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# Development Assessment Rules

Under the *Planning Act 2016*,  
section 68(1)

**To be prescribed in the Planning Regulation 2017**

Made 17 March 2017







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## Part 1: Application

### 1. Properly made application — Act, s51(5)<sup>1</sup>

- 1.1. For section 51(5) of the Act, an **application** is taken to be a **properly made application** on the **day** the application is received by the assessment manager, unless an **action notice** is given.
- 1.2. The assessment manager must determine, within 10 days starting the day after the assessment manager receives an application (**confirmation period**), if the application is a properly made application.
- 1.3. The giving of a **confirmation notice** or an action notice by the assessment manager ends the confirmation period on the day the notice is given to the applicant.

### 2. Confirmation notice

- 2.1. A confirmation notice can only be given for a properly made application.
- 2.2. The assessment manager must **give** the applicant a confirmation notice if any of the following apply—
  - (a) the application requires public notification;
  - (b) the application requires referral under the Act;
  - (c) as required in accordance with section 3.4 and 3.6.
- 2.3. The assessment manager may, within the confirmation period, give the applicant a confirmation notice for any application.
- 2.4. For sections 2.2(a) and (b), the confirmation notice must be given within the confirmation period.

### 3. If the application is not properly made

- 3.1. If the application is not a properly made application, the assessment manager must give the applicant an action notice before the end of the confirmation period.<sup>2</sup>
- 3.2. The applicant must comply with all the actions in the action notice and give notice to the assessment manager that it has complied with the action notice, within 20 days starting the day after the day the applicant was given the action notice, or a further period agreed between the applicant and the assessment manager.
- 3.3. If the applicant complies with all of the actions in the action notice in accordance with section 3.2, the application is a properly made application on the day the applicant gives the assessment manager notice that the applicant has complied with the action notice.
- 3.4. After receiving notice under section 3.2, the assessment manager must within 5 days after the day the notice was received, give a confirmation notice to the applicant, if the applicant has complied with the action notice.

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<sup>1</sup> For change applications under section 82 of the Act, section 51 of the Act is not applicable – section 79 of the Act applies instead.

<sup>2</sup> Where the assessment manager accepts an application in accordance with section 51(4)(c) of the Act it is considered that this is a properly made application, therefore an action notice is not required to be given.

- 3.5. Despite section 3.2, the assessment manager may, after giving an action notice, accept the application as a properly made application in accordance with section 51(4) of the Act, despite non-compliance with an action notice.
- 3.6. For an application accepted as a properly made application as referred to in section 3.5:
  - (a) the application is taken to be a properly made application on the date the assessment manager accepts the application in accordance with section 51(5) of the Act; and
  - (b) the assessment manager must give a confirmation notice before the period stated in section 3.2, including any further period agreed, has ended.
- 3.7. If the applicant does not comply with an action notice in accordance with section 3.2, and the assessment manager has not accepted the application under section 3.5, the application is taken to have not been made.<sup>3</sup>

#### **4. End of part 1**

- 4.1. Part 1 is complete when the following occurs—
  - (a) the assessment manager gives a confirmation notice under either section 2 or section 3.4 to the applicant; or
  - (b) if the assessment manager does not give a confirmation notice to the applicant and the application is a properly made application, when the confirmation period ends.<sup>4</sup>
- 4.2. Despite section 4.1, actions taken under section 12.2 and 21.2 are also taken to end part 1.

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<sup>3</sup> For this section, the development assessment process does not proceed. The lapsing provisions under section 31 do not apply.

<sup>4</sup> An application that does not meet the requirements of section 51(5) cannot progress beyond this part.

## Part 2: Referral

### 5. Referral of application

- 5.1. For section 54(1) of the Act, the required period for the applicant to give a copy of the application to a referral agency is 10 days, or a further period agreed between the applicant and the assessment manager, starting the day after part 1 has ended.
- 5.2. In addition to section 5.1, the applicant must also give a referral agency a copy of the confirmation notice at the same time as the copy of the application.
- 5.3. The applicant must, within 5 days after the day the applicant gives the application to each referral agency, give the assessment manager notice of the day the application was referred.<sup>5</sup>

### 6. Properly referred application

- 6.1 For section 54(1) of the Act, an application is taken to be a **properly referred application** on the day the application and a copy of the confirmation notice is received by the referral agency, unless an action notice is given by the referral agency under section 8.1.
- 6.2 A referral agency must determine within 5 days after the day the referral agency receives the application (**referral confirmation period**) if the application is a properly referred application.
- 6.3 The giving of a **referral confirmation notice** or an action notice by a referral agency ends the referral confirmation period on the day the notice is given to the applicant.
- 6.4 Despite 6.3, if the application is properly referred, the referral agency may instead give a referral agency response to end the referral confirmation period.

### 7. Referral confirmation notice

- 7.1 A referral agency may only give a referral confirmation notice for a properly referred application.

### 8. If the application is not a properly referred application

- 8.1 If the application is not a properly referred application, the referral agency must, before the end of the referral confirmation period—
  - (a) give the applicant an action notice; and
  - (b) give a copy of the action notice to the assessment manager, at the same time the action notice is given to the applicant.
- 8.2 If the applicant complies with all of the actions in the action notice within 20 days after the day the applicant was given the action notice, or a further period agreed between the applicant and the referral agency—
  - (a) the application is a properly referred application; and
  - (b) the referral agency must give a referral confirmation notice to the applicant and a copy to the assessment manager within 5 days of the applicant complying with the actions.

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<sup>5</sup> Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.



- 8.3 If the applicant does not comply with all of the actions in the action notice within 20 days after the day the applicant was given the action notice, or a further period agreed between the applicant and the referral agency—
- (a) the application is taken to have not been referred;<sup>6</sup> and
  - (b) the referral agency must within 5 days give the assessment manager notice that the application is taken to have not been referred.

## **9. Referral agency's assessment**

- 9.1 The **referral agency assessment period** starts the day after the earlier of the following occurs—
- (a) the referral confirmation notice has been given; or
  - (b) if no action notice has been given, the referral confirmation period has ended.
- 9.2 The referral agency must give a **referral agency response** to the assessment manager, and a copy to the applicant, before the end of the referral agency assessment period being—
- (a) the number of days prescribed under schedule 2 or a further period agreed between the applicant and the referral agency;
  - (b) if not prescribed under schedule 2, 25 days or a further period agreed between the applicant and the referral agency.
- 9.3 The referral agency assessment period includes the number of days taken by the referral agency to make an information request under section 12.3.
- 9.4 The referral agency assessment period does not include any further period agreed under part 3.

## **10. End of part 2**

- 10.1. Part 2 is complete when the first of the following occurs—
- (a) all referral agency responses have been received by the assessment manager; or
  - (b) the period for all referral agencies to provide its referral agency response to the assessment manager has ended.

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<sup>6</sup> Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.

## Part 3: Information request

### 11. When part 3 does not apply

#### 11.1 Part 3 does not apply if—

- (a) the applicant has advised on the approved form that the applicant does not agree to accept an **information request**, or
- (b) the assessment manager has stated on the confirmation notice that it does not intend to make an information request and—
  - (i) there are no referral agencies for the application; or
  - (ii) all referral agencies for the application have given responses before the development application was made in accordance with section 57 of the Act.

11.2 If, at the time of making the application, the applicant does not agree to accept an information request, an assessing authority need not accept any additional information provided by the applicant during the development assessment process, unless by agreement between an assessing authority and the applicant.

#### 11.3 Despite section 11.1(a), part 3 still applies if the application—

- (a) is also taken to be an application for an environmental authority; or
- (b) is also taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994*; or
- (c) includes a **variation request**; or
- (d) is for building work assessable against the building assessment provisions.

