



Guide to public notification of development and change applications

Public notification under the Development Assessment Rules and the *Planning Act 2016* – Version 1.0 effective 3 July 2017

This document contains general information on public notification processes and how public notices – whether on land, in newspapers or for adjoining landowners – are required to look. It also contains information about how to make submissions during the public notification period.



© State of Queensland, July 2017. Published by the Department of Infrastructure, Local Government and Planning, 1 William Street, Brisbane Qld 4000, Australia.



Licence: This work is licensed under the Creative Commons CC BY 4.0 Australia Licence. In essence, you are free to copy and distribute this material in any format, as long as you attribute the work to the State of Queensland (Department of Infrastructure, Local Government and Planning) and indicate if any changes have been made. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

Attribution: The State of Queensland, Department of Infrastructure, Local Government and Planning.

The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this publication. The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered.



The Queensland Government is committed to providing accessible services to Queenslanders of all cultural and linguistic backgrounds. If you have difficulty understanding this publication and need a translator, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone the Queensland Department of Infrastructure, Local Government and Planning on 13 QGOV (13 74 68).

Disclaimer: While every care has been taken in preparing this publication, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within. To the best of our knowledge, the content was correct at the time of publishing.

Any references to legislation are not an interpretation of the law. They are to be used as a guide only. The information in this publication is general and does not take into account individual circumstances or situations. Where appropriate, independent legal advice should be sought.

An electronic copy of this report is available on the Department of Infrastructure, Local Government and Planning's website at www.dilgp.qld.gov.au.

Contents

| | |
|--|-----------|
| About this guide | 4 |
| Publication notification | 4 |
| Applications involving both code and impact assessment..... | 4 |
| Notification requirements | 5 |
| Notification period..... | 5 |
| Starting public notification | 5 |
| Making a submission during public notification | 6 |
| After the notification period..... | 6 |
| Circumstances when applications may be assessed and decided without correct notification..... | 7 |
| Requirements for public notification | 7 |
| Notices on the premises | 7 |
| Requirements for development applications | 8 |
| Layout of notice on land..... | 8 |
| Layout for notice for the newspaper and adjoining landowners | 9 |
| Requirements for change applications..... | 10 |
| Layout of notice on land..... | 10 |
| Layout for notice for the newspaper and adjoining landowners | 11 |
| Appendix: Public notice templates | 12 |
| For proposed development | 12 |
| For change applications | 12 |

About this guide

The *Planning Act 2016* requires certain development applications to be publicly notified by publishing a notice in a newspaper, placing a notice on land and giving notice to adjoining owners, in the way set out in the Development Assessment Rules (DA Rules). This document provides guidance on public notification requirements and includes (in Appendixes 1 and 2) copies of the notices under the 'Requirements for public notification' section of this guide and schedule 3 of the DA Rules.

Publication notification

The purpose of public notification is to inform the community and relevant stakeholders of the proposal and to give them the opportunity to make submissions that must be taken into account before the development application is decided.

A properly made submission secures the right of a submitter to appeal to the Planning and Environment Court about the decision if they disagree with part or all of the assessment manager's decision. (What constitutes a 'properly made submission' is outlined on page 7 of this guide).

Section 53(1) of the Planning Act establishes that certain types of applications must be publicly notified. These are when:

- any part of an application requires impact assessment
- the application includes a variation request.

The Planning Act also establishes the minimum period public notification must be carried out for, provides for a person to make a submission about the application, and provides for the DA Rules to set the ways in which public notification must be given. Public notification requirements are set out in part 4 of the DA Rules.

Certain types of change applications (where an applicant is seeking to change a development approval) will also require public notification. These changes under section 82 of the Planning Act also call on the public notice requirements in part 4 of the DA Rules. It should be noted that there are separate notice requirements for those applications that have been set out in schedule 3.

Applications involving both code and impact assessment

If an application includes both a code assessable component and an impact assessable component, the whole development proposal must be publicly notified.

This allows potential submitters to make an informed comment on the whole proposal and puts the assessment manager in a better position to gauge public opinion, as well as other relevant considerations. However, the right of appeal will relate only to the impact assessable component of the development proposal.

Notification requirements

The applicant has the obligation to carry out the public notification. This is consistent with the applicant-driven principle that supports the DA Rules. However, this service may be provided by the assessment manager in the circumstances set out in section 53(8) of the Planning Act.

