

This fact sheet provides a quick guide to the approvals your organisation must secure before your project can commence. Depending on the project you may need development approval, building approval or both. Because each Council sets its own timeframes, fees and lodgement steps, you should contact your local planning team or speak with a qualified consultant to confirm what applies to you. Use this fact sheet to map out the overall process.



Please remember gaining relevant approval can take significant time to obtain. Securing the necessary building and development approvals and retaining the documentation is a critical step in ensuring your project is legally compliant, safe and aligned with local planning requirements, helping you to avoid costly delays and potential legal issues.

## Development approval

Under the *Planning Act 2016* development involves:

- Building work
- Plumbing or drainage work
- Operational work
- Reconfiguring a lot (subdivision)
- Material change of use of premises
- Clearing native vegetation
- Demolition of existing building

Development approval (sometimes called a DA, development permit or decision notice) is often required before development can occur. This is known as assessable development. This is the formal permission your organisation needs before starting any assessable development. It's issued by your Council and may include conditions you must meet. Without a DA in place, you may not be able to legally begin construction and if you do commence, you may need to halt and the delays could be costly.

To receive a DA you need to complete a development application. Throughout the process, early and regular advice from your Council's planning team will keep your project on track.

# Development approval process

There are four steps in the development approval process.

## Step 1 – Determine what type of development you are proposing

The following documents will be used to determine if your proposed development is an assessable development:

- *Planning Act 2016* (PA 2016)
- Council planning scheme
- Any other planning documents relevant to your local area or type of development

The *Planning Act 2016* (PA 2016) is Queensland's principal planning legislation that coordinates planning at the local, regional and state levels. The *Planning Act 2016* came into effect on 3 July 2017 and supersedes the *Sustainable Planning Act 2009*. Any alternations to terminology under the new Act will supersede previously used terminology.

### EXAMPLE

Under the new Act there is no self-assessable development, which was used in the *Sustainable Planning Act 2009*. If this terminology is still being used by a Council, it will convert to Accepted Development as this is the terminology prescribed under the new Act.

The main types of development under the PA 2016 are:

**Assessable development** – Development approval is required before you can begin work on an assessable development.

**Accepted development** – Identified as accepted as it does not need to comply with any code or other requirements of the regional or local planning scheme. Accepted development does not require a DA but should be confirmed in writing by your local Council.

**Please note:** If a development approval is not required, a building approval may still be required. You will need to check this with a building certifier.

**Prohibited** – Development or use that is deemed prohibited under the local planning scheme. Development in protected areas is usually considered prohibited development, for example development on contaminated land, developments on koala assessable areas, or sport and recreation developments in another zoned area.

## Step 2 – Determine the type of assessment required

If your development is considered an assessable development, you must then determine the type of assessment required. There are two types of assessable development under the PA 2016:

**Code assessable** – Applies to a development that fits within the expectations of the local planning scheme, but needs to be assessed against set benchmarks.

**Impact assessment** – Assessment of a development against the local planning requirements where it is inconsistent with the designated use. An example is a development that does not align with the current site zoning. An impact assessment requires public notification so that the local community can have their say regarding the proposed development. Code assessment and impact assessment require development applications to be submitted.

## Step 3 – Complete the application

For initial enquiries, most Councils offer planning advice. It is recommended to speak to your Council in the first instance. If your organisation has determined that it needs to prepare a development application for approval, you should consider engaging a private town planning consultant who can advise on development approvals and prepare the application on your behalf.

## Step 4 – Council will issue a decision notice

A decision notice gives approval of your proposed development and may include special conditions or requirements. Please read the details carefully and clarify any details, if needed.

## State Assessment and Referral Agency (SARA)

In some cases, development applications may require referral to the State Assessment and Referral Agency (SARA) of the relevant infrastructure, planning/development department with Queensland Government. This is only relevant to development applications where a state agency has some jurisdiction. Your town planner or Council will be able to advise you if referral is required, or you can contact your local Department of State Development, Infrastructure and Planning regional office.

## Ministerial Infrastructure Designations

A Ministerial Infrastructure Designation (MID) allows for the delivery of essential community infrastructure, for example sporting facilities, hospitals, schools, police/ambulance/fire stations, power lines and water supply infrastructure. A MID provides an alternative process to lodging a development application with the relevant Council. The Planning Minister makes all decisions relating to MID requests. The Minister's Guidelines and Rules (MGR) outline the process for environmental assessment and consultation for making or amending a MID. Infrastructure designations are mainly requested by state departments. However, private entities may also submit infrastructure designation requests. The MID process can take longer (i.e. years) and require more substantial documentation, so please discuss with your Council or town planner.

A MID over a parcel of land does not necessarily cover all types of development in a proposal. The applicant must show that the MID allows for development of infrastructure types listed in the *Planning Regulation 2017*.



## Building approval

Building approval (sometimes called building certification) refers to the formal approval of building plans and construction in accordance with building laws, including the National Construction Code (NCC) and the Queensland Development Code (QDC). After obtaining a DA, your next step is to obtain building approval (BA). You must have DA (where applicable) and BA before you can commence construction.

## Building approval process

To determine whether building approval is needed, your organisation should contact a private building certifier who is familiar with the building regulation. Minor structures or repairs that are DA exempt or acceptable may also be exempt from a BA. Private building certifiers can be found via:

- **QBCC's online search.** Use the Queensland Building and Construction Commission's register to find licensed certifiers in your area
- **Your local Council.** Many Councils maintain a list of preferred or recommended certifiers
- **Specialist directories.** Online platforms and industry associations often list firms that focus on private certification
- **Internet search.** An internet search will give you a list of building certifiers in your local area.

There are four steps in the building approval process.

### Step 1 - Prepare plans

Prepare building plans and seek advice from architecture and/or engineering firms (e.g. survey, architectural engineering plans).

### Step 2 - Engage a building certifier

Apply to your Council or engage an accredited building certifier. Building certifiers are familiar with the building legislation, the National Construction Code (NCC) and Queensland Development Code (QDC).

### Step 3 - Approval for construction

Building approval will be granted by the building certifier to allow construction to commence. Depending on the type of approval, inspections are undertaken by the building certifier during and after construction. Each aspect or component being certified - such as plumbing, electrical work, poles footings, pool fencing or the building itself may require a separate form. These forms are completed to provide evidence of compliance.

### Step 4 - Certificate of Occupancy or Final Inspection

The building certifier issues a Certificate of Occupancy or Final Inspection Certificate, depending on the class of the building/structure. A Certificate of Occupancy, formerly called a Certificate of Classification is issued when certifiers are satisfied that the work is completed and the building is suitable for occupation.