

## HEART OF THE CHANNEL COUNTRY

### LODGING A DEVELOPMENT APPLICATION – MATERIAL CHANGE OF USE

It is a requirement under the *Planning Act 2016* (the Act) that a development permit (approval) must be obtained prior to commencing any development that is assessable development.

#### What is a Development Application?

A development application is a collection of forms, drawings, reports and plans, typically lodged to a local government, which seeks a development approval to undertake assessable development.

There are five (5) types of development under the Act:

- **Material Change of Use (MCU);**
- Reconfiguring a Lot (RoL);
- Building Work;
- Plumbing and Drainage Work; and
- Operational Work (OPW).

This fact sheet relates to undertaking a Material Change of Use of a premises, which relates to the land use of a property.

**Material Change of Use (MCU)** of a premises means any of the following –

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

#### When do I need to lodge a Development Application?

You need to lodge a development application before you intend to undertake assessable development. Not all development is assessable development.

Assessable development is determined under the Act, subordinate legislation and the current Barcoo Shire Planning Scheme <https://www.barcoo.qld.gov.au/news-and-events/news/441-adoption-of-bsc-planning-scheme-2020>

A town planning consultant or representative from Council will be able to advise whether what you are proposing is assessable development and therefore requires development approval to proceed.

Note, to get to a point where you can lawfully start work on your development, it will likely require a series of development applications to be lodged to, and approved by, different authorities. Obtaining development approval for MCU (“town planning approval” or “land use approval”) is typically the first step in the process. Once development approval for MCU is obtained (if required) then subsequent approvals can then be obtained, such as building and plumbing permits.

#### What do I need to include in my Development Application?

Once you have confirmed with either a town planning consultant or Council that you require a development approval for MCU, you will need to lodge a development application seeking the respective development approval.

As a minimum, your development application should include:

- Completed DA Form 1 <https://planning.dsdmip.qld.gov.au/planning/resources?query=da-form-1>
- Where the Applicant is not the landowner, landowner consent is required;

- A document outlining the proposal and how it complies with the relevant planning requirements (as prescribed by the planning instruments, discussed below);
- Plans, including:
  - Site Plan
  - Floor Plans
  - Elevation Plans
- The requisite development assessment fee paid upon lodgement of your application.

The planning requirements are set out in State and Local Government planning instruments, for example, the Council Planning Scheme in effect at the time. Council or your planning consultant will need to advise on the planning requirements applicable to your development, as the requirements will change depending on your proposal, and the type of assessable development. There are two types of assessable development; code assessable development only requires assessment against the applicable codes under the Planning Scheme, while impact assessable development requires a more comprehensive application that assesses the entire Planning Scheme.

Plans should be scaled and fully dimensioned. As a minimum, a site plan should include:

- The location and site area of the land to which the application relates;
- North point;
- The boundaries of the land;
- Any road frontages, including the name of the road;
- Any existing or proposed easements; and
- Vehicle access and parking areas.

For certain types of development, further technical reporting from specialist consultants may be required to demonstrate compliance with the planning requirements. Such technical reporting may include a Stormwater Management Plan, Flood Management Plan or Traffic Impact Assessment. Prior to lodgement, Council will be able to advise what technical reporting, if any, is required, as part of its Pre-lodgement Advice service.

### **Pre-Lodgement Advice**

It is recommended that large scale and complex development proposals have a pre-lodgement meeting with Council before the lodgement of an application. The purpose of a pre-lodgement meeting is to provide an opportunity for applicants and Council representatives to discuss key issues relevant to a specific proposal. The following is a guide to what the applicant could provide to Council prior to the pre-lodgement meeting:

- A proposal plan, including any proposed layout and/or elevation plans;
- A brief description of the proposal;
- A summary of the key issues that you wish to discuss

Council can also provide pre-lodgement advice via phone call or email to ensure applicants are aware of all application requirements. In particular, the type of assessable development (either code or impact assessment) influences the number of requirements that the application must address, as well as the timeframe for approval.

### **How do I lodge my Development Application?**

Once you have determined the development you are proposing is assessable development and requires a development approval, and have prepared a development application as outlined in this Fact Sheet, you will need to lodge it with Council by one of the following methods:

- E-mail via [shire@barcoo.qld.gov.au](mailto:shire@barcoo.qld.gov.au)
- Post: 6 Perkins Street (PO Box 14), Jundah Qld 4736.
- In person at the Council office in Jundah.

## Stages of the Development Assessment Process for a Development Application

Once the development application is lodged to Council, it will progress through the stages of the development assessment process, as set out below. Throughout these stages, on-going correspondence and communication is required between Council and the applicant (or the applicant's town planning consultant), in order to advance the application from lodgement to a development approval.

Note, the assessment timeframe for applications once lodged (i.e. completion of Stages 1 to 4) is generally 1 to 2 months for code assessable development, and 2 to 4 months for impact assessable development.

### 1. Application Stage

Application is lodged with Council. Council determines if it is a 'properly made application'. If the application is deemed as 'properly made' a confirmation notice will be sent to the applicant. If the application is not 'properly made' an action notice will be sent to the applicant outlining the changes/additions, they need to make to the application. The applicant has 20 business days to comply with the action notice.

### 2. Referral Stage

Some applications also require approval by a State Government Agency, if the application relates to a State planning matter or interest (for example, the property may obtain access from a highway/State-controlled Road). If this is the case, the application must be referred (given) to the relevant State Referral Agency within 10 business days of receiving the Confirmation Notice as part of Stage 1. The name and referral/contact details of the State Referral agency will be set out on the Confirmation Notice.

In total, the State referral agency has 30 business days to assess and decide the application. Conditions of approval can be imposed and will be sent to Council in the form of a Referral Agency Response, to be included in Council's development approval.

### 3. Information Request Stage

If further information is required about the proposal, Council and the State Referral Agency (if relevant) can send an information request to the applicant. The applicant has 3 months to provide the required information.

### 4. Public Notification Stage (applicable to impact assessable development only)

Public notification is not applicable to code assessable development and is only applicable to applications that involve impact assessable development.

Public notification involves publishing a notice at least once in the local newspaper, placing a notice on the premises for a period of time (to be determined at lodgement of application) and giving notice to neighbours of all lots adjoining the property that is the subject of the application.

Anyone who submits a 'properly made' submission (for example, an objection to the development) during the public notification period secures themselves third party appeal rights in relation to Council's decision on the application.

### 5. Decision Stage

Once Council's planners have all the relevant information from the above stages, the application is assessed in detail and a 'decision report' is written to recommend approval or refusal of the application, and any conditions of approval.

When the assessment has been completed by Council's planners, the decision report is tabled at a Council meeting where Councillors consider the report's recommendation, and a final decision is made to approve or not approve the application. A decision notice is issued to the applicant within 5 days of the decision being made.

## FURTHER INFORMATION

The following links may be useful in understanding development and development assessment in Queensland.

<https://www.statedevelopment.qld.gov.au/planning/planning.html>

<https://www.legislation.qld.gov.au/view/pdf/inforce/2018-05-09/act-2016-025>

<https://planning.dsdmip.qld.gov.au/planning/spa-system/plan-making-under-spa/state-planning-under-spa/state-planning-policy>

<https://dsdmipprd.blob.core.windows.net/general/da-rules-v1-1.pdf>