

2014

NORTH BURNETT REGIONAL Planning Scheme

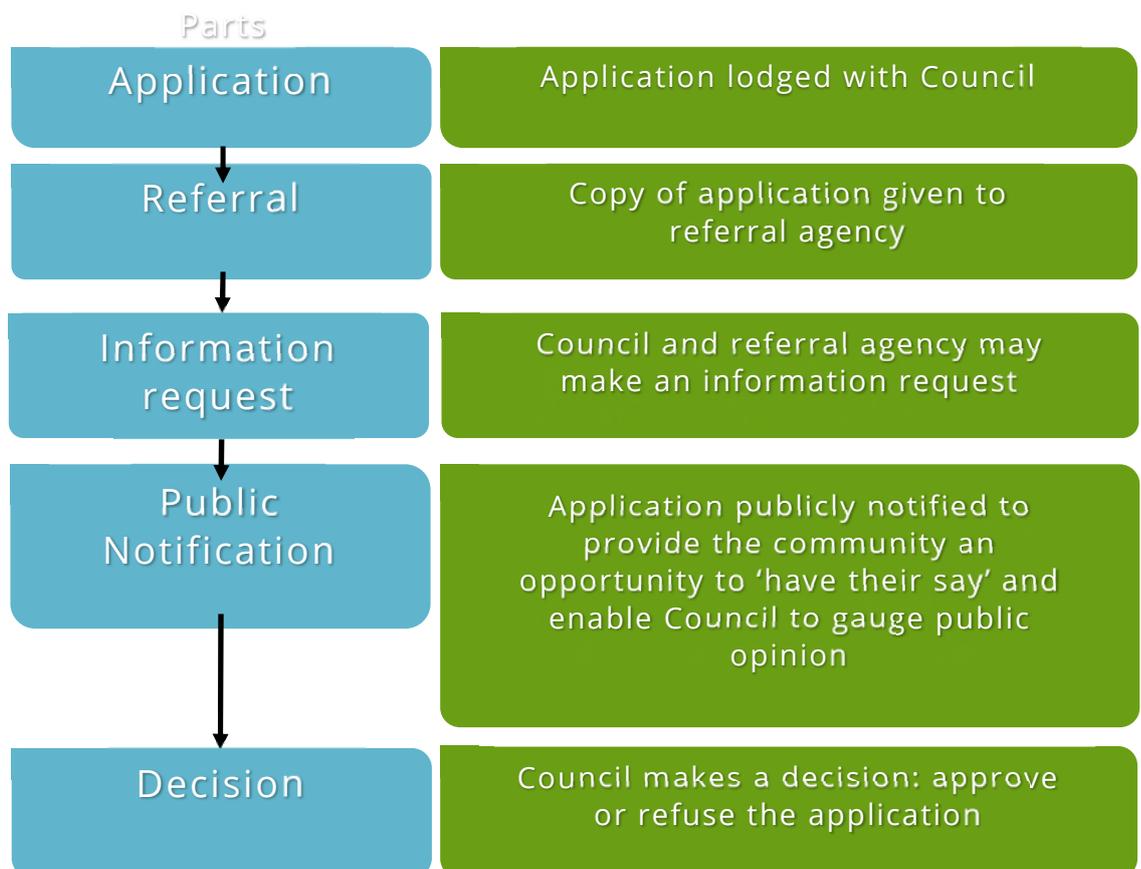
Application Process

Info Sheet

3

This info sheet summarises the development assessment process as the step-by-step process for making, assessing and deciding all development applications in Queensland. It does not fully present all of the possible steps or timeframes for every possible type of application.

The process is guided by the *Planning Act 2016 (the Act)* and the Development Assessment Rules (**DA Rules**) made under s68(1) that contain all of the necessary detail. Up-to-date copies of the Act and the DA Rules are available on the Queensland Government website.



Application process

Parts of the DA process

There are five possible parts to the process though not all parts, or sections of parts, apply to all applications.

Example—a simple application for the realignment of a property boundary between two lots that does not need referral to a State agency and contains all the information that the Council requires to assess it only consists of the application and decision parts.

Code assessment does not require public notification and therefore never involves Part 4.