### 12. Making an information request

12.1 Subject to section 11, an assessing authority may make an information request<sup>7</sup>.

12.2 Any information request made by the assessment manager must be made to the applicant within 10 days, or a further period agreed between the applicant and the assessment manager, starting the day after part 1 has ended.

12.3 Despite section 12.2, if part 2 and part 4 are not relevant to the application, the assessment manager may end the confirmation period by making an information request.

12.4 Any information request made by a referral agency must be made to the applicant and a copy given to the assessment manager within the first 10 days of the referral agency assessment period or a further period agreed between the applicant and the referral agency.

12.5 An assessing authority may give advice to the applicant about an information request or any other matter, including how the applicant may change the application.<sup>8</sup>

### 13. Applicant's response

13.1. The period for the applicant to respond to an information request is three months from the date the information request was made or a further period agreed

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<sup>7</sup> Any information request must be within the limits of the assessing authority's jurisdiction.

<sup>8</sup> Any advice must be within the limit of the assessing authority's jurisdiction.

between the applicant and the assessing authority that made the information request.

- 13.2. The applicant may respond by giving the assessing authority that made the information request, within the period stated under section 13.1—
- (a) all of the information requested; or
  - (b) part of the information requested; or
  - (c) a notice that none of the information will be provided.
- 13.3. For any response given in accordance with sections 13.2(b) or (c), the applicant may also advise the assessing authority that it must proceed with its assessment of the application.
- 13.4. An applicant must provide a copy of any response to an information request made by a referral agency to the assessment manager.

#### **14. End of the applicant's response period**

- 14.1. The applicant's response period in section 13.1 ends if—
- (a) the applicant has responded under section 13.2(a); or
  - (b) the applicant has responded under sections 13.2(b) or (c) and the applicant has advised the assessing authority proceed with the assessment of the application.
- 14.2. If an applicant does not respond to the information request in accordance with section 13.2 within the period stated under section 13.1, the assessing authority's assessment continues from the day after the day on which the period under section 13.1 would have otherwise ended.

#### **15. End of part 3**

- 15.1. Part 3 is complete when—
- (a) if no assessing authority makes an information request, the later of the periods stated under sections 12.2 and 12.4, as relevant to the application, has ended; or
  - (b) if any assessing authority makes an information request, the earlier of the following occurs—
    - (i) the applicant has finished responding to all information requests in the way stated under section 14.1; or
    - (ii) all periods for the applicant to respond to all information requests as stated in section 13.1 have ended.

## Part 4: Public notification

### 16. When this part starts

16.1. If there are no referral agencies for the application and part 3 does not apply because:

- (a) the applicant has advised that it does not wish to receive an information request and it is not an application mentioned in section 11.3; or
- (b) the assessment manager states in the confirmation notice that it does not intend to make an information request;

public notification must start within 20 days of the day after the confirmation notice is given to the applicant.

16.2. If—

- (a) the applicant has advised that it does not wish to receive an information request; and
- (b) it is not an application mentioned in section 11.3; and
- (c) there are referral agencies;

public notification must start within 20 days after the day the last referral assessment period for any referral agency has started.

16.3. If sections 16.1 and 16.2 do not apply, public notification must start within 20 days of the day after part 3 has ended.

16.4. For a **changed application**, where public notification is required to be undertaken again from its beginning, public notification must commence within 20 days—

- (a) if both part 2 and part 4 are relevant to the application as a result of the changed application, the day after part 3 has ended;
- (b) otherwise, the day after the day notice is given under section 26.2(a) or 26.2(c).

### 17. Public notice requirements

17.1. The applicant, or the assessment manager acting under section 53(10) of the Act, must give public notice by—

- (a) publishing a notice at least once in a newspaper circulating generally in the locality of the **premises** the subject of the application; and
- (b) placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the **stated day**, and
- (c) giving notice to the **adjoining owners** of all lots adjoining the premises the subject of the application.

17.2. The applicant must give notice to the assessment manager of the intended start date of public notification.

17.3. Schedule 3 prescribes the way in which public notice must be given.

17.4. All public notice requirements under section 17.1 and 17.2 must be undertaken within the period prescribed under section 16.<sup>9</sup>

## 18. Notice of compliance

18.1. If the applicant gives public notice, it must, within 10 days from the day after the last day on which a submission may be made, or a further period agreed between the applicant and the assessment manager, give the assessment manager notice of compliance with the public notice requirements.<sup>10</sup>

## 19. Submissions

19.1. The assessment manager—

- (a) must accept a submission<sup>11</sup> if the submission is a ***properly made submission***; and
- (b) may accept a submission even if the submission is not a properly made submission.

19.2. Anyone who has made a properly made submission, or a submission the assessment manager has accepted, may by notice—

- (a) amend the submission before the stated day by which submissions must be received (or stated day in a subsequent public notice where re-notification has occurred); or
- (b) withdraw the submission at any time before the application is decided.

19.3. Where submissions have been accepted under section 19.1 for the application, the assessment manager has up to 10 days, or a further period agreed between the applicant and the assessment manager, to consider the submissions starting—

- (a) where the applicant has undertaken public notification, the day after the day the assessment manager receives notice of compliance under section 18.1; or
- (b) otherwise, the day after the stated day.

## 20. End of part 4

20.1. Part 4 is complete—

- (a) if submissions are received—
  - (i) the day the period to consider submissions under section 19.3 has ended; or
  - (ii) before the period has ended under section 19.3, the day the assessment manager gives notice to the applicant to end the period.
- (b) if no submissions are received—
  - (i) the day after the assessment manager receives a notice of compliance from the applicant; or
  - (ii) the stated day on the public notice if public notice is given by the assessment manager.

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<sup>9</sup> The ***public notification period*** starts in accordance with section 53(5) of the Act. Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.

<sup>10</sup> Not taking this action within the period prescribed, including any further period agreed, will result in the application lapsing – see section 31.

<sup>11</sup> Section 53(4) of the Act establishes the dates for making a submission for an application.

## Part 5: Decision

### 21. When this part starts

- 21.1. The assessment manager cannot decide the application until parts 1, 2, 3 and 4, as relevant to the application, have ended.
- 21.2. Despite section 21.1, if parts 2, 3 and 4 are not relevant to the application, the assessment manager may end the confirmation period by giving a **decision notice**.
- 21.3. If part 2 and part 4 are not relevant to the application and the assessment manager does not make an information request under part 3, the period stated under section 22 starts the day after part 1 ended.

### 22. Decision period – generally

- 22.1. The assessment manager must—
- (a) assess and decide the application within 35 days (**decision period**) in accordance with section 60 and 61 of the Act<sup>12</sup> or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21; and
  - (b) Subject to section 22.2, give a decision notice in accordance with section 63 of the Act within 5 days of deciding the application.
- 22.2. Despite section 22.1, for giving a decision notice under section 63(1)(e) of the Act—
- (a) if the application is approved, the assessment manager must give a copy of the decision notice to each principal submitter within 5 days after the earliest of the following happens—
    - (i) the applicant gives the assessment manager a written notice stating that the applicant does not intend to make change representations in accordance with section 75 of the Act;
    - (ii) the applicant gives the assessment manager notice of the applicant's appeal;
    - (iii) the applicant's appeal period ends.
  - (b) if the application is refused, the assessment manager must give a copy of the decision notice to each **principal submitter** at the same time as the decision notice is given to the applicant.
- 22.3. The assessment manager's decision period includes the number of days taken by the assessment manager to make an information request under section 12.1.<sup>13</sup>
- 22.4. The assessment manager's decision period does not include any further period agreed under part 3.

<sup>12</sup> For a change application under section 82 of the Act, section 63 of the Act is not applicable – section 83 of the Act applies instead.

