



## USER GUIDE #8 - AFTER A DEVELOPMENT APPROVAL IS ISSUED

### MACKAY REGION PLANNING SCHEME 2017

The planning scheme is the primary instrument for managing development in our local government area. The planning scheme:

- outlines a 20 year vision for the region
- identifies zones, local plans and overlays over land
- defines various forms of development
- determines the level of assessment for each type of development
- sets benchmarks for the assessment of development

This user guide explains processes and requirements after a development approval is issued.

### WHO DOES THE APPROVAL GET SENT TO?

In most cases, the assessment manager (Mackay Regional Council for the purposes of this user guide) gives a copy of the decision notice to:

- the applicant
- any referral agencies
- each principal submitter (the nominated contact for each submission)

If the application is approved, Council must first provide the applicant with a copy of the decision notice. A copy of the decision notice is provided to each principal submitter after one of the following occurs:

- the applicant advises council that they do not intend to make change representations (appeal all or part of the decision)
- the applicant makes an appeal to council; or
- the applicant's appeal period ends.

If the application is refused then council will send the decision notice to the applicant and the principal submitters at the same time.

### NEGOTIATED DECISION NOTICE

Section 75 and 76 of the *Planning Act 2016* state that if an approval is issued, applicants can 'make representations' to the assessment manager and request changes to the approval, including changes to conditions. If the assessment manager agrees to the proposed change they will issue a negotiated decision notice. Representations must be made within the applicant appeal period which is 20 days from the date the decision notice is issued.

### APPEALS

Within the applicant appeal period, an applicant may appeal a decision made about a development application to the Planning and Environment Court, or a Tribunal in some instances.

Each principal submitter also has a period in which to appeal against the part of the development approval relating to impact assessable development. The submitter appeal period is 20 days from when the decision notice or negotiated decision notice is given to the submitter.

Chapter 6 of the *Planning Act 2016* sets out information about appeals.

### CHANGING APPROVALS

After the appeal period has expired, changes to development applications will be one of the following three types:

- A 'generally in accordance' application should be lodged to Council if the change is considered to still comply with the conditions. Council will then confirm if the change is considered to be in compliance with the approval. There is a small fee for this service. Refer to the schedule of fees and charges for the relevant period.
- To change a condition the applicant must lodge a 'change application' to Council. There are two types of change applications:
  - Minor changes are those that do not result in substantially different development.
  - 'Other' changes are those that are not minor changes.

Refer to the Department of State Development, Manufacturing, Infrastructure and Planning website for more information.

### WHEN CAN THE DEVELOPMENT COMMENCE?

A development approval will generally start to have effect when the approval is given to the applicant and the last appeal period for the development approval ends.

### OTHER APPROVALS REQUIRED

A development approval may not be the only approval required for your development. It is the responsibility of

### OTHER RELEVANT USER GUIDES:

#### General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations
- #5 Making a development application
- #6 The development assessment process
- #7 Having your say on a development application

the applicant to identify any other approvals required. Some examples of other approvals include:

- Building works approvals
- Approvals under local laws
- Approvals under the Environmental Protection Act 1997
- Plan sealing for Reconfiguration of a Lot applications

### FOR MORE INFORMATION

This user guide provides an overview of the process that occurs after a development approval is issued only.

Specific requirements and time frames are set out in the *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules*. Please refer to the latest versions of these documents for further information about the development assessment process.

Council provides general development advice:

- [Online enquiries](#) can be lodged via the [Planning advice online enquiries form](#)
- [Phone enquiries](#) and appointments can be lodged by phoning 1300 MACKAY (1300 622 529)

You can also contact a building certifier, consultant town planner, building designer or other qualified professional who can provide assistance and, if necessary, prepare and lodge a development application on your behalf.

FOR MORE INFORMATION PHONE COUNCIL  
ON **1300 MACKAY** (1300 622 529)  
OR VISIT THE WEBSITE **MACKAY.QLD.GOV.AU**