The DA Rules require that the following public notification actions (under section 17) be carried out for development applications:

- Publish a notice at least once in a newspaper circulating generally in the locality of the premises that is the subject of the application.
- Place a notice on the land that is the subject of the application in the way prescribed under schedule 3 of the DA Rules, for the entirety of the notification period – the notice must be maintained from the day it is placed on the premises until the end of the notification period.
- Give a notice to the owners of all land adjoining the land that is the subject of the application.

As well as the above actions, the applicant must also give a notice to the assessment manager advising of the intended start date of public notification. This is to ensure that the assessment manager knows when a public notification is likely to begin so that they can be ready for any enquiries they may receive about the development application.

Notification actions must be completed within 20 business days of the applicant being entitled to start the notification (see part 4 of the DA Rules). Generally, public notification may start after completion of part 3 of the DA Rules – the information request part. See section 16 of the DA Rules for full details about when part 4 can start.

Where the applicant does not comply with the actions to publicly notify the development application within the prescribed period the development application lapses and may be revived only in accordance with section 31 of the DA Rules.

Notification period

The public notification period is prescribed in section 53(4) of the Planning Act as the period in which submissions can be made by a stated day on the development application. More specifically, 53(4)(b) states:

- (b) any submission must be made by a stated day that is at least—
 - (i) for an application that includes a variation request—30 business days after the notice is given; or
 - (ii) for an application of a type prescribed by regulation—the period, of more than 15 business days after the notice is given, prescribed for the application; or
 - (iii) for any other application—15 business days after the notice is given.

The notification period starts from the day after the last notification action is carried out and excludes any business days between (and including) 20 December and 5 January of the following year. The Act also specifies that the notification period does not include the period immediately before and after Christmas. This is designed to overcome any reduced effectiveness that may result from notification over this significant holiday period.

Starting public notification

When public notification can start depends on the circumstances of a particular application. Specifically, section 16 of the DA Rules establishes:

- If an information request is made under part 3, the applicant needs to wait until all responses have been given before commencing public notification.

- If there are no referral agencies for the development application and the assessment manager states on the confirmation notice that they will not be making an information request, the applicant must commence public notification within 20 business days of receiving the confirmation notice.
- If the applicant has elected to 'opt-out' of part 3 in accordance with section 11 of the DA Rules, then public notification must start either:
 - within 20 business days of receiving the confirmation notice, if there are no referral agencies; or
 - within 20 business days after the day the referral assessment period for all referral agencies has started, if there are referral agencies.

Making a submission during public notification

A submission is a written comment about a development application made by any interested member of the community (i.e. person, group or organisation) to the assessment manager about a development application.

A submission may:

- object to all or part of the application
- support all or part of the application.

Under the DA Rules, a submission may be accepted by the assessment manager whether it is properly made or not. However, for the person making the submission to have appeal rights under the Planning Act, the submission must be properly made.

A properly made submission must:

- be in writing and signed by each person who made the submission
- be made before the end of the public notification period
- state the name and residential or business address of each person who made the submission
- state one postal or electronic address for service relating to the submission for all the submission-makers
- state the grounds of the submission and the facts and circumstances relied on in support of the grounds
- be made to the assessment manager.

A person who makes a properly made submission about an application is called a submitter. By making a properly made submission about an application that requires public notification, a submitter gains the right to appeal to the Planning and Environment Court about any decision made by the assessment manager relating to the impact assessable component of the application, including the imposition of any conditions.

If an application requires code and impact assessment, a submission may be made in relation to both the code and impact assessable components. However, a submitter can only appeal to the Planning and Environment Court about the impact assessable component.

If the notification stage is repeated for any reason, properly made submissions made under the first notification period are taken into account during the later notification period – see section 53(7) of the Planning Act.

After the notification period

The applicant must within 10 business days of the end of the notification period give the assessment manager written notice that they have complied with the requirements of section 17 of the DA Rules.

The Department of Infrastructure, Local Government and Planning has developed a standard template for applicants to help them notify the assessment manager that they have complied with the public notification requirements of the DA Rules. The template is available on the department's website at www.dilgp.qld.gov.au.

Where the applicant does not comply with this action within the prescribed period, the development application lapses, and may be revived only in accordance with section 31 of the DA Rules.

