



Information Sheet

Glossary of terms

This information sheet contains a list of terms used in the Sustainable Planning Act 2009 (SPA), the Environmental Protection Act 1994 (EP Act), guidelines and information about Environmentally Relevant Activities (ERAs). For further information, please contact Health and Regulatory Services of Mackay Regional Council.

Acknowledgment notice

This is the notice provided to an applicant after the assessment manager receives the application. The notice confirms basic details about the application, including whether or not the applicant is required to provide copies of the application to any referral agencies, and whether public notification is required.

Please note: acknowledgment notices are not required for all applications. Only those applications involving public notification, referral co-ordination or referral to a referral agency will require an acknowledgment notice.

Administering authority

The administering authority is the chief executive of Mackay Regional Council. Responsibility for administering devolved ERAs is given to Health and Regulatory Services. In certain circumstances where a proposal involves a devolved ERA, the administering authority is the chief executive for the State Agency.

Advice agency

An advice agency is one of two types of referral agency (The other type is a concurrence agency). An advice agency may provide advice and make recommendations to the assessment manager regarding the proposed development and its impacts. It cannot request further information about an application.

Alternative assessment manager

In some instances, an assessment manager will not be Development Assessment - Planning of Mackay Regional Council. An alternative assessment manager, as set out in schedule 6 of the *Sustainable Planning Regulation 2009*, would then perform the role of assessment manager. Alternative assessment managers will be the Department of Environment and Resource Management (DERM) or the Department of Employment, Economic Development and Innovation (DEEDI) for a material change of use of non-devolved ERAs and development for non-devolved mobile and temporary ERAs. Similarly Health and Regulatory Services of Mackay Regional Council for a material change of use of devolved ERAs and development for devolved mobile and temporary ERAs. The North Queensland Bulk Ports Corporation Limited (NQBP) is also the alternative assessment manager where the development proposal is wholly on strategic port land.

Appeal period

Applicants and submitters have 20 business days after they have been given a copy of the decision notice to appeal against the decision.

If an applicant wishes to make representations to the assessment manager about certain matters in the decision notice, a new decision may be negotiated. The applicant can also formally suspend the appeal period if the matter is likely to take some time to resolve. If the assessment manager gives a negotiated decision notice, the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice. If no negotiated decision is issued, then the applicant has the balance of the appeal period in which to appeal.

Applicant

An applicant is the person making an application for a development approval. The applicant need not be the owner of the premises to make an application, but must have the owner's consent to make an application under IDAS.

Assessable development

If development is assessable, it means that approval is required before it may proceed. For example, a material change of use for an environmentally relevant activity is assessable development.

Assessment manager

An assessment manager administers the assessment of an application.

The main duties involve:

- Receiving the application and providing an acknowledgment notice where required;
- Receiving and considering any public submissions or responses from referral agencies where required;
- Assessing and deciding the application; and
- Giving the decision notice.

For the majority of applications, Development Assessment - Planning of Mackay Regional Council is the assessment manager. If Development Assessment - Planning is not the assessment manager and the application involves ERAs, the administering authority is the alternative assessment manager.

Biodegradable

Capable of decaying through the action of living organisms.

Bunding

An embankment or wall that forms part of a containment compound to contain spills.

Code

A code consists of one or more requirements, standards or criteria, identified as a code, against which an application for a particular development is required to be assessed. A code may be specified in a planning scheme, in the SPA, another Act or in a preliminary approval.

Code assessment

Code assessment is one of two types of assessment that may apply to assessable development (the other type is impact assessment). An application for code assessment can only be assessed against the code/s identified as applying to that development, the “common material” and any relevant State planning policy, which is not identified as being appropriately reflected in the relevant planning scheme.

An application requiring code assessment must be approved if the development complies with all applicable codes whether or not conditions are required for the development to comply with the codes.

Comply

Premises, facilities, actions or behaviour required to be operating as per an issued registration and development permit.

Concurrence agency

A concurrence agency is one of two types of referral agency; the other type is an advice agency. A concurrence agency has the ability to place conditions on an application or direct refusal within its jurisdiction. The jurisdiction of concurrence agencies is set by the *Sustainable Planning Regulation 2009*.

The administering authority for administering a particular ERA is a concurrence agency for the application where Development Assessment - Planning of Mackay Regional Council is the assessment manager. The concurrence agency may be Health and Regulatory Services of Mackay Regional Council, DERM or DEEDI. Health and Regulatory Services is the concurrence agency for ERAs devolved to local government under the EP Act. The DERM is not a concurrence agency for development applications for devolved ERAs, unless another trigger makes the DERM a concurrence agency. The DERM is the concurrence agency for non-devolved ERAs and the DEEDI is the concurrence agency for delegated ERAs.

Concurrence agency response

This is the response to the application prepared by the concurrence agency. It is given to the assessment manager, and a copy is sent to the applicant.

Conditions of development permits

Criteria a business must follow in order to comply with a development permit.

Contaminants

A contaminant can be a gas, liquid, solid, odour, organism or energy (e.g. noise and heat).

Decision notice and negotiated decision notice

A decision notice is the written notice prepared by the assessment manager indicating whether the development application has been approved or refused. If the application has been approved, the notice may include details of any conditions applicable, and whether the conditions were imposed by the assessment manager or a concurrence agency (e.g. Health and Regulatory Services of Mackay Regional Council). It will outline the type of approval granted – either preliminary approval or development permit.

If the application is refused, details including the reasons for refusal and which agency directed the refusal will be placed in the decision notice.

