

## Part 3 Categorisation Tables

### 3.1 Preliminary

- (1) Part 3 contains categorisation tables which identify the following for development:
- the Category of Development being Accepted Development, Assessable Development or Prohibited Development (lowest to highest);
  - the Category of Assessment for Assessable Development being Code Assessment or Impact Assessment (lowest to highest);
  - the Assessment Benchmarks for Assessable Development; and
  - any requirements that may apply to Accepted Development.

Note – The Strategic Outcomes of the planning scheme are only prescribed as Assessment Benchmarks for Assessable Development that is subject to Impact Assessment.

- (2) Part 3 contains sections applicable to the following development types:
- Material Change of Use (Section 3.2);
  - Reconfiguring a Lot (Section 3.3);
  - Carrying Out Building Work (Section 3.4); and
  - Carrying Out Operational Work (Section 3.5).
- (3) The sections referenced in sub-section (2) above contain categorisation tables that apply for:
- zones; and
  - overlays.

Note – Overlays identify mapped areas that reflect state, regional and local level interest and that are sensitive, constrained and/or valuable and require specific consideration as to how they relate to development.

- (4) Development is subject to the provisions contained in a categorisation table for:
- all zones within which the development is located; and
  - all overlays within which the development is located.

Note – A zone or overlay is applicable to the extent that any aspect or feature of the development is located within the mapped area of the zone or overlay, as shown in the mapping contained in Schedule 2.

Note – Where an overlay includes a mapped area over all or part of land upon which development is proposed, the overlay applies only to the extent any aspect or feature of the development is located within the mapped area of the overlay. Where development is located on land partly within the mapped area of an overlay, however no aspect or feature of the development is located within the mapped area of the overlay, that overlay does not apply. To avoid any doubt, Reconfiguring a Lot is considered to affect the entire land area of all lots proposed to be reconfigured and as such an overlay with a mapped area over any part of a lot that is proposed to be reconfigured will apply to that development.

- (5) The categorisation tables include notes that identify which Categories of Development and Assessment prevail in the event of an inconsistency between two provisions.
- (6) Where a note within a categorisation table, as referenced in sub-section (5), does not provide guidance as to resolving an inconsistency between two or more different applicable Categories of Development and Assessment, the highest Category of Development and Assessment applies.

Note – Sub-section (1) outlines the hierarchy of Categories of Development and Categories of Assessment.

Note – The Categories of Development and Assessment applicable to development are to be derived from the categorisation table for any applicable zone or overlay in accordance with sub-section (3).

- (7) Where development involves more than one defined use, the highest Category of Development and Assessment is applicable from the Category of Development and Assessment determined for each defined use in accordance with sub-sections (4), (5) and (6);

- (8) Where an inconsistency exists between two or more applicable Standard Outcomes:
- a Standard Outcome for an overlay prevails over any other Standard Outcome;
  - a Standard Outcome for a use prevails over a Standard Outcome for a zone, precinct of a zone or other matter;
  - a Standard Outcome for a precinct of a zone prevails over a Standard Outcome for a zone or other matter; and
  - a Standard Outcome for a zone prevails over a Standard Outcome for an other matter.

**Table 3.1** provides further explanation of the process used to determine which Standard Outcome prevails, to the extent of the inconsistency.

**Table 3.1 – Prevailing Standard Outcomes**

		Standard Outcome relating to:					
		Column A	Column B	Column C	Column D	Column E	
		Zone	Precinct of a Zone	Use	Other Matter	Overlay	
Standard Outcome relating to:	Row 1	Zone	N/A	Precinct of a Zone	Use	Zone	Overlay
	Row 2	Precinct of a Zone	Precinct of a Zone	N/A	Use	Precinct of a Zone	Overlay
	Row 3	Use	Use	Use	N/A	Use	Overlay
	Row 4	Other Matter	Zone	Precinct of a Zone	Use	N/A	Overlay
	Row 5	Overlay	Overlay	Overlay	Overlay	Overlay	N/A

Note – As an example of how **Table 3.1** is to be applied, where a requirement prescribed by a Standard Outcome for an overlay (Column E) conflicts with a requirement prescribed by a Standard Outcome for a zone (Row 1), the requirement prescribed by the Standard Outcome for the overlay prevails to the extent of any inconsistency or conflict (Cell E1). This may also be determined by using Column A and Row 5 to reference Cell A5.

