

## Part 5 Tables of Assessment

### 5.1 Preliminary

The tables in this part identify the category of development, the category of assessment (where assessable development) and assessment benchmarks for development in the planning scheme area.

### 5.2 Reading the Tables

The tables identify the following:

- (1) the categories of development that is accepted or assessable and the categories of assessment for assessable development, being code or impact assessment;
- (2) the categories of development and categories for assessment (where assessable development) in:
  - (a) a zone and, where used, a precinct of a zone;
  - (b) a local plan where used and, where used, a precinct of a local plan;
  - (c) an overlay where used;
- (3) the assessment benchmarks for development, including:
  - (a) whether a zone code or specific provisions in the zone code apply (shown in the 'assessment benchmarks' 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' column);
  - (c) if there is an overlay:
    - (i) whether an overlay code applies (shown in **Table 5.10.1—Assessment Benchmarks for Overlays**);
    - (ii) whether the assessment benchmarks as shown on the overlay map (noted in the 'assessment benchmarks' column) applies;
  - (d) any other applicable code(s) (shown in the 'assessment benchmarks' column);
- (4) any variation to the category of development or category of assessment (shown as an 'if' in the 'categories of development and 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 10 of the Regulation.

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

### 5.3 Categories of Development and Assessment

#### 5.3.1 Process for determining the categories of development and assessment

The process for determining a category of development and category of assessment (where assessable development) 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 an overlay applies to the premises, by reference to the overlay map in **Schedule 2**;
- (3) determine if the development has a prescribed category of development under the Regulation;
- (4) if the development does not have a prescribed category of development under the Regulation, determine the initial category of development and category of assessment (where assessable development) by reference to the tables in:
  - section 5.5 **Categories of Development and Assessment—Material Change of Use**
  - section 5.6 **Categories of Development and Assessment—Reconfiguring a Lot**
  - section 5.7 **Categories of Development and Assessment—Building Work**
  - section 5.8 **Categories of Development and Assessment—Operational Work**

- (5) a precinct of a zone may change the categories of development or assessment and this will be shown in the 'categories of development and assessment' column of the tables in **5.5, 5.6, 5.7 and 5.8**;
- (6) 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 assessment.

### **5.3.2 Determining the categories of development and 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;
  - (c) unless otherwise prescribed in the Act or the Regulation.
- (2) Reconfiguring a lot is assessable development requiring code assessment unless the tables of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- (3) Building work and operational work are accepted development, unless the tables of assessment state otherwise or unless otherwise prescribed in the Act or the Regulation.
- (4) Where an aspect of development is proposed on premises included in more than one zone or overlay, the category of development and category of assessment (where assessable development) for that aspect is the highest category under each of the applicable zones or overlays.
- (5) Where development is proposed on premises partly affected by an overlay, the category of development and category of assessment (where assessable development) for the overlay only relates to the part of the premises affected by the overlay.
- (6) For the purposes of Schedule 6, Part 2, 2(2) of the Regulation, an overlay does not apply to the premises if the development meets the acceptable outcomes for accepted development of the relevant overlay code.
- (7) If development is identified as having a different category of development or category of assessment (where assessable development) under a zone than under an overlay, the highest category of development and assessment applies as follows:
  - (a) accepted development subject to requirements prevails over accepted development;
  - (b) code assessment prevails over accepted development subject to requirements and accepted development;
  - (c) impact assessment prevails over code assessment, accepted development where subject to requirements and accepted development.

*Note – Where a development is comprised of a number of defined uses the highest category of development and assessment applies.*

- (8) Provisions of **Part 10 Other Plans** may override any of the above.
- (9) Categories of development prescribed under the Regulation, override all other categories of development or assessment for that development under the planning scheme to the extent of any inconsistency.
- (10) Despite all of the above, if development is prescribed as prohibited development under the Regulation, a development application cannot be made.

*Note - Development is to be taken to be prohibited development under the planning scheme only if it is prescribed under the Regulation.*

### **5.3.3 Determining the assessment benchmarks**

- (1) The following rules apply in determining assessment benchmarks for each level of assessment.
- (2) Accepted development:
  - (a) may be required to comply with assessment benchmarks;
  - (b) where required, is to be assessed against all of the acceptable outcomes of the assessment benchmarks identified in the assessment benchmarks column;
  - (c) that complies with the identified acceptable outcomes complies with the applicable assessment benchmarks;
  - (d) that does not comply with one or more identified acceptable outcomes of the applicable assessment benchmark becomes code assessable development unless otherwise specified.
- (3) Code assessable development:
  - (a) is to be assessed against all the assessment benchmarks identified in the assessment benchmarks column
  - (b) that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3(2)(d), must:

- (i) be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2)(d) (that is, the performance outcome(s) corresponding to the relevant acceptable outcome(s))
  - (ii) comply with all required acceptable outcomes identified in sub-section 5.3.3(2)(b) other than those mentioned in sub-section 5.3.3(2)(d).
- (c) that complies with:
- (i) the purpose and overall outcomes of an assessment benchmark (e.g. code) complies with the assessment benchmark
  - (ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the assessment benchmark (e.g. code).
- (4) Impact assessable development is to be assessed against:
- (a) the identified assessment benchmarks in the assessment benchmarks column (where relevant)
  - (b) the planning scheme, to the extent relevant.

**Note** - The first row of each table of assessment is to be checked to confirm if there are assessment benchmarks that commonly apply to general scenarios in the zone, local plan or overlay.

## **5.4 Prescribed Categories of Development and Assessment**

The regulated categories of development and assessment prescribed by the Regulation have not been included in the planning scheme. Please refer to the relevant Schedules of the Regulation for this information.