

Development Compliance



What is development compliance?

Council's Development Compliance team help educate, raise awareness and enforce the standards, regulations and legislation which must be complied with when undertaking general development activities across the region.

These activities are regulated under the:

- Mackay Region Planning Scheme 2017
- Planning Act 2016
- Building Act 1975
- Plumbing and Drainage Act 2018
- Environmental Protection Act 1994, and
- Local Law No. 1 (Administration) 2011.

This may include matters such as:

- Unlawful use of land
- Unlawful building, plumbing and civil works
- Erosion and sediment control
- Swimming pool safety, and
- Construction activity complaints.

What is council's role?

Council responds to complaints in two main forms being:

- Reactive – which are generally lodged by members of the community in the form of a customer request and then investigated by Council, or
- Proactive – where Council becomes aware of an alleged matter of non-compliance, an investigation is commenced.

Council Officers undertake all investigations in an objective, fair and impartial approach with the presumption that an alleged offender is innocent until proven otherwise. Council Officers must work within their delegated authority and in accordance with the law always.

What is council's approach to compliance?

Council's approach is to first seek to understand. Once the facts and circumstances of an investigation are understood, Council Officers will work with the customer to seek to remedy any matters of non-compliance.

Depending on the nature of the alleged offence, council, via a range of informal and formal actions will either:

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- Close the investigation due to a lack of evidence.
- Issue verbal warnings.
- Issue a show cause notice.
- Issue a penalty infringement notice.
- Initiate legal proceedings at the Magistrates Court or Planning and Environment Court.
- Carry out the required work and recover the cost of works pursuant to the Local Government Act 2009.

Prosecution or other court proceedings are available to council. Council recognises that prosecution and other legal action is a serious consequence, and it is only pursued as such action where all other avenues have been exhausted.

In determining whether to pursue prosecution, Council will consider public interest factors such as the seriousness of the offence, the circumstances of the offender and whether, through the conviction of the offender, others may be deterred from similar failures to comply with the law.

Resolving matters

To resolve the matter, you may wish to employ the services of a private building certifier, licenced plumber, town planner, consultant, solicitor or engineer to give you advice on the matter.

These professionals may be able to give you an understanding of the required time and costs involved, if any, in resolving the

matter. It is not the role of Council Officer's to advise you on technical matters and how to remedy any non-compliance.

How do I make a complaint?

Lodge a Customer Request via council's Snap, Send, Solve portal [here](#), or visit our website mackay.qld.gov.au.

For more information phone council on 1300 MACKAY (1300 622 529) or visit the website mackay.qld.gov.au