

Part 5 Tables of assessment

5.1 Preliminary


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


5.2 Reading the tables

The tables identify the following:

- (1) category of development:
 - (a) prohibited
 - (b) accepted, including accepted subject to requirements
 - (c) assessable development, that requires either code or impact assessment
- (2) the category of assessment, code or impact, for assessable development in:
 - (a) a zone and, where used, a precinct of a zone
 - (b) a local plan and, where used, a precinct of a local plan
 - (c) an overlay where used
- (3) the assessment benchmarks for assessable 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) any other applicable code(s) (shown in the 'assessment benchmarks' column)
- (4) any variation to the 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 as prohibited development 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.

 **Editor's Note** – There are no overlays or local plan precincts in this planning scheme.


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 a 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 or zone precinct that applies to the premises, by reference to the zone map in Schedule 2
 - (b) if a local plan or local plan precinct applies 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 map in Schedule 2

- (3) determine if the development is accepted development under schedules 6 and 7 of the Regulation or is assessable or prohibited development under schedule 10 of the Regulation

 **Editor's Note** – Schedule 6 of the Regulation prescribes development of a planning scheme cannot categorise as assessable. Schedule 7 of the Regulation identifies development the state makes accepted. Some development in schedule 7 may still be made assessable under this planning scheme.


- (4) determine the initial category of assessment by reference to the tables in:
 - (a) section 5.4 Categories of development and assessment—Material change of use
 - (b) section 5.5 Categories of development and assessment—Reconfiguring a lot
 - (c) section 5.6 Categories of development and assessment—Building work
 - (d) section 5.7 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 sections 5.4, 5.5, 5.6 and 5.7
- (6) if a local plan applies refer to the tables(s) in section 5.8 Categories of development and assessment - Local plans, to determine if the local plan changes the categories of development and assessment for the zone
- (7) if a precinct of a local plan changes the categories of development and assessment this is to be shown in the 'categories of development and assessment' column of the tables in section 5.8

 **Editor's Note** – The local plans and zone precincts do not alter the categories of development and assessment described elsewhere in part 5, sections 5.5, 5.6 and 5.7.

There are no overlays or local plan precincts in this planning scheme.

5.3.2 Determining the category of development and categories of assessment

- (1) A material change of use is assessable development requiring impact assessment:
 - (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, the category of development or assessment for that aspect is the highest category under each of the applicable zones or local plans.
- (5) If the development is identified as having a different category of development or category of assessment under a zone than under a local plan, the highest category of development or assessment applies as follows:
 - (a) accepted development subject to requirements prevails over accepted development
 - (b) code assessment prevails over accepted development where subject to requirements and accepted development
 - (c) impact assessment prevails over code assessment, accepted development where subject to requirements and accepted development.
- (6) The Regulation prescribes development that the planning scheme cannot make assessable in schedule 6.

 **Editor's Note** – Schedule 7 of the Regulation also identifies development the state makes accepted. Some development in that schedule may still be made assessable under this planning scheme.

- (7) 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.

Note – Where a development is comprised of a number of defined uses (not in an activity group) the highest categories of development and assessment applies.

Note – Development is to be taken to be prohibited development under the planning scheme only if it is identified in schedule 10 of the Regulation.

5.3.3 Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development

- (1) Accepted development does not require a development approval and is not subject to assessment benchmarks. However, certain requirements may apply to some types of development for it to be accepted development. Where nominated in the tables of assessment, accepted development must comply with the requirements identified as acceptable outcomes in the relevant parts of the applicable code(s).
- (2) Accepted development that does not comply with one or more of the nominated acceptable outcomes in the relevant parts of the applicable code(s) becomes code assessable development, unless otherwise specified.
- (3) The following rules apply in determining assessment benchmarks for each category of development and assessment.
- (4) Accepted subject to requirements:
- (a) is to be assessed against all the relevant acceptable outcomes in codes identified in the assessment benchmarks column



Editor's Note – If there is no acceptable outcome supporting a performance outcome in the specified code, there is no requirement.

- (5) 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), 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)
- (ii) comply with all required acceptable outcomes identified in sub-section 5.3.3(1), other than those mentioned in sub-section 5.3.3(2);
- (c) that complies with:
- (i) the purpose and overall outcomes of the code complies with the code
- (ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the code;
- (d) is to be assessed against any assessment benchmarks for the development identified in section 26 of the Regulation.




Editor's Note – Section 27 of the Regulation identifies the matters code assessment must have regard to.

(6) Impact assessable development:

(a) is to be assessed against the identified assessment benchmarks in the assessment benchmarks column

Note – The whole of the planning scheme is the assessment benchmark for impact assessable development in this planning scheme.

