

# Application Process

North Burnett Regional Council  
Planning Scheme



## APPLICATION PROCESS

### THE APPLICATION PROCESS

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.

### 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.

This Information Sheet explains the step-by-step process for making, assessing and deciding all development applications in Queensland.

LOOK AT WHAT'S INSIDE:

**Steps in the DA Process**  
**Appealing the decision**  
**Commencing the use**  
**Other considerations**





# STEPS IN THE DA PROCESS

This diagram illustrates the main steps in the process in accordance with the *Planning Act 2016* (the *Act*) and the Development Assessment Rules (DA Rules). Up-to-date copies of the *Act* and the DA Rules are available on the Queensland Government website.

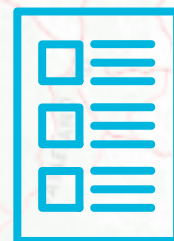


## PRE-LODGE

Discussing your initial ideas or proposal with Council representatives before finalising the design and application saves you time and money. You can find out more about the process, timeframes, and costs before you commit yourself to a project.

## LODGE APPLICATION WITH COUNCIL

The development application involves forms, drawings, report, owner's consent, lodgement fee and any other supporting material. Council will confirm details in a 'confirmation notice'.



## REFER APPLICATION TO THE STATE

Applications involving State interests, such as a site abutting a State-controlled road or an 'Environmentally Relevant Activity' may require the applicant to refer a copy of the application to the State Assessment and Referral Agency (SARA). Not all applications need referral.

## INFORMATION REQUEST

Council or SARA may request further information about an application. Applications need to contain sufficient information for a thorough assessment and sometimes this means that information such as traffic volumes or how an applicant proposes to manage the impacts on amenity need to accompany an application.



## PUBLIC NOTIFICATION

Some development applications need to be publicly notified. 'Impact assessable' applications are to be notified for 15 business days with a sign on the site, a notice in the newspaper, and notices to adjoining owners. Any person can make a submission during notification.

## DECISION

The Council is required to assess and decide the application in accordance with the rules. The 'decision notice' will set out the decision, any conditions, and any referral advice from SARA.







## PART 1 APPLICATION

Once an application is considered 'properly made' (refer Info Sheet MAA. '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 the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). 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 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 of approval.

## PART 3 INFORMATION REQUEST

Council and 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 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 it deciding the application.







## 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

### APPEALING THE DECISION

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

### COMMENCING THE USE

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 works to be constructed or upgraded.

### INFRASTRUCTURE CHARGES

Many Councils levy 'infrastructure charges', however North Burnett Regional Council has decided not to. Infrastructure charges would potentially be a further barrier to economic activity in the region.

It may be necessary for a development approval to require upgrade works, such as water, sewerage, roads or drainage.





## USING THE APPROVAL

As mentioned previously, 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 appeals 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.

## FACILITATING GOOD ECONOMIC DEVELOPMENT

We have a long and proud history of development, prosperity and resilience. With readiness we also face challenges including distance, drought, flood and connectivity. Always receptive to new technology and new ideas, as the digital revolution continues to disrupt and expand economies around the world, North Burnett is gearing up to make the most of emerging opportunities.

The Council is committed to drive ongoing economic growth and innovation in the North Burnett.

North Burnett Regional Council aims to be an innovation leader – a destination for business, investment and skills.

### OTHER INFORMATION SHEETS

- assessable development
- regulated land use definitions
- making an application
- development tips

### Contact Us

Call us for more information about the planning scheme and making an application.



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