- (9) Where the Merit Outcomes of the planning scheme are identified as Assessment Benchmarks for Assessable Development (other than pursuant to sub-section (11) below), the development is to be assessed against all applicable Merit Outcomes, unless otherwise specified in the Categorisation Tables.
- (10) The Standard Outcomes for Zones are supported by purpose statements and local purpose statements. Where the Standard Outcomes for a Zone are Assessment Benchmarks for Assessable Development, regard may be given to the corresponding purpose statement and local purpose statement, to the extent the Assessment Manager considers relevant and appropriate.
- (11) Where Assessable Development that is subject to Code Assessment does not comply with one (1) or more applicable Standard Outcome, the following elements of the planning scheme become assessment benchmarks (unless otherwise specified in the Categorisation Tables):
- the Merit Outcomes for the General theme; and
  - the Merit Outcomes for any theme where non-compliance exists with a Standard Outcome.

Note – Standard Outcomes are organised into a number of different themes in the tables in Part 6, an example of which is “Built Form and Development Design”. The same themes are used to organise the Merit Outcomes in Part 5. Each theme has been allocated a number for ease of reference (1-16).

Note – Section 3.6 provides guidance material that further explains the relationship between Standard Outcomes and Merit Outcomes for the purpose of sub-section (11).

Note – **Figure 3.1** provides assistance in the process of determining the applicability of Merit Outcomes to the assessment of development.

- (12) In assessing the compliance of development with the Merit Outcomes of the planning scheme, pursuant to sub-section (9) or (11):
- (a) the compliance of the development with any Standard Outcome is not to be used as a method of informing compliance with the Merit Outcomes. In assessing the development against the Merit Outcomes, no regard is to be had to the compliance of the development with the Standard Outcomes; and
  - (b) regard may be had to the requirements of the Standard Outcomes (not the compliance of the development with them) as they relate to matters covered in the Merit Outcomes.

Note – An assessment undertaken against the Merit Outcomes may determine that a requirement that is alternative to a Standard Outcome achieves compliance with the Merit Outcome. Where the Standard Outcome includes a metric or quantitative standard, this could be either more or less than the metric or quantitative standard.

The assessment required to be completed under sub-section (12) is intended to support a holistic consideration of development. As an example of this approach, development that does not comply with a Standard Outcome relating to building height, will be assessed against the Merit Outcomes. As part of this assessment, it may be determined that the development achieves compliance with the Merit Outcomes but only where increased setbacks (which are greater than those stipulated by the Standard Outcomes) are provided. Sub-section (12)(a) does not allow the compliance of the development with the Standard Outcomes (such as for setback matters) to be considered however sub-section (12)(b) allows for regard to be had to the requirement itself, which may be appropriate to inform expectations of development on the site or within the surrounding area.

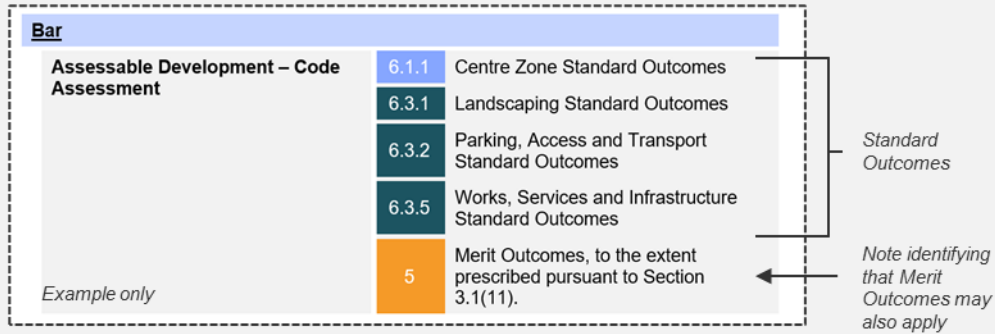
Note – In some instances notes have been provided for Merit Outcomes where the use of the approach discussed in paragraph (b) may be appropriate. These notes are not intended to limit the use of this approach to only those outcomes.