After this notice of compliance has been received and where submissions have been accepted by the assessment manager under the DA Rules, the assessment manager will have an additional 10 business days included in their assessment timeframes to ensure submissions can be appropriately considered.

Circumstances when applications may be assessed and decided without correct notification

In some circumstances, an assessment manager may continue to assess and decide an application, even if some of the requirements of the DA Rules about the notice have not been complied with, provided the assessment manager considers that any non-compliance has not:

- adversely affected the awareness of the public of the existence and nature of the application, or
- restricted the opportunity of the public to make properly made submissions about the development application.

For example, if the notices published in the newspaper and sent to adjoining landowners correctly show the property description of the land but the notice placed on the land contains an error in the description, the assessment manager might consider exercising discretion – because the sign was located on the correct land, all other notices were correct and the application clearly applied to the land on which the notice was erected.

Requirements for public notification

The applicant must give details of the proposed development on the public notice so that the community is aware of the existence and nature of the application. This enables the community to make a properly made submission on the proposal.

While the Planning Act sets the minimum periods for public notification, the DA Rules set out the requirements, including the notice on the land and in a local newspaper, and establishes the minimum requirements for how each of the public notification actions must be undertaken.

Notices on the premises

Schedule 3 of the DA Rules sets the requirements for placing a public notice on the premises. These notices must be:

- placed on, or within a reasonable distance of, the road frontage for the premises, ensuring that it is clearly visible from the road
- mounted at least 300mm above ground level
- made of weatherproof material
- at least A0 size.

The DA Rules also establish that, where the premises have more than one road frontage, a public notice must be placed on each publicly accessible road frontage for the premises. Inclusion of the term 'publicly accessible' is intended to ensure that signs are not placed on unformed or unmade roads that could not reasonably be considered accessible by the public.

For placing a public notice on the premises, road frontage for the premises means:

- (a) the boundary between the premises and any road adjoining the premises; or
- (b) if the only access to the premises is across other land, the boundary between the other land and any road adjoining the other land at the point of access.

The applicant must maintain the public notice from the day it is placed on the premises until the end of the notification period.

The template for the public notices on the premises is shown in Appendixes 1 and 2. A copy of the template and supporting symbols is available on the department's website at www.dilgp.qld.gov.au

Requirements for development applications

Layout of notice on land

Figure 1 shows how a notice (consistent with the template in Appendix 1) would appear. The notice contains the following information:

- The existing use(s) and the proposed use(s) of the land as defined in the planning scheme (if a new or changed use is proposed) or the proposed development, including an indication of the scale or density of the development (e.g. number of lots, gross floor area).
- The applicant's name and contact details (telephone and, if applicable, website). The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (e.g. a consultancy firm operating as the contact for the applicant).
- The street address of the site that the application relates to, including the real property description (i.e. lot on plan).
- Types of approval sought (i.e. preliminary approval, development permit or both).
- The application number assigned by the assessment manager to the application.
- An indicative development plan showing relevant details of the proposal (e.g. the location of the proposal and a plan of subdivision or site layout plan and elevations etc.). This diagram is intended to give the public a general indication of what is being proposed.
- Where copies of the full and up-to-date application can be viewed or obtained from.
- The start and finish dates of the notification period.
- Where written comments may be provided to (i.e. name of the assessment manager, telephone, email and website contact details).

Proposed Development



Make a submission from **31 December 2015 to 21 February 2016**

- > Multiple Dwelling - 45 Units (Stage 1)
- > Multiple Dwelling - 30 Units (Stage 2)
- > Multiple Dwelling - 54 Units (Stage 3)



Where
123 Settlement Road, Tungston East QLD 2124

On
Lot 99 on RP33329

Approval Sought
Development Permit

Minimum Lot Size and Frontage
> Minimum area 2000m²

Building height
> Maximum of 10m above natural ground level and no more than 2 storeys

Setbacks
> Rear, side and front setbacks must be observed

Site cover
> Maximum 75% of the total site area for a single storey

For further information & submissions to

- > (07) 2345-5678
- > mail@anyqldrc.qld.gov.au
- > PO Box 1434, AnyQLDTown QLD 4001
- > www.anyqld.qld.gov.au

View the Application Online

- > <http://pdonline.anyqldrc.qld.gov.au>
- > Application ref # DP0027389
- > Or by Scanning QR Code

Public notification requirements are in accordance with the *Planning Act 2016*

Figure 1 – Design layout of public notices to be placed on the premises

For more details about the specific requirements and information that must be included in each section identified in Figure 1, refer to 1A in part 1 of schedule 3 of the DA Rules.