A negotiated decision notice is a new decision notice replacing the decision notice previously given.

Determination of the application

Decision to grant or refuse a licence application.

Development approval

There are two types of development approval – a preliminary approval and a development permit.

A development permit authorises development to start and must be obtained if development is assessable. A preliminary approval gives approval for the concept of development but does not allow work on the development to start or for the use to commence. A preliminary approval is optional only and may be used to assist in staging approvals.

Duly qualified individual or professional

Someone with qualifications or demonstrated experience relevant to the specific certification required eg manufacturer, installer, architect, engineer.

Emanate

To flow out, issue, or proceed, as from a source or origin; come forth; originate.

EMP

Electromagnetic pulse: a burst of electromagnetic energy produced by a nuclear explosion in the atmosphere, considered capable of widespread damage to power lines, telecommunications, and electronic equipment.

Emulsification

To make into or form an emulsion (A suspension of small globules of one liquid in a second liquid with which the first will not mix).

Environment

The air, water, minerals, organisms, and all other external factors surrounding and affecting a given organism at any time.

Environmental authority

An environmental authority is an approval given under the EP Act.

Environmentally relevant activity (ERA)

ERAs are defined in schedule 2 of the *Environmental Protection Regulation 2008*. They are usually industrial activities with the potential to release contaminants to the environment. Some agricultural activities such as piggeries, prawn farms and cattle feedlots are also ERAs. All ERAs require the payment of an annual fee.

The administering authority responsible for the administration and enforcement of the EP Act for certain ERAs is devolved to Mackay Regional Council. The administering authority for non-devolved ERAs is the DERM or DEEDI.

A list of ERAs can be found in the Information Sheet: *Obtaining a development approval for an environmentally relevant activity (ERA)*.

IDAS

The Integrated Development Assessment System (IDAS) is the system for assessing and deciding development applications under the *Sustainable Planning Act 2009* (SPA) that facilitates a reduction in the number of applications.

Impact assessment

Impact assessment differs from code assessment in that it is not limited to consideration against identified codes. The assessment is largely determined by the provisions of Mackay Regional Council's planning scheme. Submissions are also sought on the application through public notification and submitters may appeal decisions.

Impervious

Not permitting penetration or passage; impenetrable.

Legislative or agreed time frames

Time frames for processing application within Legislation.

Licence search

A request for information (including outstanding compliance notices) on a registered premises.

Manometer

An instrument for measuring the pressure of a fluid, consisting of a tube filled with a liquid, the level of the liquid being determined by the fluid pressure and the height of the liquid being indicated on a scale.

Mobile and temporary ERAs

Mobile and temporary ERA means an ERA other than a mining activity or a petroleum activity or an activity that is dredging material, extracting rock or other material, or the incinerating of waste –

- Carried out at various premises using transportable plant or equipment, including a vehicle; and
- That does not result in the building of any permanent structures or any physical change of the landform at the premises (other than minor alterations solely necessary for access and setup including, for example, access ways, footings and temporary storage areas); and
- Carried out at 1 location; and
 - For less than 28 days in a calendar year but, other than for regulated waste transport, for not more than 6 times in a calendar year, or
 - The activity is necessarily associated with, and is exclusively used in the construction or demolition phase of a project.

Notifiable activities

These are activities that have been identified as being likely to cause land contamination and are listed in schedule 3 of the EP Act. Under the Act, information concerning land that has been, or is currently used for, a notifiable activity must be sent to the EPA by landowners and Mackay Regional Council.

Permanent advertising devices

Sign of a fixed structure on private or public land.

Public notification

Public notification is only required if the development proposal requires impact assessment. Check with Mackay Regional Council and the Council's planning scheme. Notification involves a notice published in a newspaper, placing a notice on the land, and giving notice to all the adjoining landowners. Requirements are contained in SPA.

The notification stage gives people the opportunity to make submissions – including objections – that must be taken into account before an application is decided. It also provides the opportunity to secure the right of appeal to the court about the assessment manager's decision.

Referral agency

Referral agency is a generic term covering both “advice” agencies and “concurrence” agencies. The *Sustainable Planning Regulation 2008* prescribes the agencies required to have input into assessing applications, other than the assessment manager.

Referral co-ordination

This refers to the co-ordination role played by the chief executive of the Department of Infrastructure and Planning (DIP). If an application involves three or more concurrence agencies, the application is subject to referral co-ordination.

Referral co-ordination is a process that ensures a single, co-ordinated information request is given to the applicant. The applicant gives any information requested to the assessment manager and each IDAS referral agency.

Registration

An operator of an ERA requires a registration certificate under the EP Act. The holder of the registration certificate for an ERA is required to pay an annual fee. It is separate to the development permit issued under IDAS.

Site plan

Plan of the site showing the food premise location, waste storage, car parking, toilet facilities and adjacent land use.

Submitter

A submitter to a development application is a person who makes a properly made submission on an application involving impact assessment.

Timeframes

Timeframes are based on business days. A business day is Monday, Tuesday, Wednesday, Thursday or Friday. Saturday, Sundays and Public Holidays are not considered business days. The period between 26th December of a year and 1st January of the following year is also excluded.

Topography

The detailed mapping or charting of the features of a relatively small area, district, or locality.

Trade waste

Trade Waste is waterborne waste produced by an industry, business, trade or manufacturing process – other than domestic sewage. Trade waste includes any waterborne waste that is transported away from where it is generated.

Volatile

Evaporating rapidly; passing off readily in the form of vapour.