



USER GUIDE #3 - DO I NEED TO LODGE A DEVELOPMENT APPLICATION?

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; and
- sets benchmarks for the assessment of development

This user guide provides guidance about how to determine if you need to lodge an application for your development. The category of assessment indicates whether an application needs to be lodged or not. This guide discusses:

- what are the categories of assessment?
- how to determine the category of assessment

This user guide should be read in conjunction with *User guide #1 - Using the planning scheme*.

WHAT ARE CATEGORIES OF ASSESSMENT?

► Accepted development

- **Accepted development** - An application does not need to be made for accepted development.
- **Accepted development subject to requirements** - An application does not need to be made, provided the development complies with nominated requirements. If the development does not comply with one or more of the requirements for accepted development, **Part 5.3.3** states that it becomes code assessable.

► Assessable development

Assessable development requires an application to be made to Council. Assessable development is either:

- **Code assessable** - development is assessed against relevant codes and there is no public notification.
 - If an application becomes code assessable due to non-compliance with one or more requirements for accepted development, then it is assessed against only those matters of non-compliance.
- **Impact assessable** - development is assessed against all relevant provisions in the planning scheme. Public notification is required and submissions made by the public are considered.



► Prohibited development

An application cannot be made for prohibited development. Prohibited development is listed in Schedule 10 of the Planning Regulation 2017.

HOW TO DETERMINE THE CATEGORY OF ASSESSMENT

To determine your category of assessment you will need to know the following:

- the type of development (e.g. material change of use, or reconfiguration of a lot)
- the defined 'use' if the type of development is a material change of use (refer to Schedule 1 of the planning scheme)
- the zone of your site (and the zone precinct if applicable)
- if a local plan applies
- if any overlays apply; and
- you may need to know other specific information about your development - eg. building height.

Part 5 of the planning scheme identifies the category of assessment for all non-prohibited development. Use the applicable table from **Part 5** to work out the 'initial category of assessment' that applies for your development type / defined use and then see if a local plan or overlay changes this category of assessment.

Below are examples from Part 5 demonstrating a development of each category of assessment.

► Accepted development

Example 1: A Material change of use for a dwelling house in the Low density residential zone

Table 5.5.9 – Low density residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dwelling house	Accepted development ^e All circumstances	No assessment benchmarks apply

The category of assessment

A Material change of use for a dwelling house in the Low density residential zone is Accepted development in all circumstances. No application to Council is required.

► Accepted development subject to requirements

Example 2: A Dwelling house in the Rural residential zone

Table 5.5.18 – Rural residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Dwelling house	Accepted development subject to requirements If complying with all requirements for accepted development	Dwelling house code – all acceptable outcomes in the "Accepted development subject to requirements and assessable development" section

The category of assessment

The category of assessment is Accepted development subject to requirements and no application is required if all acceptable outcomes of the Dwelling house code are complied with.

If the application does not comply with one or more of the acceptable outcomes in the code then a Code assessable application is required. Assessment is limited to only those matters of non-compliance.

► Code assessable development

Example 3: A Multiple Dwelling in a Medium density residential zone

Table 5.5.12 – Medium density residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Multiple dwelling	Code assessment All circumstances	<ul style="list-style-type: none"> • Medium density residential zone code • Multiple dwelling activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)

The category of assessment

A multiple dwelling in the Medium density residential zone is Code assessable in all circumstances. The application would be assessed against the assessment benchmarks (codes listed in the right hand column) and the application would not require public consultation.

Example 4: A Food and drink outlet in the Low impact industry zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Food and drink outlet	Code assessment If the total gross floor area is not more than 150m ²	<ul style="list-style-type: none"> • Low impact industry zone code • Centre activities code • General development requirements code • Healthy waters code (section 9.4.2.1. identifies if the code applies)
	Impact assessment If not code assessment	The planning scheme

A food and drink outlet is Code assessable in the Low impact industry zone *only* if its total gross floor area is 150m² or less. If the total gross floor area is more than 150m² then it would be Impact assessable.

► Impact assessable development

Example 4: A four storey high Multiple Dwelling in a Low Density Residential Zone

Table 5.5.9 – Low density residential zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Multiple dwelling	Code assessment	
	If complying with: <ul style="list-style-type: none"> the maximum building height provisions of the zone code (Table 6.2.9.3.A – Acceptable outcome AO5.1); and the maximum plot ratio provisions of the zone code (Table 6.2.9.3.A – Acceptable outcome AO5.2) 	<ul style="list-style-type: none"> Low density residential zone code Multiple dwelling activities code General development requirements code Healthy waters code (section 9.4.3.1. identifies if the code applies)
	Impact assessment	
	If not code assessment	The planning scheme

A four storey high Multiple Dwelling in a Low Density Residential Zone does not meet the requirements for Code assessment because the height limit in the zone code is two storeys (refer to Table 6.2.9.3.A - AO5.1).

Therefore an Impact assessable application would be required. The application would be assessed against the whole planning scheme and would require public consultation.

Example 5: A Dwelling house in the Principle centre zone

Table 5.5.16 – Principal centre zone

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Impact assessment		
Any other use not listed in this table.		The planning scheme
Any use listed in this table and not meeting the criteria in the "Categories of development and assessment" column.		
Any other undefined use.		

Applications for Material change of use where the use is not listed in Part 5.5 are Impact assessable. Dwelling houses are not a use listed in the Principle centre zone table of assessment and are therefore impact assessable. They are not a desired use as the Principle centre zone seeks higher density uses.

► Overlays and Local Plans

The category of assessment for development within a local plan or an overlay is set in parts 5.9 and 5.10.

Overlays and local plans may change the category of assessment for a particular use within a zone. The category of assessment set by a local plan prevails over that set by a zone. The category of assessment set by an overlay prevails over that set by a zone or local plan, but an overlay can only raise a level of assessment, not lower it.

OTHER RELEVANT USER GUIDES:

General

- #1 Using the planning scheme
- #2 What is my zone and other planning scheme designations?
- #4 Pre-lodgement process
- #5 Making a development application
- #6 The development assessment process
- #8 After a development approval is issued

Specific

Please refer to user guides relevant to your proposed development

FOR MORE INFORMATION

This user guide provides an overview of when an application to Council is required only. To view the planning scheme in full please visit Council's website - www.mackay.qld.gov.au/planningscheme

The *Planning Act 2016*, *Planning Regulation 2017* and the *Development Assessment Rules* set out the requirements for 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**