<sup>13</sup> For example, if an assessment manager makes an information request to the applicant on the sixth day of the information request period, then the assessment manager's decision period is 35 days less six days, which is 29 days.

22.5. If there is a concurrence agency for the application, the application must not be decided within 10 days of the last concurrence agency response being received by the assessment manager unless the applicant gives notice to the assessment manager that it does not intend to make **representations** about the concurrence agency response under section 30.

22.6. Despite section 22.1, a further agreed period between the applicant and assessment manager does not apply if the assessment manager has been given a direction under section 95(1)(c) of the Act to decide the application or section 105(7) of the Act applies in relation to the application.

### **23. Decision period – changed circumstances**

23.1. Despite section 22, if the assessment manager receives notice from a concurrence agency under section 28.4, the assessment manager must not decide the application until—

- (a) the assessment manager receives a copy of the amended referral agency response; or
- (b) the end of 10 days, including any further period agreed, after the day of the notice under section 28.4.

23.2. Despite section 22, the decision period starts again from its beginning<sup>14</sup>—

- (a) if a concurrence agency gives a concurrence agency response or an amended concurrence agency response under section 28, the day after the assessment manager receives the response or the amended response;
- (b) if notice under section 29.2 is given during the decision stage, the day after part 2, as it relates to the missed referral agency, ends;
- (c) if section 26 is relevant to the application—
  - (i) the day after part 2 ends; or
  - (ii) the day after part 4, ends; or
  - (iii) where both part 2 and part 4 are relevant, the day the last of these parts as they relate to section 26, ends.

23.3. Despite section 22, where section 36 is relevant to the application and the assessment manager takes the action—

- (a) before part 5 starts, part 5 does not start until the day after the action is completed;
- (b) after part 5 has started, the decision period stops the day after the action is taken and starts again the day after the action is completed.

### **24. End of part 5**

24.1. Part 5 is complete when the assessment manager gives a decision notice to those required to receive it under section 63(1) of the Act.<sup>15</sup>

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<sup>14</sup> In this instance, the decision period is still the period prescribed, less any time taken by the assessment manager to make an information request.

<sup>15</sup> Note that in certain instances an application may be subject to deemed approval, as set out under section 64(1) of the Act.

## Part 6: Changes to the application and referral agency responses

### 25. Giving notice of a changed application

25.1. If an applicant gives a notice to the assessment manager under section 52(1) of the Act to change the application before it is decided, the assessment manager must—

- (a) give a copy of the notice to each referral agency for the original application, and any other referral agency required to be referred the application as a result of the change; and
- (b) advise each referral agency,<sup>16</sup> with a copy to the applicant, of the effect of the change on the development assessment process.

### 26. Effect of a change that is about a matter raised in a submission, information request or further advice

26.1. For a change that is not a minor change,<sup>17</sup> the development assessment process does not stop if the assessment manager is satisfied the change—

- (a) only deals with a matter raised in a properly made submission for the application; or
- (b) is in response to an information request for the application; or
- (c) is in response to further advice provided by an assessing authority about the application.

26.2. Where part 4 applies to the changed application—

- (a) if part 4 did not apply to the original application—
  - (i) the assessment manager must give the applicant a confirmation notice within 10 days after the day the assessment manager receives notice of the change and part 4 must be undertaken for the changed application in accordance with section 16.4; and
  - (ii) the assessment manager cannot decide the application until part 4 has ended.
- (b) if part 4 had started or ended for the original application when the change was made, public notification must be undertaken again unless either or both of the following apply:
  - (i) the assessment manager is satisfied the change would not be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change;
  - (ii) the assessment manager is not satisfied the change only addresses a matter raised in a properly made submission.
- (c) if public notification is required under 26.2(b), the assessment manager must give notice to the applicant within 5 days of receiving notice about the change, advising that public notification is required and public notification for

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<sup>16</sup> Including each referral agency for the original application, and any other referral agency required to be referred the application as a result of the change.

<sup>17</sup> Under section 52(3) of the Act, if the change is a minor change, then the change does not affect the development assessment process.



the changed application must be undertaken in accordance with section 16.4.

- 26.3. If a change to the application causes additional referral requirements the application including the change must be referred to the relevant referral agency for the additional referral requirements under part 2.
- 26.4. Where section 26.3 is relevant to the application, part 2 applies in its entirety except—
- (a) the period under section 5.1 is taken to start the day after the applicant receives advice under section 25.1(b); and
  - (b) a confirmation notice is not required.
- 26.5. Despite section 11.1, any referral agency referred the application as a result of this section may make an information request.
- 26.6. The assessment manager cannot decide the application until part 2 and part 4, as relevant to the changed application, has ended.

## **27. Effect of other changes**

- 27.1. For a change that is not a minor change, the development assessment process stops on the day notice of a change is received by the assessment manager, and starts again at the beginning of the assessment manager's confirmation period, if the assessment manager is satisfied the change is not a change under section 26.1.
- 27.2. Despite section 11.1, if a change under this section is made, any assessing authority may make an information request.
- 27.3. If public notification applied to the original application and the change under section 27.1 was made during part 4 or after part 4 had ended then part 4 must start again from its beginning, unless the assessment manager is satisfied the change would not be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.

## **28. Concurrence agency changes its response or gives a late response**

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>18</sup>

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<sup>18</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

## Part 7: Miscellaneous

### 29. Missed referral agency

- 29.1. This section applies if, at any time before the application is decided, an applicant has not referred the application to a referral agency referred to in section 55 (1) of the Act or to another referral agency for all referral requirements (a **missed referral agency**) in the time provided to refer the application.<sup>19</sup>
- 29.2. A party to the application may, by notice given to each other party to the application, advise the parties that the applicant has not referred the application in accordance with section 54(1) of the Act.
- 29.3. Despite section 31.1(a) and subject to section 31.4 where notice has been given under section 29.2, the application does not lapse as a result of a missed referral agency.<sup>20</sup>
- 29.4. The applicant must refer the application in accordance with section 5.1, as if 'the day after part 1 has ended' is 'after the day the applicant gave or received notice about a missed referral agency'.
- 29.5. Part 2 and part 3 apply to the missed referral agency once action is taken under section 29.4.
- 29.6. Despite section 11.1, any referral agency referred the development application as a result of this section may make an information request.
- 29.7. If a notice about a missed referral agency is given before part 5 starts, then part 5 cannot start before part 2 has ended in relation to the missed referral agency.<sup>21</sup>
- 29.8. If part 4 applies to the application, the giving of a notice under this section has no effect on any actions already undertaken under part 4.

### 30. Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>22</sup>

### 31. Lapsing of the application

- 31.1. An application lapses if the applicant does not carry out the following actions in the prescribed period, including any further agreed period under the relevant section—
- (a) give the referral agency material to each referral agency that is party to the application and advise the assessment manager when the referral agency material was given under section 5, section 27 or section 29, as relevant to the application;<sup>23</sup> or

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<sup>19</sup> As provided for under section 5.

<sup>20</sup> As set out in section 31.4, this section has no effect where a missed referral notice has already been given about the missed referral agency.

<sup>21</sup> Section 23.2 describes the effect on the decision period if part 5 had already commenced before notice about the missed referral had been given.

<sup>22</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a referral agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

<sup>23</sup> This provision is subject to section 29.3.

- (b) undertake the actions to publicly notify the application requiring public notification; or
  - (c) give a notice of compliance under section 18 to the assessment manager for the application requiring public notification.
- 31.2. Despite section 31.1 the applicant may revive the application within 20 days of the application lapsing by—
- (a) undertaking the actions under section 31.1; and
  - (b) giving notice to the assessment manager advising that the relevant actions under section 31.1 have been undertaken.
- 31.3. If the applicant does not undertake the required actions under section 31.2 within the prescribed period, the lapsed application may not be revived.<sup>24</sup>
- 31.4. If the applicant has not taken the action required under section 29.4 in the prescribed period and the period under section 31.2 has expired, section 29.3 has no effect.

