

Understanding Development Assessment – What is ‘Code’ and ‘Impact’ Assessment?

Planning legislation requirements

The Queensland Government *Planning Act 2016* mandates the framework and process for development assessment and the requirements for a development application. The local government’s planning scheme sets out what development can occur in an area.

Every development application must go through a standard process from lodgement to decision. This ensures all applications are assessed with appropriate information and process considerations.

There are three categories of development set by the state government and applied by local governments through their planning schemes. Each local government applies the levels of assessment for development types in their local area:

- *Prohibited development* – applications cannot be made as this sort of development is not allowed. The state government decides what is prohibited development
- *Accepted development* (exempt or self assessable) – does not require an application to be made if it meets certain requirements
- *Assessable development* – requires an application to be made and a development decision to be issued.

There are two types of assessable development:

- code assessment, and
- impact assessment.

The *Sunshine Coast Planning Scheme 2014* regulates the way land, buildings and structures are used and developed on the Sunshine Coast.

The planning scheme identifies the category of development and category of assessment (i.e. if, and what type of development application is required) and also the applicable assessment benchmarks for development.

What is code assessment?

Code assessment enables expected development under the planning scheme to be achieved without requiring public notification.

Code assessment applications can only be assessed against the assessment benchmarks nominated in the planning scheme or other relevant statutory instrument.

What is impact assessment?

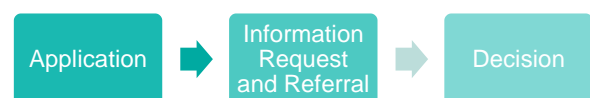
An impact assessment development application requires public notification and can be assessed against the entire planning scheme provisions, it is not limited to nominated assessment benchmarks.

The public notification period can range from 15 to 30 business days depending upon the type of application.

Code and impact assessment process

Depending on the development being applied for, the required steps in the application process may vary. Not all parts will apply to all development applications.

Code assessment process



Impact assessment process



The main process difference between code assessment and impact assessment is the public notification part of the process which enables the community to lodge a ‘properly made’

submission. Public notification is only required for development that is in the impact assessment category. With an impact assessment application, a person who makes a 'properly made' submission (a "submitter") obtains the ability to lodge an appeal to the Planning and Environment Court against the decision, once it is made.

Assessing and deciding a code assessment application

A code assessment development application can only be assessed against the nominated assessment benchmarks. The assessment benchmarks are identified in the codes in the planning scheme. These performance based codes, as required by the *Planning Act 2016*, generally (but not always) consist of the following three main elements:

1. *Purpose and overall outcomes* – statements of overall outcomes describing how the purpose of the code will be achieved by development across the region
2. *Performance outcomes* – are outcomes the code seeks to achieve about specific elements of a development proposal
3. *Acceptable outcomes* – describe a 'deemed to comply' solution an applicant may use for achieving the performance outcomes of the code.

Code assessment applications are not required to meet the nominated acceptable outcome solution for each performance outcome in a code i.e. complying with acceptable outcomes is not mandatory.

Acceptable outcomes are only one solution for achieving compliance with a code. There may be alternative solutions for complying with a performance outcome and these may be considered on merit as part of an application assessment. Where a proposal does not meet the acceptable outcomes, assessment against performance outcomes or overall outcomes is required. Non-compliance with an acceptable outcome does not result in a proposal being in conflict with a code, nor does it trigger impact assessment. A proposal is only in conflict with a code where the purpose of the code and overall outcomes have not been achieved.

The *Planning Act 2016* states that code assessment applications must be approved if

complying with all of the assessment benchmarks in a code, or able to be reasonably conditioned to achieve compliance with a code.

Making comment on a code assessment application

Council will consider all comments received during the assessment process for a code assessment development application. It should be noted that this is not a statutory requirement but rather a practice that council has adopted in considering community comments. A person who provides comments to council on a code assessment development application does not obtain appeal rights against the decision, once it is made.

To comment on an application, you can either send your concerns to council by email or mail.

Please note that responses are not provided to comments made on a development application. You can track the course of the application by utilising council's Development.i service:

<http://www.developmenti.sunshinecoast.qld.gov.au/>.

Making a submission on an impact assessment application

To lodge a 'properly made' submission for an impact assessment application, it must:

- be made in writing to the assessment manager
- be signed by each person who made the submission, unless it is made electronically
- state the name and residential or business address of each person who made the submission
- state what aspects of the proposed development you support or oppose and why using facts and circumstances, and
- be received by council during the formal public notification period.

Submissions can either be sent to council by email or mail.

More information

Refer to council's Making Submissions on Applications webpage:

<https://www.sunshinecoast.qld.gov.au/Development/Development-Applications/Making-Submissions-on-Applications>.

Telephone contact Development Information on (07) 5475 PLAN (07 5475 7526).

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Current as at October 2018