(b) is to be assessed against any assessment benchmarks for the development identified in Section 30 of the Regulation.

 **Editor's Note** – Section 31 of the Regulation identifies the matters that impact assessment must have regard to.

5.4 Categories of development and assessment—Material change of use

The following tables identify the categories of development and assessment for development in a zone for making a material change of use.

Table 5.4.1 – Environmental management and conservation zone


Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Environment facility, Landing, Market, Outdoor sport and recreation, Park, Permanent plantation, Roadside stall	Accepted	
	All	Not applicable
Caretaker's accommodation	Accepted	
	If located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area.	Not applicable
	Code assessment	
	If not exempt	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Outstation	Accepted	
	If less than 200m ² gross floor area	Not applicable
	Code assessment	
	If not accepted	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code


Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Club, Emergency services	Accepted	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; (2) located outside and area of high environmental value; and (3) any building or structure is not more than 100m ² gross floor area.	Not applicable
	Code assessment	
	If: (1) not accepted; and (2) located outside of an area of high environmental value.	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Dwelling house, Home based business, Place of worship	Accepted	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; and (2) located outside of an area of high environmental value.	Not applicable
	Code assessment	
	If not accepted	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Cemetery	Accepted	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; and (2) located outside of an area of high environmental value.	Not applicable
	Code assessment	
	If not accepted	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Animal husbandry, Animal keeping, Cropping (where not involving forestry for wood production)	Accepted	
	If not animal keeping for a kennel or cattery	Not applicable
	Code assessment	
	If not accepted	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Wholesale nursery	Accepted	
	If located outside of an area of high environmental value	Not applicable
	Code assessment	
	If not accepted	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Intensive horticulture	Accepted	
	If: <ol style="list-style-type: none"> (1) located outside of an area of high environmental value; and (2) not intensive horticulture for a mushroom farm. 	Not applicable
	Code assessment	
Aquaculture, Bulk landscape supplies, Function facility, Indoor sport and recreation, Major sport, recreation and entertainment facility, Marine industry, Special industry, Outdoor sales, Rural industry	Code assessment	
	If located outside of an area of high environmental value	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Shop, Food and drink outlet	Code assessment	
	If: <ol style="list-style-type: none"> (1) located outside of an area of high environmental value; (2) associated with an application for function facility, nature based tourism, short term accommodation, tourist attraction or tourist park; and (3) 100m² or less in gross floor area 	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Crematorium, Funeral parlour, Nature based tourism, Non-resident workforce accommodation, Short term accommodation, Resort complex, Rural worker's accommodation, Tourist attraction, Tourist park	Code assessment	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; and (2) located outside of an area of high environmental value.	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Motor sport facility	Code assessment	
	If: (1) located more than 2km from the township zone; and (2) located outside of an area of high environmental value.	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Major electricity infrastructure, Substation, Telecommunications facility, Transport depot, Utility installation	Accepted	
	If provided by Torres Strait Island Regional Council.	Not applicable
	Code assessment	
	If: (1) not accepted; and (2) provided by any other public sector entity.	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
Impact assessment		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the categories of development and assessment column. Any other undefined use.	The planning scheme	

 **Editor's Note** – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

 **Editor's Note** – To determine if the proposed development is located within a:

- a landslide hazard area
- a bushfire hazard area
- a flood hazard area
- a coastal hazard area
- an area of high environmental value
- an area of medium environmental value


Refer to the local plan maps provided at schedule 2.


Table 5.4.2 – Township zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dwelling house, Dual occupancy, Environment facility, Landing, Market, Outdoor sport and recreation, Outstation, Park, Roadside stall	Accepted	
	All	Not applicable
Caretaker's accommodation, Dwelling unit, Emergency services, Home based business, Place of worship, Sales office, Veterinary services	Accepted	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; and (2) located outside of an area of high environmental value.	Not applicable
	Code assessment	If not accepted <ul style="list-style-type: none"> • Township zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulfate soils code
Cemetery	Accepted	
	If: (1) located outside of a landslide hazard area, bushfire hazard area, flood hazard area and coastal hazard area; and (2) located outside of an area of high environmental value.	Not applicable
Major electricity infrastructure, Substation, Telecommunications facility, Transport depot, Utility installation	Exempt	
	If provided by Torres Strait Island Regional Council.	Not applicable
	Code assessment	If: (1) not accepted; and (2) provided by any other public sector entity. <ul style="list-style-type: none"> • Township zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulfate soils code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
<p> Agricultural supplies store, Animal keeping, Aquaculture, Bulk landscaping supplies, Car wash, Child care centre, Club, Community care centre, Community use, Crematorium, Educational establishment, Food and drink outlet, Function facility, Funeral parlour, Garden centre, Hardware and trade supplies, Health care services, Hospital, Indoor sport and recreation, Low impact industry, Major sport, recreation and entertainment facility, Marine industry, Medium impact industry, Multiple dwelling, Nature based tourism, Non-resident workforce accommodation, Office, Outdoor sales, Relocatable home park, Research and technology industry, Residential care facility, Resort complex, Retirement facility, Rooming accommodation, Rural industry, Rural workers' accommodation, Service industry, Shop, Shopping centre, Short-term accommodation, Showroom, Theatre, Tourist attraction, Tourist park, Warehouse, Wholesale nursery </p>	<p> Code assessment All </p>	<ul style="list-style-type: none"> • Township zone code • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Impact assessment		
Any other use not listed in this table.	Any use listed in this table and not meeting the description listed in the categories of development and assessment column.	The planning scheme
Any other undefined use.		