## 32. Stopping a current period

- 32.1. The applicant may stop a **current period** in the development assessment process under the DA Rules, unless the application has lapsed or is required by an **enforcement notice** or in response to a **show cause notice**.
- 32.2. To stop an assessing authority's current period, the applicant must give notice to—
- (a) the assessment manager, to stop the assessment manager's current period, at any time after the application is properly made and before the application is decided; or
  - (b) a referral agency, to stop a referral agency's current period, at any time after the application is properly referred and before the referral agency has given a referral agency response.
- 32.3. Where the applicant gives a notice under section 32 to a referral agency, a copy must also be given to the assessment manager.
- 32.4. To stop an applicant's current period—
- (a) the applicant must give notice about stopping a current period to the assessment manager and any referral agency that has not given its referral response; and
  - (b) the application must:
    - (i) have been accepted as a properly made application;
    - (ii) not be in the **public notification period**.
- 32.5. The current period—
- (a) is stopped for the period stated in the notice starting the day after the notice is received by the assessment manager or referral agency; and
  - (b) the balance restarts the day after—
    - (i) the period stated in the notice ends; or

- (ii) the assessment manager or referral agency receives notice that the notice has been withdrawn by the applicant.

32.6. A notice given under section 32.2 and section 32.4 may be—

- (a) withdrawn at any time; and
- (b) given as many times as required for a cumulative period of up to 130 days.

### **33. Notices about further periods agreed**

33.1. Any agreement for a further period under the DA Rules must be made before the end of the relevant period by notice between the parties identified in the relevant section of the DA Rules and must identify the section of the DA Rules to which the agreement relates and a copy must be given by the party who initiated the extension, to any other party to the application.

### **34. Third party advice about an application**

34.1. An assessment manager or concurrence agency for the application may, within the limits of its jurisdiction, ask any **third party** for **third party advice** about the application at any point in the development assessment process before a decision is made.

### **35. Further advice about an application**

35.1. An assessment manager or concurrence agency for the application may, at any time before the application is decided, give **further advice** about the application to the applicant.

35.2. Further advice may include advice about how the applicant may change the application.<sup>25</sup>

### **36. Effect of the Native Title Act (Cwlth)**

36.1. Taking action under the *Native Title Act 1993* (Cwlth), part 2, division 3 has the following effect on processes set out under the DA Rules or chapter 3 of the Act—

- (a) for a development application under the DA Rules, the assessment manager can only decide an application once any action taken under part 2, division 3 of the *Native Title Act 1993* (Cwlth) has been completed;
- (b) for a change application under section 78 of the Act, a **responsible entity** can only decide an application once action taken under part 2, division 3 of the *Native Title Act 1993* (Cwlth) has been completed;
- (c) for a development application subject to chapter 3, part 6, division 3 of the Act, the Minister can only decide an application once action under part 2, division 3 of the *Native Title Act 1993* (Cwlth) has been completed.

### **37. Publishing a notice about the decision**

37.1. For publishing a notice about the decision under section 63(4) or section 83(7) of the Act, the assessment manager must publish the notice no later than 5 days after—

- (a) if the application is approved, the earliest of the following happens—

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<sup>25</sup> Any advice must be within the limit of the assessment manager or concurrence agency's jurisdiction.

- (i) the applicant gives the assessment manager a written notice stating that the applicant does not intend to make change representations in accordance with section 75 of the Act;
  - (ii) the applicant gives the assessment manager notice of the applicant's appeal;
  - (iii) the applicant's appeal period ends;
- (b) if the application is refused, giving the decision notice to the applicant.
- 37.2. For publishing a notice about the decision under section 56(6) of the Act, the referral agency must publish the notice not later than 5 days after receiving a copy of the decision notice from the assessment manager.

## Schedule 1: Substantially different development

1. An assessment manager or responsible entity may determine that the change is a minor change<sup>26</sup> to a development application or development approval, where – amongst other criteria – a minor change is a change that would not result in ‘substantially different development’.
2. An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change—
  - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;
  - (b) made to a development application in accordance with part 6;
  - (c) made to a development approval after the appeal period.<sup>27</sup>
3. In determining whether the proposed change would result in substantially different development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.
4. A change may be considered to result in a substantially different development if the proposed change:
  - (a) involves a new use; or
  - (b) results in the application applying to a new parcel of land; or
  - (c) dramatically changes the built form in terms of scale, bulk and appearance; or
  - (d) changes the ability of the proposed development to operate as intended;<sup>28</sup> or
  - (e) removes a component that is integral to the operation of the development; or
  - (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or
  - (g) introduces new impacts or increase the severity of known impacts; or
  - (h) removes an incentive or offset component that would have balanced a negative impact of the development; or
  - (i) impacts on infrastructure provisions.

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<sup>26</sup> For a definition of minor change, see schedule 2 of the Act.

<sup>27</sup> For changing development approvals, see chapter 3, part 5, division 2, subdivision 2 of the Act.

<sup>28</sup> For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.

## Schedule 2: Referral agency's assessment period

Referral agency	Referral agency's assessment period
<p>(1) The local government, as the concurrence agency for—</p> <p>(a) building work to demolish or remove any building or structure or rebuild, after removal, any building or structure; or</p> <p>(b) building assessment work, as defined in the <i>Building Act 1975</i>, section 7, for a single detached class 1(a)(i) building, class 1(a)(ii) building comprising not more than 2 attached dwellings or a class 10 building; or</p> <p>(c) other building assessment work.</p>	<p>10 days</p> <p>10 days</p> <p>15 days</p>
<p>(2) Queensland Fire and Emergency Service</p>	<p>15 days</p>
<p>(3) The relevant service provider as the concurrence agency for building work on a lot that contains, or is adjacent to a lot that contains, a sewer, water main or stormwater drain operated by or for the relevant service provider.</p>	<p>20 days</p>



## Schedule 3: Public notice requirements

1. The applicant or assessment manager must comply with the public notice requirements in this schedule when giving public notice in accordance with part 4 of the DA Rules.
2. For development applications, part 1 of this schedule provides the requirements and information that must be included on all notices, as well as the font style and sizing.
3. For change applications,<sup>29</sup> part 2 of this schedule provides the requirements and information that must be included on all notices, as well as the font style and sizing.

### Requirements for placing a public notice on the premises

4. For placing a public notice on the premises, a public notice must be:
  - (a) placed on, or within a reasonable distance of, the road frontage for the premises, ensuring that it is clearly visible from the road;
  - (b) mounted at least 300mm above ground level;
  - (c) made of weatherproof material; and
  - (d) at least A0 size.
5. If the premises has more than one road frontage, a public notice must be placed on each publicly accessible road frontage for the premises.
6. The applicant must maintain the public notice from the day it is placed on the premises until the end of the notification period.
7. 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.

### Requirements for placing a public notice in the newspaper

8. A public notice must be published at least once in a newspaper circulating generally in the locality of the premises.
9. The notice may vary in size depending on the information and medium being used.

### Requirements for giving notice to owners of lots adjoining the premises

10. A notice must be given to the owners of all lots adjoining the premises the subject of the application.
11. For giving notice to owners of lots adjoining the premises, the **adjoining owner** of a lot adjoining the premises the subject of the application, is any of the following—
  - (a) if the adjoining lot is subject to the *Integrated Resort Development Act 1987* or the *Sanctuary Cove Resort Act 1985* – the primary thoroughfare body corporate;
  - (b) if the adjoining lot is subject to the *Mixed Use Development Act 1993* – the community body corporate;
  - (c) subject to paragraphs (a) and (b), if the adjoining lot is subject to the *Building Units and Group Titles Act 1980* – the body corporate;
  - (d) if the adjoining lot is, under the *Body Corporate and Community Management Act 1997*, scheme land for a community titles scheme—

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<sup>29</sup> For change applications under section 82 of the Act that require public notification to be undertaken.