- (13) Where an overlay does not change the Category of Development or Assessment, by stating “no change”, the following rules apply:
- (a) where development is Accepted Development in the zone/s, the outcomes identified in the “Assessment Benchmarks for Assessable Development and Requirements for Accepted Development” column are requirements (in addition to any specified in the zone/s) for the development, which must be complied with for the development to be Accepted Development; and
  - (b) where development is Assessable Development in the zone/s, the outcomes identified in the “Assessment Benchmarks for Assessable Development and Requirements for Accepted Development” column are assessment benchmarks for the development (in addition to any specified in the zone/s).
- (14) Unless otherwise explicitly stated in a Categorisation Table, development is Assessable Development that is subject to Code Assessment where:
- (a) development is Accepted Development subject to compliance with requirements identified in the “Assessment Benchmarks for Assessable Development and Requirements for Accepted Development” column; and
  - (b) development does not comply with one or more of the requirements identified in the “Assessment Benchmarks for Assessable Development and Requirements for Accepted Development” column.



### STEP 1 IDENTIFY ASSESSMENT BENCHMARKS

The assessment benchmarks are listed in the right-hand column of each Categorisation Table.



### STEP 2 ASSESS DEVELOPMENT AGAINST APPLICABLE STANDARD OUTCOMES

Standard Outcomes are found in Part 6 of the planning scheme and are identified in Step 1.

### STEP 3 IDENTIFY NON-COMPLIANCES WITH STANDARD OUTCOMES

6.1.1 Centre Zone Standard Outcomes SO2, SO8 6.3.1 Landscaping Standard Outcomes SO3

*Example only*

### STEP 4 IDENTIFY RELEVANT THEMES

Standard Outcomes are organised under themes. Each Standard Outcome only has one theme

Relevant theme

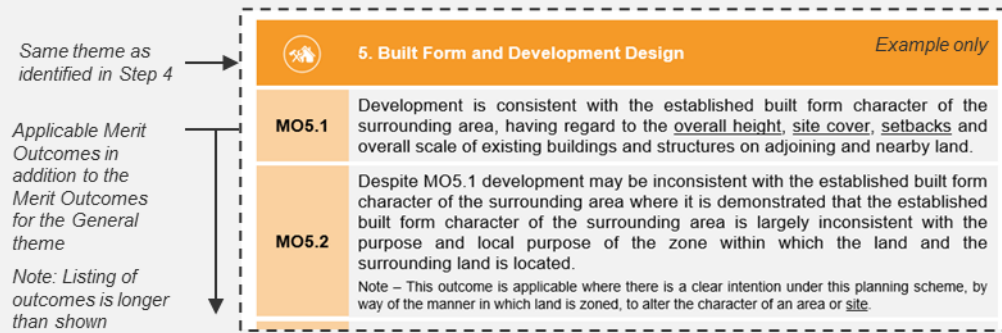
Standard Outcome where non-compliance exists

Note: The relevant theme is to be identified for all Standard Outcomes where non-compliance exists

Table 6.1.1 – Standard Outcomes for the Centre Zone	
	<p><b>5. Built Form and Development Design</b></p> <p>Note – In accordance with Section 3.1(11), where development does not comply with one or more of the Standard Outcomes under this theme, Merit Outcomes MO1.1 to MO1.2 (1. General theme) and MO5.1 to MO5.7 (5. Built Form and Development Design theme), become assessment benchmarks. Section 3.6 provides further guidance.</p>
SO1	<p>All buildings and structures comprise an <b>overall height</b> of no greater than:</p> <p>(d) where located on Horn Island, at Tamwoy Town or at Rose Hill, two (2) <b>storeys</b> and 8.5 metres; or</p> <p>(e) three (3) <b>storeys</b> and 12 metres.</p> <p>Note – Where paragraph (a) applies, an overall height of three (3) <b>storeys</b> and 12 metres may be considered where compliance is demonstrated with the applicable Merit Outcomes, having regard to the specific site characteristics of the development.</p>
SO2	<p>Buildings are <b>setback</b> from a <b>front boundary</b> as follows:</p> <p>(a) built to boundary where fronting Douglas Street (Thursday Island); or</p> <p>(b) a minimum of 0 metres and a maximum of three (3) metres otherwise.</p> <p>Note – A <b>setback</b> greater than 0 metres in locations where paragraph (a) applies does not comply with SO2.</p>

### STEP 5 IDENTIFY APPLICABLE MERIT OUTCOMES

Merit Outcomes are organised under themes in Part 5. These themes are the same as those used for Standard Outcomes. To the extent that development does not comply with a Standard Outcome, the Merit Outcomes of the corresponding theme, in addition to the Merit Outcomes of the General theme, are assessment benchmarks.



Note: Steps 4 and 5 are to be repeated for all Standard Outcomes identified in Step 3.

This figure provides an example only and is not exhaustive

Figure 3.1 – Applicability of Merit Outcomes