 **Editor's Note** – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

 **Editor's Note** – To determine if the proposed development is located within a:

- a landslide hazard area
- a bushfire hazard area
- a flood hazard area
- a coastal hazard area
- an area of high environmental value
- an area of medium environmental value

Refer to the local plan maps provided at schedule 2.

Note – For the purposes of section 13 of the Building Regulations 2006:

- (1) land shown as flood hazard areas on the maps in schedule 2 is designated as the flood hazard area; and
- (2) the defined flood hazard area is declared to be the level to which flood water would reasonably be expected to rise within the flood hazard area during the designated flood events.

Note – Land shown as bushfire hazard area on the maps in schedule 2 is designated as the bushfire prone area for the purposes of section 12 of the Building Regulation 2006. The bushfire hazard area (bushfire prone area) includes land covered by very high, high and medium hazard areas as well as the buffer area category.

5.5 Categories of development and assessment—Reconfiguring a lot

The following table identifies the categories of development and assessment for reconfiguring a lot.

Table 5.5.1 – Reconfiguring a lot

Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Township zone	Code assessment	
	All	<ul style="list-style-type: none"> • Township zone code • Applicable local plan code • Reconfiguration of a lot code • Infrastructure and works code • Water quality and acid sulphate soils code
Environmental management and conservation zone	Code assessment	
	All	<ul style="list-style-type: none"> • Environmental management and conservation zone code • Applicable local plan code • Reconfiguration of a lot code • Infrastructure and works code • Water quality and acid sulphate soils code
Code assessment		
Any other reconfiguring a lot not listed in this table.		
Any reconfiguring a lot listed in this table and not meeting the description listed in the categories of development and assessment column.		



Editor's Note – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

5.6 Categories of development and assessment—Building work

There is no building work regulated by the planning scheme.

Note – For the purposes of section 13 of the Building Regulations 2006:


- (1) land shown as flood hazard areas on the maps in schedule 2 is designated as the flood hazard area; and
- (2) the defined flood hazard area is declared to be the level to which flood water would reasonably be expected to rise within the flood hazard area during the designated flood events.


Note – Land shown as bushfire hazard area on the maps in schedule 2 is designated as the bushfire prone area for the purposes of section 12 of the Building Regulation 2006. The bushfire hazard area (bushfire prone area) includes land covered by very high, high and medium hazard areas as well as the buffer area category.


5.7 Categories of development and assessment—Operational work

The following table identifies the categories of development and assessment for operational work.

Table 5.7.1 – Operational work

Development	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Excavation and filling	Accepted	Not applicable
	If:	 Editor's Note – Flood hazard areas are shown for each island on the maps in Schedule 2.
	<ol style="list-style-type: none"> (1) located more than 30m from waterways and wetlands; (2) located outside of a flood hazard area; and (3) involving less than 50 cubic metres of material. 	
	Code assessment	<ul style="list-style-type: none"> • Applicable local plan code • Infrastructure and works code • Water quality and acid sulphate soils code
	If not accepted	
Accepted		
Development approval is not required for any other operational work not listed in this table and any operational work listed in this table and not meeting the description listed in the categories of development and assessment column.		

 **Editor's Note** – The above categories of development and assessment apply unless otherwise prescribed in the Regulation.

 **Editor's Note** – Certain works may require approval under other legislation or local laws even if they are not regulated by the planning scheme.

5.8 Categories of development and assessment – Local plans

The local plans in this planning scheme do not alter the categories of development and assessment described elsewhere in part 5, sections 5.4, 5.5 and 5.7.