- (i) the body corporate for the scheme;
  - (ii) if the adjoining lot is scheme land for more than 1 community titles scheme – the body corporate for the community titles scheme that is a principal scheme;
  - (e) if there is a time share scheme, as defined under the *Local Government Act 2009*, for a structure on the adjoining lot – the person notified to the local government concerned as the person responsible for the administration of the scheme as between the participants in the scheme;
  - (f) if the adjoining lot is land being bought from the state for an estate in fee simple under the *Land Act 1994* – the buyer;
  - (g) if the adjoining lot is land granted in trust or reserved and set apart and placed under the control of trustees under the *Land Act 1994* – the trustees of the land;
  - (h) if paragraphs (a) to (g) do not apply – the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent if the land were let to a tenant at a rent.
- 12.** For giving notice to adjoining owners, roads, premises below high-water mark and the beds and banks of rivers are taken not to be adjoining premises.

# Part 1 – Public notice requirements for development applications

## 1A specifications for public notice on the premises

1. Figure 1 in this part<sup>30</sup> —
  - (a) shows the general layout for a public notice on the premises; and
  - (b) identifies the breakdown of sections as they appear in table 1, which identifies the information that is to be included on – and the minimum specifications for – the public notice on the premises.
2. If additional text lines are required to accommodate the required information, then the notice is to be increased in size from the minimum requirements to accommodate the additional text.
3. Font size must not fall below the minimum size specified in table 1.

Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.

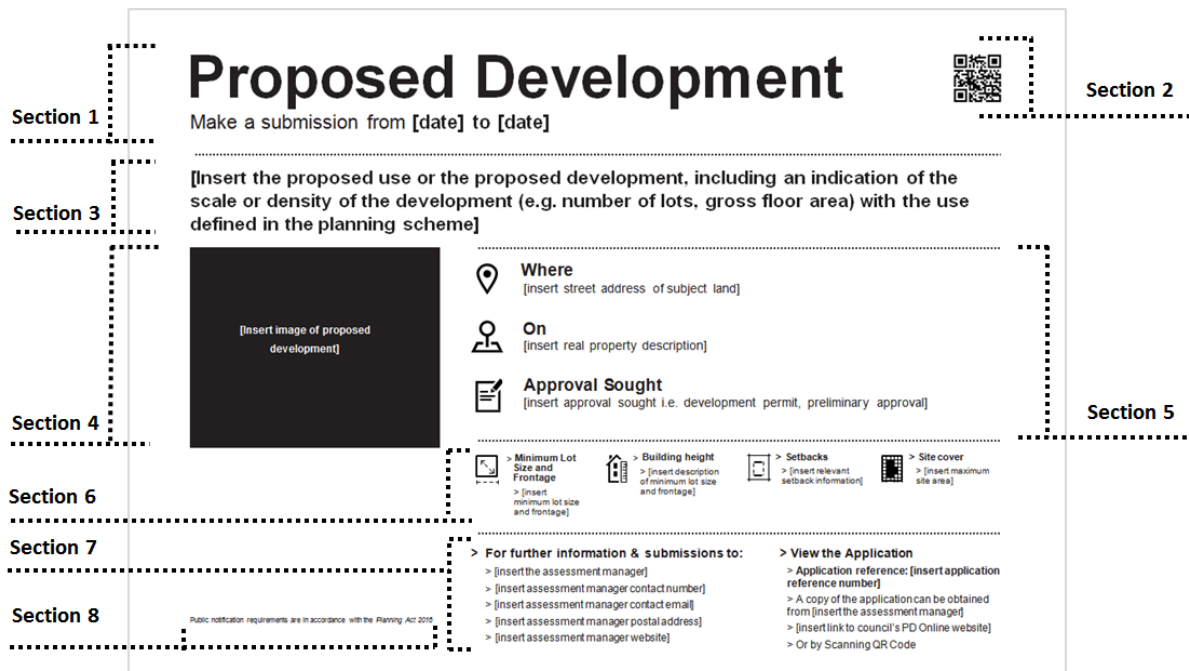



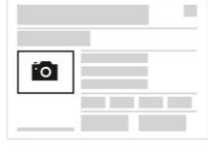




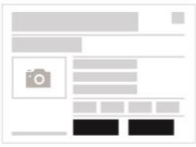

Figure 1 – Design layout of public notices to be placed on the premises

<sup>30</sup> A downloadable template of this notice, including the symbols, is available on the department’s website at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

**Table 1 – Information that must be included on a public notice on the premises**

Section	Information that must be included and specifications
<p>1</p> 	<p>'Proposed Development'</p> <ul style="list-style-type: none"> <li>Heading lettering must be at least 51 mm in height and in a bold style (approximately Arial, bold, no less than 200pt).</li> </ul> <p>'Make a submission from [date] to [date]'</p> <ul style="list-style-type: none"> <li>Heading lettering must be at least 17mm in height (approximately Arial, regular, no less than 75pt).</li> </ul> <p>Date fields</p> <ul style="list-style-type: none"> <li>Lettering must be at least 17mm in height and in a bold style (approximately Arial, bold, no less than 75pt).</li> <li>Long date format (day, month, year) – if the year is the same for both dates it is only required to be included on the later date.</li> </ul>
<p>2</p> 	<p>QR code</p> <ul style="list-style-type: none"> <li>Optional inclusion; not mandatory.</li> <li>If used, the QR code must: <ul style="list-style-type: none"> <li>be at least 3600mm<sup>2</sup> (6cm x 6cm) and at least 100dpi at 100%; and</li> <li>link to information about the application on the assessment manager's website.</li> </ul> </li> </ul>
<p>3</p> 	<p>Description of proposed development</p> <ul style="list-style-type: none"> <li>Insert the proposed use (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) using the use defined in the planning scheme.</li> <li>Lettering in this section must be at least 17mm in height and in a bold style (approximately Arial, bold, no less than 75pt).</li> <li>Use the '&gt;' character before text on each new line, where items are listed.</li> </ul>
<p>4</p> 	<p>Development image</p> <ul style="list-style-type: none"> <li>Image to show relevant details of the proposal (eg photomontage, location map, plan of subdivision, site layout plan, elevations).</li> <li>Must give the public a general indication of what is being proposed.</li> <li>Image must be 300dpi at 100 percent and must be at least a minimum of 310mm wide or at least a minimum of 250mm high.</li> <li>Multiple images may be used.</li> <li>Images may be in colour.</li> </ul>
<p>5</p> 	<p>'Where'</p> <ul style="list-style-type: none"> <li>Use the symbol provided.</li> <li>Symbol to be adjacent to the left of the heading and information.</li> <li>Street address that the application relates to.</li> <li>'Where' heading: lettering must be at least 15mm in height and in a bold style (approximately Arial, bold, no less than 53pt).</li> <li>Information under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul> <p>'On'</p> <ul style="list-style-type: none"> <li>Use the symbol provided.</li> <li>Symbol to be adjacent to the left of the heading and information.</li> </ul>