Layout for notice for the newspaper and adjoining landowners

Figure 2 gives an example of the template layout (consistent with the template in the appendix) completed with the same information used in Figure 1 for notices on land. The size of advertisements can vary depending on the information and medium being used. All advertisements must use the following minimum sizing and fonts.

| | |
|--|-----------|
| Proposed Development | Section 1 |
| Make a submission from [date] to [date] | Section 2 |
| [insert development description]: | Section 3 |
| Where: [insert street address] On: [insert real property description] Approval sought: [insert type of approval sought] Application ref: [insert development application reference] | Section 4 |
| You may obtain a copy of the application and make a submission to: [Assessment Manager name] [Assessment Manager postal address] [Assessment Manager email] [Assessment Manager phone] [Assessment Manager web] | Section 5 |
| Public notification requirements are in accordance with the <i>Planning Act 2016</i> | Section 6 |

Figure 2: Design layout of public notice for newspaper and to landowners of lots adjoining the premises

For more details about the specific requirements and information that must be included in each section identified in Figure 2, refer to 1B in part 1 of schedule 3 of the DA Rules.

Requirements for change applications

Layout of notice on land

Figure 3 shows how a notice (consistent with the template in the appendix) would appear. The notice contains the following information:

- The existing use(s) and the proposed use(s) of the land as defined in the planning scheme (if a new or changed use is proposed) or the proposed development, including an indication of the scale or density of the development (e.g. number of lots, gross floor area).
- The applicant's name and contact details (telephone and, if applicable, website). The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (e.g. a consultancy firm operating as the contact for the applicant).
- The street address of the site that the application relates to, including the real property description (i.e. lot on plan).
- Types of approval sought (i.e. preliminary approval, development permit or both).
- The application number assigned by the assessment manager to the application.
- An indicative development plan showing relevant details of the proposal (e.g. the location of the proposal and a plan of subdivision or site layout plan and elevations etc.). This diagram is intended to give the public a general indication of what is being proposed.
- Where copies of the full and up-to-date application can be viewed or obtained from.
- The start and finish dates of the notification period.
- Where written comments may be provided to (i.e. name of the assessment manager, telephone, email and website contact details).

Proposed change to approval



Make a submission from **31 December 2015 to 21 February 2016**

Change proposed: Additional storey to an existing multiple dwelling unit approval.



Where
123 Settlement Road, Tungston East QLD 2124

On
Lot 99 on RP33329

Existing Approval
Development permit for a 45 unit multiple dwelling (ref: MCU001-0707)

> For further information & submissions to

- > AQ Regional Council
- > (07) 2345-5678
- > mail@anyqldrc.qld.gov.au
- > PO Box 1434, AnyQldTown QLD 4001
- > www.anyqld.qld.gov.au

> View the Application

- > Application reference: CHANGE002/1217
- > A copy of the application can be obtained from AQ Regional Council.
- > <http://pdonline.aqldrc.qld.gov.au/CHANGE002/1217>
- > Or by scanning QR code

Public notification requirements are in accordance with the Planning Act 2016

Figure 3: Design layout of public notice for a change application to be placed on the premises

For more details about the specific requirements and information that must be included in each section identified in Figure 3, refer to 2A in part 2 of schedule 3 of the DA Rules.

Layout for notice for the newspaper and adjoining landowners

Figure 4 provides an example of the template layout (consistent with the template in the appendix) completed with the same information used in Figure 1 for notices on land.

The size of advertisements can vary depending on the information and medium being used. All advertisements must use the following minimum sizing and fonts.

