Overlays for the District, the query is referred to the Conversion Table for the District. The Conversion Table converts the initial level of assessment to a level of assessment identified in the Conversion table. If premises are included in more than one Overlay Map, or affected by more than one Overlay Code, the highest level of assessment assigned by the Conversion table applies to the development.

DEVELOPMENT OTHER THAN A MATERIAL CHANGE OF USE

To determine Level of Assessment for development other than a Material Change of Use follow Steps 1 – 2. At step 3, Determine Development Activity using the relevant District's Initial Level of Assessment Table – Other Development. At step 4, Use this information to determine Initial Level of Assessment in the Initial Level of Assessment Table – Other Development for the relevant District. Follow Steps 5 – 6.