Part 1 Application

Once an application is considered to be 'properly made' (refer Info Sheet 2 'Making an application'), Council will issue a confirmation notice (within ten (10) business days of that date) for those applications where—

- a) State referral is required (refer Part 2 Referral); and/or
- b) impact assessment is required (refer Part 4 Public notification).

The notice confirms receipt of the application, the details of the proposal, and the process for the application.

Part 2 Referral

Under the Act, your application may trigger advice or concurrence referral to a referral agency, in most cases Department of Infrastructure, Local Government and Planning (DILGP). If so, you will be required to send a copy of Council's Confirmation Notice and your application to the relevant referral agency, along with a fee if required, within 10 business days of receiving the Confirmation Notice.

An advice agency can provide advice to Council regarding the application but cannot direct Council to decide the application in a particular way or impose conditions. However, Council may, upon this advice, impose restrictions or request modifications to the application.

A concurrence agency can direct Council to refuse the application, approve it in its entirety or in part and impose conditions on any approval.

Part 3 Information request

Council and any concurrence agencies have the opportunity (within 10 business days of receiving the application, but which period may be extended) to request you to provide further information that is deemed necessary to assess and decide the application.

You must respond to any information request within three (3) months (which can be extended by agreement) before the application lapses.

Part 4 Public notification

This part does not commence until the referral and information parts are complete and only applies to impact assessable applications. It provides an opportunity for a person to make a submission—including an objection—regarding an application. Your Confirmation Notice would identify if your proposal requires public notification and the minimum period of public notification (i.e. 15 or 30 business days).

The requirements for public notification are—

- a) publishing a notice at least once in a local newspaper;
- b) placing a sign on every road frontage of the land; and
- c) giving written notice to all adjoining landowners.

Within 10 business days of the public notification period ending (or longer if agreed), you need to lodge a completed **Notice of Compliance of public notification** to Council. You must attach the following documents to this Notice—

- a) newspaper advertisement (full page showing date and name);
- b) photo of each sign showing site placement and clear wording;
- c) notice provided to adjoining landowners.

Submissions received during the public notification period must be considered by Council before an application is decided.

Part 5 Decision

The decision stage provides Council with time to decide whether to approve or refuse an application and, if approved, what conditions to include. You will be issued with a Decision Notice advising of Council's decision and any referral agency decision. If approved, you will receive a development approval.

Appeal process

It is very important you understand all the conditions attached to the development approval as upon receipt of Council's decision, you have an appeal period of 20 business days. This period can be suspended should you wish to request Council to review the conditions of approval and seek a negotiated decision notice. Council may agree, agree in part or refuse to issue a negotiated decision notice.

If dissatisfied with the final conditions of an approval or a refusal of your application you may lodge an appeal in the Planning and Environment Court against the decision.

If your application was publicly notified any submitter will receive a copy of the decision and also has appeal rights.

Commencing

All appeal periods must have ended before your development approval takes effect. Further development approvals may be required for related work on the premises such as car parking, driveways and landscaping as detailed in conditions of approval. These must be complied with prior to commencing a material change of use. Contact Council to arrange an inspection when you are ready to commence the use.

Other considerations

Approval conditions

Development approvals are subject to a range of conditions dependent on the location and circumstances of the proposal. Conditions may specify refinements to the proposed design. Council is likely to set conditions relating to amenity, fencing, landscape works including street trees, access, car parking and drainage amongst other things. Council may also require frontage road works to be constructed or upgraded.

Infrastructure charges

Adopted infrastructure charges may be applicable for payment once approval has been given. Adopted infrastructure charges are specified on an adopted infrastructure charge notice which is issued, separately, to a developer when the development approval is issued.

An adopted infrastructure charge is a charge which may be levied on development to help fund local government owned trunk infrastructure required by the development. This may include sewer, water supply, transport, parks and stormwater trunk infrastructure.

The developer is also responsible for all costs involved in connecting to services such as water supply or sewerage.

Using the approval

It is very important that you read and understand all the conditions of approval. You can start the use or make use of the approval when the appeal periods have ended and all relevant conditions of approval have been complied with.

Conditions may require works that need further approval, such as engineering or building approval.

If the conditions of the development approval are not met, Council can commence enforcement action. It is recommended that you contact Council to arrange an inspection when you are ready to commence the use.



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 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*