Section	Information that must be included and specifications
	<ul style="list-style-type: none"> <li>• Real property description (i.e. lot on plan).</li> <li>• ‘On’ heading: lettering must be at least 15mm in height and in a bold style (approximately Arial, bold, no less than 48pt).</li> <li>• Information under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul> <p>‘Approval Sought’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided.</li> <li>• Symbol to be adjacent to the left of the heading and information.</li> <li>• Type(s) of approval sought (i.e. preliminary approval, development permit or both).</li> <li>• ‘Approval Sought’ heading: lettering must be at least 15mm and in a bold style (approximately Arial, bold, no less than 48pt).</li> <li>• Information under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul>
<p>6</p> 	<p>For this section—</p> <ul style="list-style-type: none"> <li>• Any applicable symbols described below must be used.</li> <li>• Symbols to be adjacent to the left of the heading and information.</li> <li>• Headings: lettering must be at least 8mm in height and in a bold style (approximately Arial, bold, no less than 34pt).</li> <li>• Information under headings: lettering must be at least 8mm in height (approximately Arial, regular, no less than 32pt).</li> </ul> <p>‘Minimum Lot Size and frontage’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided if applicable to the development.</li> <li>• Use the ‘&gt;’ character before text on each new line for both heading and information below.</li> <li>• Describe the proposed minimum lot size and minimum frontage in m<sup>2</sup>.</li> </ul> <p>‘Building height’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided if applicable to the development.</li> <li>• Use the ‘&gt;’ character before text on each new line for both heading and information below.</li> <li>• Describe the proposed height of the building in meters or storeys at its upper most projection.</li> </ul> <p>‘Setbacks’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided, if proposed development is contained on a single lot.</li> <li>• Use the ‘&gt;’ character before text on each new line for both heading and information below.</li> <li>• Describe the side, rear and front setback for the proposed development.</li> </ul> <p>‘Site cover’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided if applicable to the development.</li> <li>• Use the ‘&gt;’ character before text on each new line.</li> <li>• Describe the site cover of the proposed development.</li> </ul>

Section	Information that must be included and specifications
<p>7</p> 	<p>'For further information &amp; submissions to'</p> <ul style="list-style-type: none"> <li>• Include the name of the assessment manager, phone number, email address, mail address and website.</li> <li>• The '&gt;' character before text on each new line.</li> <li>• For 'further information &amp; submissions' heading: lettering must be at least 11mm in height and in a bold style (approximately Arial, bold, no less than 39pt).</li> <li>• Information under heading: lettering must be at least 9mm in height (approximately Arial, regular, no less than 39pt).</li> <li>• Line spacing of 1.2.</li> </ul> <p>'View the Application'</p> <ul style="list-style-type: none"> <li>• Line spacing of 1.2 in this section.</li> <li>• The '&gt;' character before text on each new line.</li> <li>• 'Application reference:' and application reference lettering must be at least 11mm in height and in a bold style (approximately Arial, bold, no less than 39pt).</li> <li>• 'A copy of the application can be obtained from [insert the assessment manager]' lettering must be at least 11mm in height (approximately Arial, regular, no less than 39pt).</li> <li>• If the assessment manager has an online facility for viewing applications this section must also include— <ul style="list-style-type: none"> <li>○ A link to the assessment manager's web address for viewing applications must be included in lettering which must be at least 11mm in height (approximately Arial, regular, no less than 39pt); and</li> <li>○ If QR code is included – 'Or by Scanning QR Code' must be included in lettering which must be at least 11mm in height (approximately Arial, regular, no less than 39pt).</li> </ul> </li> </ul>
<p>8</p> 	<p>'Public notification requirements are in accordance with the <i>Planning Act 2016</i>'</p> <ul style="list-style-type: none"> <li>• Lettering must be at least 6mm in height (approximately Arial, regular, no less than 27pt) and the Act's title and year to be in italics.</li> </ul>

## 1B specifications for public notice in a newspaper and notice to owners of lots adjoining the premises

1. Figure 2 in this part—
  - (a) shows the general layout for the public notice in a newspaper and to be given to owners of lots adjoining the premises; and
  - (b) identifies the breakdown of sections as they appear in table 2, which identifies the information that is to be included on - and the minimum specifications for - the public notice in a newspaper and to be given to owners of lots adjoining the premises.
2. If additional text lines are required to accommodate the required information, then the notice is to be increased in size to accommodate the additional text.
3. Font size must not fall below the minimum size specified in table 2.
4. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.

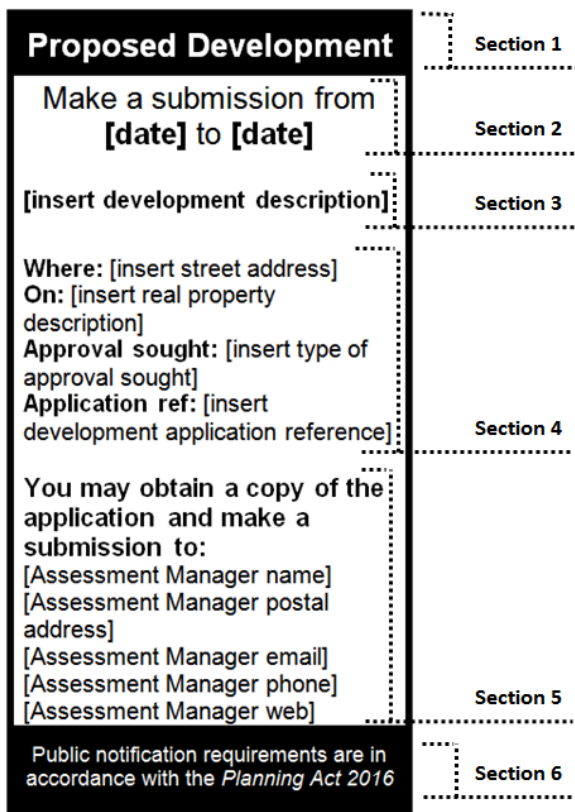


Figure 2 – Design layout of public notice for newspaper and to owners of lots adjoining the premises

**Table 2 – Information and specifications that must be included in a public notice in a newspaper and given to owners of lots adjoining the premises**

Section	Information that must be included and specifications
Section 1	<ul style="list-style-type: none"> <li>• 'Proposed Development' heading – lettering must be a minimum of two millimetres in height and bold text.</li> </ul>
Section 2	<ul style="list-style-type: none"> <li>• 'Make a submission from [date] to [date]' – lettering must be a minimum of two millimetres in height.</li> <li>• Dates – lettering must be a minimum of two millimetres in height and bold text.</li> <li>• Long date format (day, month, year) – if the year is the same for both dates it is only required to be included on the later date.</li> </ul>
Section 3	<ul style="list-style-type: none"> <li>• Development description response text – lettering must be a minimum of one millimetre in height and bold text.</li> </ul>
Section 4	<ul style="list-style-type: none"> <li>• 'Where', 'On', 'Approval sought' and 'Application ref' headings – lettering must be at least one millimetre in height and bold text.</li> <li>• 'Where', 'On', 'Approval sought' and 'Application ref' response text – lettering must be at least one millimetre in height.</li> </ul>
Section 5	<ul style="list-style-type: none"> <li>• 'You may obtain a copy of the application and make a submission to:' – lettering must be at least one millimetre in height and bold text.</li> <li>• Assessment manager name including contact details – lettering must be at least one millimetre in height.</li> </ul>
Section 6	<ul style="list-style-type: none"> <li>• 'Public notification requirement...etc.' text – lettering must be at least one millimetre in height.</li> </ul>



# Part 2 – Public notice requirements for change applications<sup>31</sup>

## 2A specifications for public notice on the premises

1. Figure 3 in this part—
  - (a) shows the general layout for a public notice on the premises for a change application; and
  - (b) identifies the breakdown of sections as they appear in table 3, which identifies the information that is to be included on and the minimum specifications for the a public notice on the premises.
2. If additional text lines are required to accommodate the required information, then the notice is to be increased in size from the minimum requirements to accommodate the additional text.
3. Font size must not fall below the minimum size specified in table 3.
4. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.

