

BUNDABERG *Open* FOR DEVELOPMENT



Promoting Development Activity in the Bundaberg Region

FACTSHEET: Planning & Development Certificates

This fact sheet provides an overview of Planning and Development Certificates (PDC) under section 265 of the *Planning Act 2016* (the Act).

What are Planning and Development Certificates?

PDC provide potential property owners, lawyers and property developers etc with information about planning scheme provisions, infrastructure charges or agreements and development approvals for specific premises.

Council, as a local government, must provide particular documents to the public, including the provision of PDC under the Act. The prescribed information to be included in the various types of PDC are contained in Schedule 25 of the *Planning Regulation 2017* (the Regulation).

What is a “Limited” PDC?

A Limited PDC issued under section 1 of Schedule 25 of the Regulation identifies general planning information that applies to specific premises and must contain:

- a summary of the provisions of any planning scheme or charges resolution applying specifically to the premises,
- if a TLPI applies to the premises and suspends or otherwise affects the operation of a planning scheme provision stated in the previous paragraph—a description of the way in which the TLPI suspends or otherwise affects the provision,

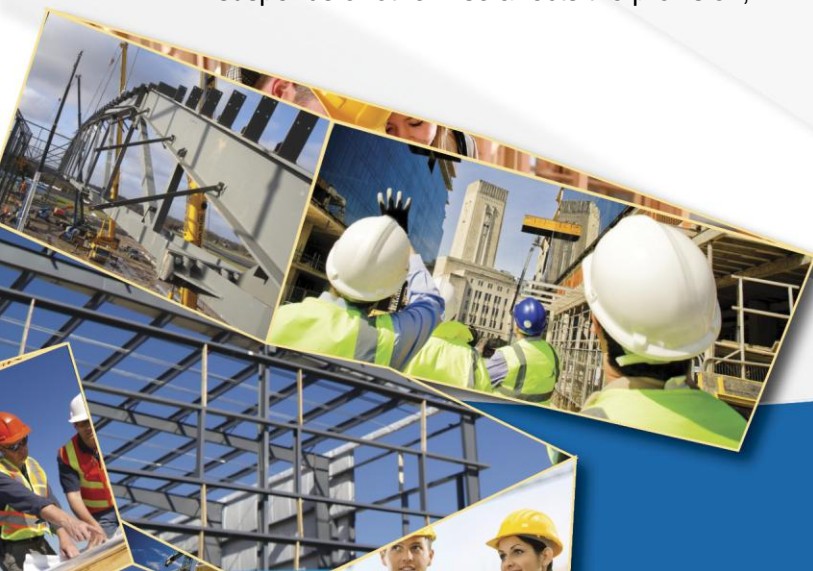
- if a variation approval is in effect for the premises—a description of the way in which the variation approval varies the effect of a planning scheme provision stated in the first paragraph;
- if a provision of a State planning instrument applies to the premises—a summary of the provision;
- a description of any designation applying to the premises;
- a copy of any information recorded for the premises in the infrastructure charges register kept by the local government under schedule 24 [Publicly accessible documents], section 1(1)(y).

Limited PDC do not provide any information regarding development approvals that are applicable to the particular premises.

What is a “Standard” PDC?

A Standard PDC issued under section 2 of Schedule 25 of the Regulation provides all the information contained within a Limited PDC and must include or be accompanied by:

- a copy of every decision notice or negotiated decision notice for a development approval in effect for the premises (i.e. that has not lapsed); and
- details of any changes made to a development approval in effect for the premises; and
- details of any approval to extend the currency period of a development approval in effect for the premises; and
- a copy of any deemed approval notice relating to the premises, if the development approval that the notice relates to has not lapsed.



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- a copy of every continuing approval stated in the repealed IPA section 6.1.23(1)(a) to (d) relating to, and in effect for, the premises, including any approval, consent or permission that, under the repealed LGP&E Act, section 8.10(8) was continued in effect as if it were an approval, consent or permission stated in the repealed IPA, section 6.1.23(1)(a) to (d); and
- details of any decision to approve or refuse an application to amend a planning scheme made under s4.3 of the repealed *LGP&E Act 1990* (eg rezoning application), including any conditions of approval relating to the premises;
- a copy of every compliance permit or compliance given under the old Act relating to the premises and in effect at the time the standard PDC is given, including any changes made to the compliance certificate a copy of each master plan applying to the premises;
- a copy of any exemption certificate for development on the premises given the local government under section 46 of the Act, including—
 - the day the certificate was given; and
 - if the certificate is no longer in effect for the premises—the day it stopped having effect; and
- a copy of any judgment or order of the P&E Court or a tribunal about—
 - a development approval in effect for the premises; or
 - a condition included in a compliance certificate in effect for the premises; and
- a copy of any agreement that the local government is a party to about a condition of a development approval in effect for the premises; and
- a copy of any infrastructure agreement applying to the premises that the local government—
 - is a party to; or
 - has received a copy of under section 153 of the Act; and
- a description of each amendment, proposed to be made by the local government to its planning scheme, that has not yet been made at the time the certificate is given; and
 - if the premises are within a declared master planned area—details of the plan, decision notices, judgements or orders.

What is a “Full” PDC?

Full PDC are generally requested for commercial enterprises, or when the sale of land involves several land uses operating on the site.

A Full PDC issued under section 3 of Schedule 25 of the Regulation must contain the information required to be contained in a Limited and Standard PDC and include or be accompanied by:

- if a relevant approval for the premises includes conditions (including conditions about the carrying out of works or the payment of money, other than under an infrastructure agreement) imposed, or required to be imposed, by the local government—a statement about the fulfilment of non-fulfilment of each condition, at a stated day after the day the certificate was applied for; and
- if an infrastructure agreement applies to the premises and that Council is party to—
 - details of the nature and extent of any obligations that have not been fulfilled; and
 - details of any security required under the agreement, including whether any payment required under the security has been made.
- details of any prosecution, or proceedings for a prosecution, for a development offence under the Act, the old Act or the repealed IPA in relation to the premises that Council is aware of.

What is the timeframe in which a PDC must be given?

The local government must, under section 265 of the Act, provide a PDC to an applicant within the following period after the application is made:

- Limited PDC - five (5) business days;
- Standard PDC – ten (10) business days;
- Full PDC – thirty (30) business days.

How do I apply for a PDC?

Customers must complete Council’s Planning Services Search Request Form and pay the relevant fee for the particular certificate type. Council’s Register of Fees and Charges outlines the applicable fees.

For further information

Please visit Council’s website at: www.bundaberg.qld.gov.au/development/bofd

OR contact the Duty Planner, Development Assessment on:

T: 1300 883 699; or

E: duty.planner@bundaberg.qld.gov.au

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