

2014

NORTH BURNETT REGIONAL

Planning Scheme

Assessable development

Info Sheet

This information sheet introduces the *Integrated Development Assessment System*, known as **IDAS**, explains what 'development' means, and describes the different levels of assessment. Not all projects or activities are 'development' and some do not need Council approval. This information sheet will assist you to understand if your project or activity requires a development application.

IDAS is the process for making, assessing and deciding development applications under the *Sustainable Planning Act 2009 (SPA)*. It places obligations on the Council, State agencies and the community.

1

Is what I want to do
'development'?

IF YES

Is it **assessable**?

IF YES

How do I make an
application?

The SPA defines '**development**'?

See section '**Development—what is it**'
below

The Planning Scheme and the
Sustainable Planning Regulation 2009
identifies whether development is
assessable or not.

See '**Levels of assessment**' below

Refer '**Information Sheet 2**'.

'Development'—what is it?

SPA defines 'development' as any of the following—

- a) carrying out building work;
- b) carrying out plumbing or drainage work;
- c) carrying out operational work;
- d) reconfiguring a lot;
- e) making a material change of use of premises.

This information sheet focusses on 'material change of use', 'reconfiguring a lot' and 'operational work'. See other information sheets for information about building work and plumbing or drainage work.

Material change of use

SPA defines a 'material change of use' of a premise as—

- a) the start of a new use of the premises; or
- b) the re-establishment on the premises of a use that has been abandoned; or
- c) a material increase in the intensity or scale of the use of the premises.

Examples

1. starting a car repair business on a vacant lot
2. converting a dwelling to an office
3. restarting a retail use after the building had been used for residential purposes
4. doubling the number of cattle in a feedlot

Reconfiguring a lot

SPA defines 'reconfiguring a lot' as—

- a) creating lots by subdividing another lot; or
- b) amalgamating 2 or more lots; or
- c) rearranging the boundaries of a lot by registering a plan of subdivision; or
- d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—
 - a lease for a term, including renewal options, not exceeding 10 years; or

- an agreement for the exclusive use of part of the common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
- a) creating an easement giving access to a lot from a constructed road.

Examples

1. realigning the boundary between two lots
2. subdividing one lot into two lots
3. creating an easement for vehicular access
4. creating a 20 year lease for part of a farm

Operational work

'Operational work' means—

- a) extracting gravel, rock, sand or soil from the place where it occurs naturally; or
- b) conducting a forest practice; or
- c) excavating or filling that materially affects premises or their use; or
- d) placing an advertising device on premises; or
- e) undertaking work in, on, over or under premises that materially affects premises or their use; or
- f) clearing vegetation, including vegetation to which the Vegetation Management Act applies; or
- g) undertaking operations of any kind and all things constructed or installed that allow taking or interfering with water, other than using a water truck to pump water, under the *Water Act 2000*; or
- h) undertaking—
 - tidal works; or
 - work in a coastal management district; or
- a) constructing or raising waterway barrier works; or
- b) performing work in a declared fish habitat area; or
- c) removing, destroying or damaging a marine plant; or
- d) undertaking roadworks on a local government road.

It does not include—

- a) for item 1(a) to (f) and (j), any element of work that is—
 - building work; or
 - drainage work; or
 - plumbing work; or

- a) clearing vegetation on—
- a forest reserve under the *Nature Conservation Act 1992*; or
 - a protected area under the *Nature Conservation Act 1992*, section 28; or

Examples

1. filling a flood-liable lot
2. subdivision works for a new estate
3. placing a billboard on premises

- an area declared as a State forest or timber reserve under the *Forestry Act 1959*; or
- a forest entitlement area under the *Land Act 1994*.

Which one is my 'development'?

To work out what approvals, if any, are necessary you first need to identify whether the development is reconfiguring or a material change of use etc.

Note however that a development project may not be exclusively one or the other. For instance, if you were to subdivide a vacant lot and build a dual occupancy on one of these lots, your development initially involves both 'reconfiguring a lot' and 'making a material change of use' but also 'operational work' and 'building work'. Further applications would be required for 'building work' and 'operational work'. Road widening, access construction and storm water drainage works are just some examples of 'operational work'.

Levels of assessment

After confirming that your proposal is 'development' it is necessary to find out the level of assessment and what type of application, if any, is necessary. Under IDAS, there are six levels of assessment—

- **exempt**—does not require a development permit and does not need to comply with any codes;
- **self-assessable**—does not require a development permit but must comply with the applicable assessment criteria (i.e. with relevant code or codes);

- **development requiring compliance assessment**—does not require a development permit; it does require a compliance permit or compliance certificate and pertains to certain development, documents or works that need to be assessed for compliance with specified criteria, for example if nominated in a condition of approval;
- **code assessable**—requires a development application that Council assesses against the applicable codes in the planning scheme; no public notification is required;
- **impact assessable**—involves a broader assessment of the potential effects of the proposal and the application is assessed against the entire planning scheme and policies; the application requires public notification and any submitters have a right of appeal; and,
- **prohibited development**—development that the State has made prohibited—there is no ability to make an application.

The planning scheme identifies levels of assessment in *Part 5 Tables of Assessment*. In a series of tables, the planning scheme states what is exempt, self-assessable, compliance, code assessable, or impact assessable.

1 Start with the correct table...this example is for the 'General residential zone'.

2 Then find the correct use. (If the use is not in the lefthand column, that means that it is impact assessable.)

3 Note which codes will be used to assess the development

4 Identify the 'level of assessment'.

Use	Level of assessment	Codes
Caretaker's accommodation	Self-assessment If complying with all the applicable acceptable outcomes	General residential zone code Infrastructure and operations area code
Child care centre	Code assessment	General residential zone code Infrastructure and operations area code
Community care centre	Code assessment	General residential zone code Infrastructure and operations area code
Community residence	Self-assessment If complying with all the self-assessable acceptable outcomes	Community services code
Dual occupancy	Exempt? Code assessment	Dual occupancy code self-assessable acceptable outcomes General residential zone code



Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's Development Services Staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

Property and development can be confusing—obtain appropriate help

Encouraging economic development

The North Burnett Regional Council is a small rural local government but it is big on facilitating good economic development. That is why the North Burnett Regional Planning Scheme seeks to enable business growth and expansion while simultaneously creating and protecting the appeal of living in a *naturally beautiful* area. While the Council can encourage or enable good development projects it is up to locals to see opportunities and then to take the initiative.

Make contact with Council's Development Services staff to find out how to streamline your next development project.

Contact Us

Give us a call for more information about the planning scheme and making an application.

North Burnett Regional Council

PO Box 390
Gayndah QLD 4625

(1300 696 272) or

(07) 4160-3555

admin@northburnett.qld.gov.au

Visit us at:

www.northburnett.qld.gov.au

North Burnett—*Naturally beautiful*

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