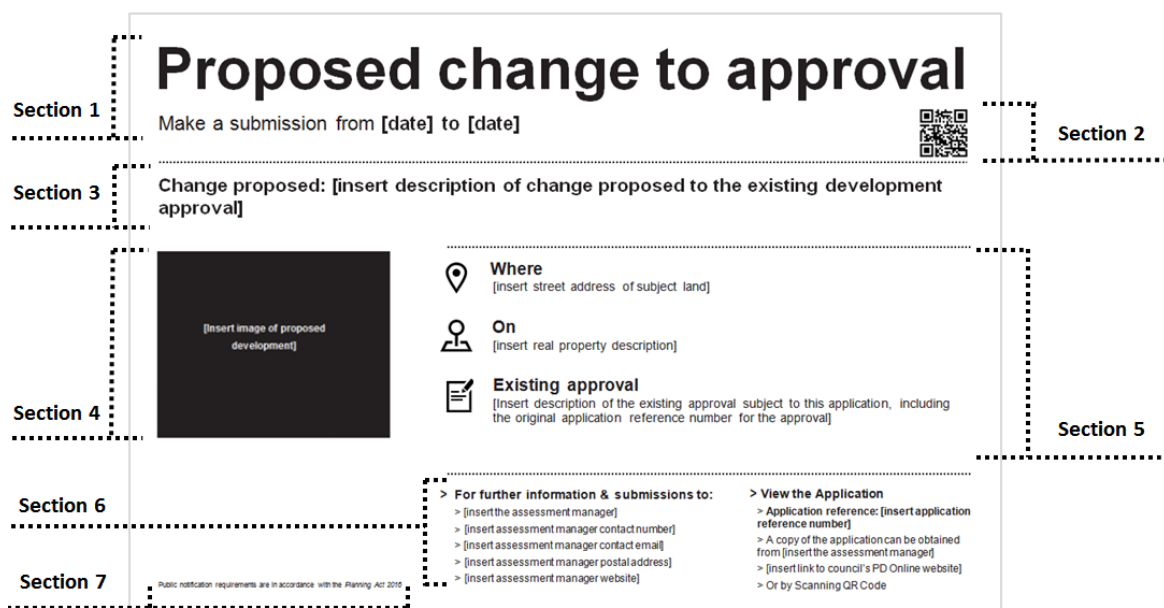









Figure 3 – Design layout of public notice for a change application to be placed on the premises

<sup>31</sup> For change applications under section 82 of the Act that require public notification to be undertaken.

**Table 3 – Information that must be included on a public notice on the premises for a change application**

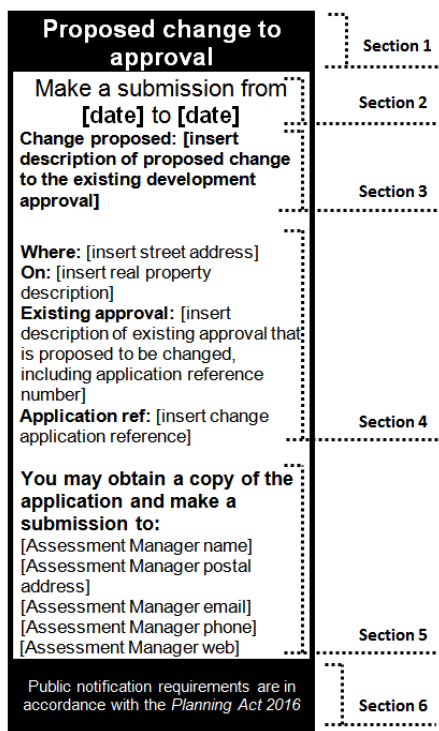
Section	Information that must be included and specifications
<p>Section 1</p> 	<p>'Proposed change to approval'</p> <ul style="list-style-type: none"> <li>• Lettering must be at least 51mm in height and in a bold style (approximately Arial, bold, no less than 200pt).</li> </ul> <p>'Make a submission from [date] to [date]'</p> <ul style="list-style-type: none"> <li>• Lettering must be at least 17 mm in height (approximately Arial, regular, no less than 75pt).</li> </ul> <p>Date fields</p> <ul style="list-style-type: none"> <li>• Lettering must be at least 17mm in height and in a bold style (approximately Arial, bold, no less than 75pt).</li> <li>• Long date format (day, month, year) – if the year is the same for both dates it is only required to be included on the later date.</li> </ul>
<p>Section 2</p> 	<p>QR code</p> <ul style="list-style-type: none"> <li>• Optional inclusion; not mandatory.</li> <li>• If used, the QR code must: <ul style="list-style-type: none"> <li>○ be at least 3600mm<sup>2</sup> (6cm x 6cm) and at least 100dpi at 100%;</li> <li>○ link to information about the application on the assessment manager's website.</li> </ul> </li> </ul>
<p>Section 3</p> 	<p>'Change proposed'</p> <ul style="list-style-type: none"> <li>• Insert the change(s) proposed to the existing development approval (e.g. additional level to a unit complex, or increased building height or new use proposed).</li> <li>• Lettering in this section must be at least 17mm in height and in a bold style (approximately Arial, bold, no less than 75pt).</li> <li>• Use the '&gt;' character before text on each new line, where items are listed.</li> </ul>
<p>4</p> 	<p>Development image</p> <ul style="list-style-type: none"> <li>• Image to show relevant details of the proposal (eg photomontage, location map, plan of subdivision, site layout plan, elevations).</li> <li>• Must give the public a general indication of what is being proposed.</li> <li>• Image must be 300dpi at 100 percent and must be at least a minimum of 310mm wide or at least a minimum of 250mm high.</li> <li>• Multiple images may be used.</li> <li>• Images may be in colour.</li> </ul>
<p>5</p> 	<p>'Where'</p> <ul style="list-style-type: none"> <li>• Use the symbol provided.</li> <li>• Symbol to be adjacent to the left of the heading and information.</li> <li>• Street address that the application relates to.</li> <li>• 'Where heading: lettering must be at least 15mm in height and in a bold style (approximately Arial, bold, no less than 53pt).</li> <li>• Information under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul> <p>'On'</p> <ul style="list-style-type: none"> <li>• Use the symbol provided.</li> <li>• Symbol to be adjacent to the left of the heading and information.</li> </ul>

Section	Information that must be included and specifications
	<ul style="list-style-type: none"> <li>• Real property description (i.e. lot on plan).</li> <li>• ‘On’ heading: lettering must be at least 15mm in height and in a bold style (approximately Arial, bold, no less than 48pt).</li> <li>• Information under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul> <p>‘Existing approval’</p> <ul style="list-style-type: none"> <li>• Use the symbol provided.</li> <li>• Symbol to be adjacent to the left of the heading and information.</li> <li>• Describe the existing development approval subject to this change application, must include the original application reference number for the approval.</li> <li>• ‘Existing approval’ heading: lettering must be at least 15mm and in a bold style (approximately Arial, bold, no less than 48pt).</li> <li>• Information: under heading: lettering must be at least 12mm in height (approximately Arial, regular, no less than 48pt).</li> </ul>
<p>6</p> 	<p>‘For further information &amp; submissions to’</p> <ul style="list-style-type: none"> <li>• Include the name of the assessment manager, phone number, email address, mail address and website.</li> <li>• Line spacing of 1.2.</li> <li>• Use the ‘&gt;’ character before text on each new line, where items are listed.</li> <li>• For further information &amp; submissions’ heading: lettering must be at least 11mm in height and in a bold style (approximately Arial, bold, no less than 39pt).</li> <li>• Information under heading: lettering must be at least 9mm in height (approximately Arial, regular, no less than 39pt).</li> </ul> <p>‘View the Application’</p> <ul style="list-style-type: none"> <li>• Line spacing of 1.2 in this section.</li> <li>• Use the ‘&gt;’ character before text on each new line, where items are listed.</li> <li>• ‘Application reference:’ and application reference lettering must be at least 11mm in height and in a bold style (approximately Arial, bold, no less than 39pt).</li> <li>• ‘A copy of the application can be obtained from [insert the assessment manager]’ lettering must be at least 11mm in height (approximately Arial, regular, no less than 39pt).</li> <li>• If the assessment manager has an online facility for viewing applications this section must also include— <ul style="list-style-type: none"> <li>○ A link to the assessment manager’s web address for viewing applications must be included in lettering which must be at least 11mm in height (approximately Arial, regular, no less than 39pt);</li> <li>○ If QR code is included - ‘Or by Scanning QR Code’ must be included in lettering which must be at least 11mm in height (approximately Arial, regular, no less than 39pt).</li> </ul> </li> </ul>

