

2014

NORTH BURNETT REGIONAL Planning Scheme

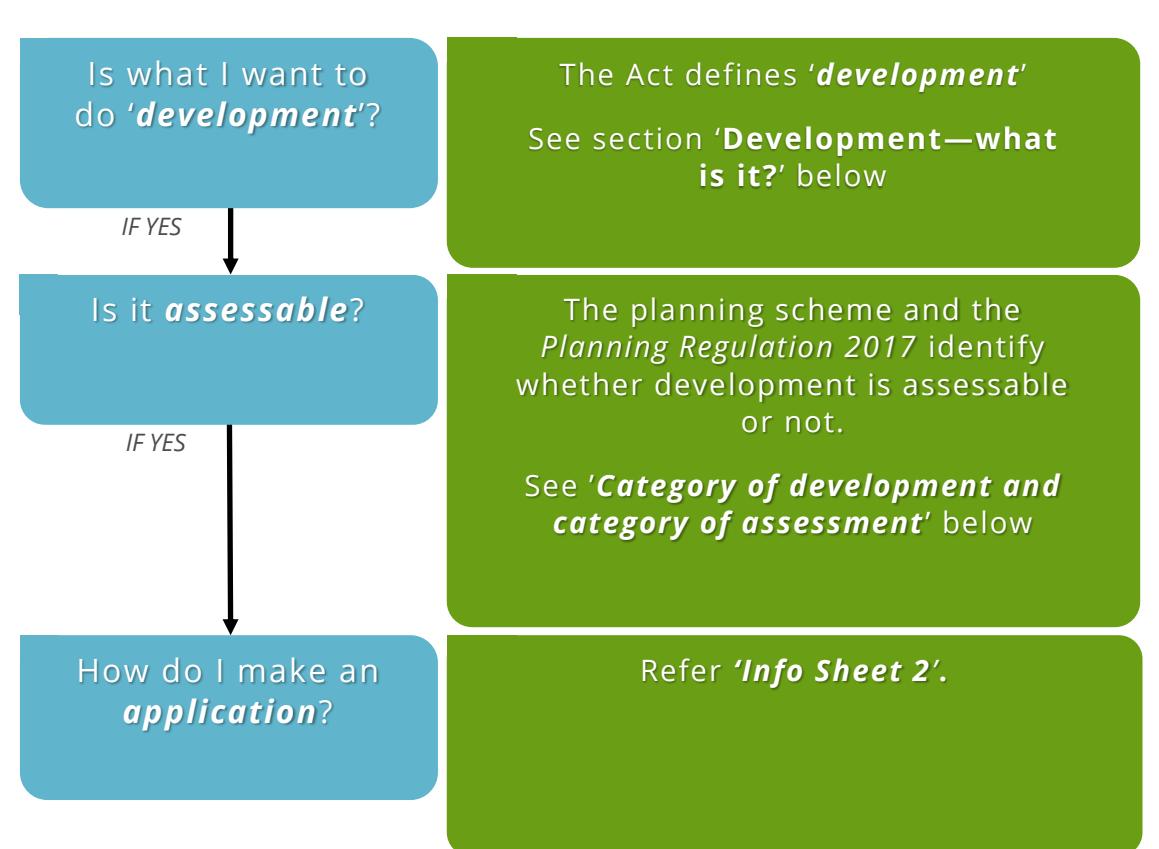
Assessable development

Info Sheet

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This info sheet introduces the new Queensland development assessment system, explains what 'development' means, and describes the different categories of development and assessment. Not all projects or activities are 'development' and some do not need Council development approval. This information sheet will help you understand if your project or activity requires a development application.

The *Planning Act 2016* establishes the process for making, assessing and deciding development applications in a separate statutory document called the Development Assessment Rules (DA Rules). It places obligations on the Council, State agencies and the community.



'Development'—what is it?

The Act defines 'development' as—

- (a) carrying out—
 - (i) building work;
 - (ii) plumbing or drainage work; or
 - (iii) operational work;
- (b) reconfiguring a lot; or
- (c) 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

The Act defines a 'material change of use' (MCU) as—

- material change of use**, of premises, means any of the following that a regulation made under section 284(2)(a) does not prescribe to be minor change of use—
- 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.

The definition refers to minor changes of use, however at the time of publication the regulation does prescribe any.

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

The Act 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 under the Land Act or Land Title Act; 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

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

- 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
- e) creating an easement giving access to a lot from a constructed road.

Operational work

For the Act 'operational work' means work, other than building work or plumbing and drainage work, in, on, over or under premises that materially affects premises or the use of premises.

Types of operational work include—

- 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) clearing native vegetation; or
 - f) 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; or
 - g) undertaking—
 - tidal works; or
 - work in a coastal management district; or
 - h) constructing or raising waterway barrier works; or
 - i) performing work in a declared fish habitat area; or
 - j) removing, destroying or damaging a marine plant; or
 - k) undertaking roadworks on a local government road.
- It does not include 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
- 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*.

Examples

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

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'.

Category of development

After confirming that your proposal is 'development' it is necessary to find out the category of development and what type of application, if any, is necessary.

There are three categories of development under the Act—

- **accepted**—does not require a development approval but may need to comply with requirements;
- **assessable**—requires a development approval, must comply with applicable assessment benchmarks (i.e. with relevant code or codes) and may require public notification;
- **prohibited**—development the State has made prohibited—there is no ability to make an application.

Requirements

Accepted development does not need a development application or approval but may still need approvals or licences under other legislation or Council's local laws.

Accepted development subject to requirements does not need a development approval but must comply with certain requirements of the planning scheme or the Regulation to remain accepted. If not complying with a single or several requirements, it becomes assessable development requiring code assessment to the extent of non-compliance, and requires a development application and approval.

Category of assessment

Assessable development has two categories of assessment—

- **code assessment**—requires a development application that Council assesses against the assessment benchmarks (i.e. codes) in the planning scheme and the Regulation (if relevant); no public notification is required;
- **impact assessment**—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.

The planning scheme identifies categories of development and assessment in a series of tables in *Part 5 Tables of Assessment*. The Regulation also categorises development in various schedules—Schedule 6 prohibits a planning scheme from stating certain development is assessable, Schedule 7 states what is accepted development, Schedules 9 and 10 state what is assessable or prohibited development.

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

apply unless otherwise provided

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Identify the category of development (e.g. accepted or assessable) and the category of assessment (code or impact).

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Table 5.5.3—General residential zone: Development and assessment benchmarks and requirements

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

4 Note which assessment benchmarks apply.

Use	Categories of development and assessment	Assessment benchmarks and requirements
Caretaker's accommodation	Accepted subject to requirements	General residential zone code acceptable outcomes – A08.1, A08.2, A08.3, A09.1, A09.2
Child care centre	Assessable—code	General residential zone code Infrastructure and operational work code
Community care centre	Assessable—code	General residential zone code Infrastructure and operational work code
Community residence	Accepted subject to requirements ¹⁸	Community residence code
Dual occupancy	Accepted subject to requirements	Dual occupancy code acceptable outcomes
Dwelling house	Accepted ¹⁹	N/A
Dwelling unit	Assessable—code	General residential zone code Infrastructure and operational work code
Environment facility	Accepted	N/A
	Assessable—code if less than 50m ² total	General residential zone code Infrastructure and operational work code



Property and development can be confusing—obtain appropriate help

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.

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.

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North Burnett—Naturally beautiful

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