

CATEGORIES OF DEVELOPMENT

Under the *Planning Act 2016* there are three categories of development that all development fits into:



Prohibited

this development is not allowed



Accepted

this development can occur without an approval being required



Assessable

this development needs a development approval before it can happen

Prohibited development

This type of development is not allowed under any circumstances. Only the state government can say what is prohibited development. These types of development are set out in the [Planning Regulation 2017](#).

For example, a proposal to build a childcare centre on contaminated land would be prohibited.

Accepted development

Accepted development does not require a development application or an approval. However, in some instances the proposal must meet certain requirements set out by local government or by another state government agency.

Accepted development is generally low risk and compatible with the planning intentions for an area — which is why a development approval is not required.

For example, a home-based business that has limited impact on the neighbourhood would be accepted.

Every local government sets its own requirements for accepted development, so check with your local government before you conduct any work or change to your property or site.

Factsheet – July 2021

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Assessable development

Assessable development is development that requires an approval before it can occur. This involves an applicant submitting a development application for assessment and decision by an assessment manager. There are two categories of assessment for of assessable development: code and impact.

Code assessment helps deliver expected development without undue delay. Public consultation is not required.

Code assessable applications are assessed against the relevant assessment benchmarks set out in the relevant [local government's planning scheme](#). Where the development application meets the criteria, it will be approved. If it does not meet some criteria, that part of the development application can be refused or approved with conditions.

For example:

A proposal for a multiple dwelling unit in a medium density residential zone is likely to be categorised as code assessable because the community expects this sort of development to occur in these places. The applicant still needs to demonstrate how the proposal complies with the provisions set out in the assessment benchmarks (e.g. size of building, number of storeys, how set back it is from the road, noise management etc.). The nature of the approval will depend on whether the proposal complies with the assessment benchmarks.

Strong code provisions are important. Under the Planning Act an assessment manager can only assess a code assessable application against what is clearly expressed in the code (i.e. the assessment benchmarks). We refer to this as 'bounded code assessment' because the assessment manager is bound to consider only what is in the code. The intent of bounded code assessment is to give community and developers certainty.

For most development applications, the assessment manager (local or state) must also publish the reasons for their decision.

Impact assessment generally applies to development proposals that may impact on the amenity of adjoining land uses. This type of assessment is broader than code assessment and requires a development application to be publicly notified.

Impact assessable development applications are assessed against:

- › the relevant assessment benchmarks set out in the relevant [local government's planning scheme](#)
- › any matters outlined in the [Planning Regulation 2017](#)
- › and may be assessed against any other relevant matter, such as planning need. A person's personal or financial circumstances are not considered to be planning need.

Impact assessable applications also require the applicant to carry out public notification of the proposed development to ask for feedback from the local community about the impact (good and bad) of the proposed development. Feedback provided by a particular individual or entity is often referred to as a submission.

As with code assessment, the assessment manager (local or state) must also publish the reason for their decision.

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