Section	Information that must be included and specifications
<p>7</p> 	<p>'Public notification requirements are in accordance with the <i>Planning Act 2016</i>'</p> <ul style="list-style-type: none"> <li>lettering must be at least 6mm in height (approximately Arial, regular, no less than 27pt) Act name and year to be in italics.</li> </ul>

## 2B specifications for public notice in a newspaper and notice to owners of lots adjoining the premises

5. Figure 4 in this part—
  - (a) shows the general layout for the public notice in a newspaper and to be given to owners of lots adjoining the premises for a change application; and
  - (b) identifies the breakdown of sections as they appear in table 4, which identifies the information that is to be included on and the minimum specifications for the notice on the premises.
5. If additional text lines are required to accommodate the required information, then the notice is to be increased in size to accommodate the additional text.
6. Font size must not fall below the minimum size specified in table 4.
7. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.



**Figure 4 – Design layout of public notice for newspaper and to owners of lots adjoining the premises for a change application**

**Table 4 – Information and specifications that must be included in a public notice in a newspaper and given to owners of lots adjoining the premises for a change application**

Section	Information that must be included and specifications
Section 1	<ul style="list-style-type: none"> <li>• ‘Proposed change to approval’ heading – lettering must be a minimum of two millimetres in height and bold text.</li> </ul>
Section 2	<ul style="list-style-type: none"> <li>• ‘Make a submission from [date] to [date]’ – lettering must be a minimum of two millimetres in height text.</li> <li>• Dates – lettering must be a minimum of two millimetres in height and bold text.</li> <li>• Long date format (day, month, year) – if the year is the same for both dates it is only required to be included on the later date.</li> </ul>
Section 3	<ul style="list-style-type: none"> <li>• ‘Change proposed:’ heading – lettering must be a minimum of one millimetre in height and bold text.</li> <li>• ‘Change proposed:’ response text – lettering must be a minimum of one millimetre in height and bold text.</li> </ul>
Section 4	<ul style="list-style-type: none"> <li>• ‘Where’, ‘On’, ‘Existing approval’ and ‘Application ref’ headings – lettering must be at least one millimetre in height and bold text.</li> <li>• ‘Where’, ‘On’, ‘Existing approval’, and ‘Application ref’ response text – lettering must be at least one millimetre in height.</li> </ul>
Section 5	<ul style="list-style-type: none"> <li>• ‘You may obtain a copy of the application and make a submission to:’ – lettering must be at least one millimetre in height and bold text.</li> <li>• Assessment manager name including contact details – lettering must be at least one millimetre in height.</li> </ul>
Section 6	<ul style="list-style-type: none"> <li>• ‘Public notification requirement...etc.’ text – lettering must be at least one millimetre in height.</li> </ul>

## Schedule 4: Definitions

**Act** means the *Planning Act 2016*.

**Action notice** is a notice that must be given if a application:

- (a) is not properly made, by the assessment manager, stating:
  - (i) the application is not properly made;
  - (ii) the reasons the application is not properly made; and
  - (iii) the actions required to make the application comply with section 51 of the Act;
  - (iv) the period in which to comply with all the actions in the action notice as prescribed in section 3.2.
- (b) is not properly referred, by a referral agency, stating:
  - (i) the relevant referral requirements;
  - (ii) the application is not properly referred;
  - (iii) the reasons the application is not properly referred;
  - (iv) the actions required to make the application properly referred; and
  - (v) the period in which to comply with all the actions in the action notice as prescribed in section 8.2.

**Adjoining owner** for part 4, see schedule 3 of the DA Rules.

**Advice agency** see schedule 2 of the Act.

**Application** means a development application under schedule 2 of the Act.

**Assessing authority** is an assessment manager, concurrence agency or advice agency.

**Changed application** is an application for which the applicant has given a notice to the assessment manager under section 52(1) of the Act.

**Concurrence agency** see schedule 2 of the Act.

**Confirmation notice** is a notice that must state:

- (a) the type of approval applied for, and the nature and description of the proposed development;
- (b) the date the application was properly made;
- (c) whether part 4 is applicable to the application;
- (d) if part 4 is applicable, the notice must also state:
  - (i) the public notification requirements; and
  - (ii) the **public notification period**;
- (e) whether part 2 is applicable to the application<sup>32</sup>
- (f) if part 2 is applicable, the period in which the application must be referred;
- (g) if the assessment manager does not intend to make an information request; and

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<sup>32</sup> As a minimum, the assessment manager must include on the confirmation notice whether part 2 applies based on the information provided by the applicant in the approved forms. Nothing prevents the assessment manager identifying particular referral requirements or additional referral requirements to those identified on the approved form by the applicant.

(h) if the applicant has advised that they do not wish to receive an information request.

**Confirmation period** is the period of time under section 1.2.

**Current period** for section 32 means the period that is active at the time notice is given under this section. It does not include any period that has already ended or any period that is yet to commence.

**DA Rules** means these Development Assessment Rules made under section 68(1) of the Act.

**Day** means business day.

**Decision notice** see schedule 2 of the Act.

**Decision period** see section 22.1.

**Development approval** see section 49(1) of the Act.

**Enforcement notice** see schedule 2 of the Act.

**Further advice** see section 35.

**Further period agreed** see section 33.1.

**Information request** see schedule 2 of the Act.

**Minor change** see schedule 2 of the Act.

**Missed referral agency** see section 29.

**Notice** see schedule 2 of the Act.

**Party** to an application means the applicant, assessment manager and each referral agency for the application.

**Premises** see schedule 2 of the Act

**Principal submitter** see schedule 2 of the Act.

**Properly made application** see schedule 2 of the Act.

**Properly made submission** see schedule 2 of the Act.

**Properly referred application** means an application that has been referred to the relevant referral agency as required under section 6.1 for all the referral requirements for the application.

**Public notification period** is the number of days that is at least the number of days in which a submission may be made under section 53(4)(b) of the Act.

**Referral agency** see schedule 2 of the Act.

**Referral agency assessment period** see section 9.

**Referral agency response** see schedule 2 of the Act.

**Referral confirmation notice** is a notice that may be given by a referral agency to an application for a properly referred application that states:

- (a) the application is a properly referred application; and
- (b) the date the referral confirmation period ended.

**Referral confirmation period** see section 6.2.

**Referral requirement** means a matter which is prescribed under section 55(2) of the Act.

**Representations** see schedule 2 of the Act.

**Responsible entity** see schedule 2 of the Act.

**Show cause notice** see schedule 2 of the Act.

**Stated day** is taken to be the last day on which a submission on the application can be made, as it relates to section 53(4)(b) of the Act.

**Third party** means any person, agency or organisation other than the parties to the application.

**Third party advice** see section 34.1.

**Variation request** see schedule 2 of the Act.