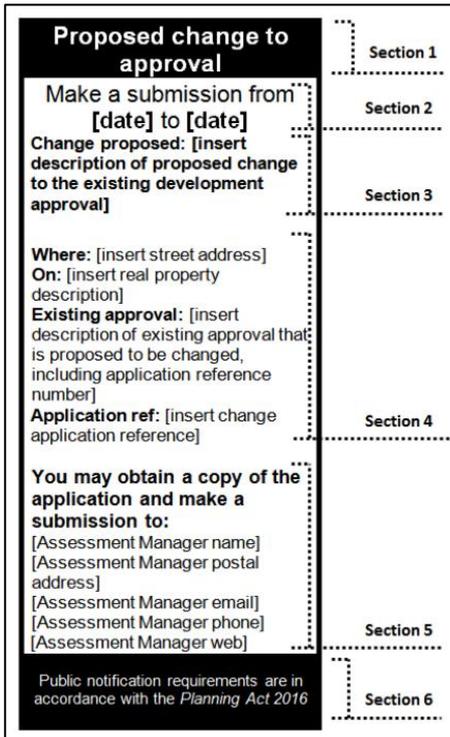


Figure 4: Design layout of proposed change to approval

For more details about the specific requirements and information that must be included in each section identified in Figure 4, refer to 2B in part 2 of schedule 3 of the DA Rules.

Appendix: Public notice templates

A copy of the templates and the supporting symbols is available on the department’s website at www.dilgp.qld.gov.au.

For proposed development

| | | |
|-----------|---|-----------|
| Section 1 | <h1>Proposed Development</h1> <p>Make a submission from [date] to [date]</p> | Section 2 |
| Section 3 | <p>[Insert the proposed use or the proposed development, including an indication of the scale or density of the development (e.g. number of lots, gross floor area) with the use defined in the planning scheme]</p> | |
| Section 4 | <div style="display: flex;"> <div style="flex: 1;">  <p>[Insert image of proposed development]</p> </div> <div style="flex: 2;"> <p>Where [insert street address of subject land]</p> <p>On [insert real property description]</p> <p>Approval Sought [insert approval sought i.e. development permit, preliminary approval]</p> </div> </div> | Section 5 |
| Section 6 | <div style="display: flex; justify-content: space-between;"> <div style="width: 20%;"> <p>Minimum Lot Size and Frontage > [insert minimum lot size and frontage]</p> </div> <div style="width: 20%;"> <p>Building height > [insert description of minimum lot size and frontage]</p> </div> <div style="width: 20%;"> <p>Setbacks > [insert relevant setback information]</p> </div> <div style="width: 20%;"> <p>Site cover > [insert maximum site area]</p> </div> </div> | |
| Section 7 | <p>For further information & submissions to:</p> <ul style="list-style-type: none"> > [insert the assessment manager] > [insert assessment manager contact number] > [insert assessment manager contact email] > [insert assessment manager postal address] > [insert assessment manager website] | |
| Section 8 | <p>View the Application</p> <ul style="list-style-type: none"> > Application reference: [insert application reference number] > A copy of the application can be obtained from [insert the assessment manager] > [insert link to council’s PD Online website] > Or by Scanning QR Code | |
| | <p>Public notification requirements are in accordance with the Planning Act 2016</p> | |

For change applications

| | | |
|-----------|---|-----------|
| Section 1 | <h1>Proposed change to approval</h1> <p>Make a submission from [date] to [date]</p> | Section 2 |
| Section 3 | <p>Change proposed: [insert description of change proposed to the existing development approval]</p> | |
| Section 4 | <div style="display: flex;"> <div style="flex: 1;">  <p>[Insert image of proposed development]</p> </div> <div style="flex: 2;"> <p>Where [insert street address of subject land]</p> <p>On [insert real property description]</p> <p>Existing approval [insert description of the existing approval subject to this application, including the original application reference number for the approval]</p> </div> </div> | Section 5 |
| Section 6 | <p>For further information & submissions to:</p> <ul style="list-style-type: none"> > [insert the assessment manager] > [insert assessment manager contact number] > [insert assessment manager contact email] > [insert assessment manager postal address] > [insert assessment manager website] | |
| Section 7 | <p>View the Application</p> <ul style="list-style-type: none"> > Application reference: [insert application reference number] > A copy of the application can be obtained from [insert the assessment manager] > [insert link to council’s PD Online website] > Or by Scanning QR Code | |
| | <p>Public notification requirements are in accordance with the Planning Act 2016</p> | |

Department of Infrastructure, Local Government and Planning
1 William Street, Brisbane 4000
tel 13 QGOV (13 74 68)
www.dilgp.qld.gov.au