



CARPENTARIA SHIRE
Outback by the Sea®

FACT SHEET

Application Assessment



Application Process

When an application is lodged with Council, it follows the development assessment system; a process that consists of 5 parts:

1. Application
2. Information request
3. Referral
4. Public notification
5. Decision Each of these stages may be separated into distinct steps.

Visit the [Queensland Planning System website for more information.](#)

Properly made applications

Pre-lodgement Meetings

Council can provide applicants the opportunity to raise queries, seek clarification on proposals and for council officers to give advice and identify relevant matters for consideration.

Properly made applications

Section 51 of the Planning Act 2016 sets the following mandatory criteria that all applications must satisfy in order to be deemed "properly made". The application must:

- be made to Carpentaria Shire Council
- be in the approved form (use the correct Development assessment forms downloaded from Queensland's Planning System portal)
- be accompanied by all mandatory supporting information (i.e. applicable plans and reports)

Properly made applications contd.

- be accompanied by all mandatory supporting information (i.e. applicable plans and reports)
- be accompanied by the appropriate fee (set by Carpentaria Shire Council)
- be accompanied by the consent of all owners of the land
- where relevant, evidence is provided of an allocation or entitlement to take or interfere with a State Resource

Not properly made notice

The DA Rules state that if an application is considered not "properly made", the assessment manager must give the applicant an action notice stating the following:

- the application is not a properly made application
- the reasons why the application is not properly made
- the actions required to ensure the application will comply with Section 51 of the Act
- the period in which to comply with all actions in the action notice.





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Expert Help

Council aims to assist you through the process, however legal requirements and Council's planning rules can be difficult to understand. It may therefore be prudent to seek expert help from professions such as architects and building designers, certifiers and surveyors, engineers, landscape architects, plumbers, solicitors, and town planners.

Before engaging an expert to work on your project:

- make sure they provide the service you need
- check they are properly registered and insured
- obtain several quotes
- ask for details of projects they have previously worked on.

Avoiding Delays

Reduce delays in assessing your development application by addressing some common problems.

Insufficient Information

Some common problems can be avoided by:

- fulfilling the "properly made" requirements detailed on the development assessment forms
- providing legible-sized plans and complete details of information
- providing supporting information, including addressing the requirements of the assessment benchmarks
- ensuring reports and plans do not contain conflicting information
- providing adequate and sufficient information.

Poor Quality Plans

Plans submitted as part of an application should be prepared by a qualified design consultant and are required to be fully legible at A3 size.

They are to be fully dimensioned and show heights and setbacks from boundaries. Include all details required by the relevant Development assessment forms, such as:

- site plans showing all boundaries, natural features, and proposed development (including location and use of buildings on both the proposed land and adjoining land, the location of car parks and areas to be landscaped)
- all elevations (north, south, east, and west) with natural ground levels (on Australian height datum where the property is affected by flooding) and relative finished levels
- floor plans for each level of the development, showing both the existing and proposed development along with existing and proposed gross floor area calculations
- for subdivision - a proposed plan of subdivision showing all:
 - existing and proposed allotments, including the intended use of all proposed lots
 - existing and new roads, easements, parks, waterway corridors
 - other environmental considerations.



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Unacceptable Impacts

Applications should show evidence of minimising possible hazards and impacts created by the development. Impacts could include:

- loss of protected vegetation
- inability to adequately cater for water flow, stormwater discharge and/or waste management
- poor quality designs that result in unacceptable impacts, such as noise or reduced access to sunlight
- inadequate car parking

Submissions

As Impact assessable developments are required to undergo Public Notification, consider discussing your proposed development with your neighbours and other potentially impacted parties prior to lodging your application to inform people of your intentions and to consider their concerns prior to lodgement. Your application may benefit from letters of support from immediate neighbours.

External Referrals

As referral agencies, such as Department of Transport and Main Roads, need time to assess an application, contact them early to find out their requirements prior to lodgement.

Owners Consent

Development applications lodged with Council must contain sufficient owner's consent details to be deemed "properly made" under Section 51 of the Planning Act 2016.



Conditions

Conditions set out the circumstances under which the approved development may proceed. They are included on every development approval and form part of the approval package.

Conditions often set out measures to protect or manage the environment and maintain amenity. They will also include the provision of infrastructure to ensure the proposed development is adequately serviced.

Conditions are an integral part of an approval and it is an offence under the Act to:

- breach a development condition
- not comply with a development condition.

The conditions of a development approval bind each and every individual and company who undertake any work under that development approval. The approval and conditions are also binding on the land, regardless of change in ownership.

The Planning Act 2016 provides the opportunity for an applicant to negotiate conditions of a development approval after the decision notice has been received.





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Negotiated Decisions and Appeals

Appeals

There are two forms of appeal for development applications:

- applicant appeals - regarding decisions made about development applications
- submitter appeals - regarding decisions made by Carpentaria Shire Council for impact assessable applications.

Council advises applicants and submitters in writing when their appeal period begins and ends. All appeals must be lodged with the Planning and Environment Court.

Applicant Appeals

An applicant can only appeal against a decision by Council within 20 business days after they have been advised of Council's decision about the development application.

The applicant may suspend the appeal period and make a change representation with Council.

The change representation request must be lodged within 20 business days of suspending the appeal period. Written representations must state what parts of the Decision Notice the applicant wishes to negotiate and why (e.g. a condition of development). Council may amend the Decision Notice or refuse to amend the Decision Notice.

Applicant Appeals Contd.

The applicant appeal period then starts again (i.e. 20 business days) to lodge an appeal with the Planning and Environment Court if they do not agree with council's Negotiated Decision Notice. Reasons for appeal by an applicant include:

- refusal, or refusal in part, of the development application
- decision to give a preliminary approval when a development permit was applied for
- length of relevant period
- a matter stated in the development approval, including any condition or infrastructure charges notice.

Submitter Appeals

A submitter can only appeal against a decision by Council within the submitter appeal period, i.e. 20 business days from receiving a copy of the Decision Notice or Negotiated Decision Notice.

A submitter can only appeal against the part of the development approval relating to impact assessable development, or a variation approval in accordance with Section 51 of the Planning Act 2016.

Reasons for appeal by submitters can be against one or more of the following:

- granting of a development approval
- the length of relevant period
- a condition of, or lack of conditions for a development approval

