

# Minor amendment to the Development Assessment Rules

## Summary of changes – November 2019

### Overview

The following minor amendments have been made to the Development Assessment Rules (DA Rules), published 11 November 2019 and effective when prescribed by the Planning Regulation in accordance with section 69 of the *Planning Act 2016*.

### Amendment of cover page and overall document format

Amendment	
1.	'Version 1.1'— <i>Omit, insert</i> — 'Version 1.2'
2.	'11 August 2017'— <i>Omit, insert</i> — 'Yet to commence – Effective date to be prescribed in the Planning Regulation 2017'
3.	Insert a new chapter reference image on pages within the body of the document

### Amendment of Part 1: Application

Amendment	
4.	<b>Section 1 (Properly made application)</b> Section 1.3— 'notice'— <i>Omit, insert</i> — ' <b>notice</b> '
5.	<b>Section 3 (If the application is not properly made)</b> Section 3.2— 'further period agreed'— <i>Omit, insert</i> — ' <b>further period agreed</b> '

### Amendment of Part 2: Referral

Amendment	
6.	<b>Section 5 (Referral of application)</b> Section 5.1— 'referral agency'— <i>Omit, insert</i> — ' <b>referral agency</b> '

7.	<p><b>Section 6 (Properly referred application)</b>                  Section 6.4—                  ‘referral agency response’—  <i>Omit, insert—</i>                  ‘<b>referral agency response</b>’</p>
8.	<p><b>Section 9 (Referral agency’s assessment)</b>                  Section 9.3—                  ‘information request’—  <i>Omit, insert—</i>                  ‘<b>information request</b>’</p>

### Amendment of Part 3: Information request

Amendment	
9.	<p><b>Section 11 (When part 3 does not apply)</b>                  Section 11.1—                  ‘<b>information request</b>’—  <i>Omit, insert—</i>                  ‘information request’</p>

### Amendment of Part 4: Public notification

Amendment	
10.	<p><b>Section 16 (When this part starts)</b>                  Section 16.4, after ‘within 20 days’—  <i>Insert—</i>                  ‘after’</p>
11.	<p><b>Section 16 (When this part starts)</b>                  Section 16.4(b)—                  ‘otherwise, the day after the day notice’  <i>Omit, insert—</i>                  ‘otherwise, the day after the notice’</p>
12.	<p><b>Section 17 (Public notice requirements)</b>                  Footnote 9—  <i>Omit—</i>                  ‘including any further period agreed,’</p>

### Amendment of Part 5: Decision

Amendment	
13.	<p><b>Section 22 (Decision period - generally)</b>                  Section 22.2(a)—                  ‘principal submitter’—  <i>Omit, insert—</i>                  ‘<b>principal submitter</b>’</p>
14.	<p><b>Section 22 (Decision period - generally)</b>                  Section 22.2(a)(i)—                  ‘change representations’—</p>

	<i>Omit, insert—</i> <b>'change representation'</b>
15.	<b>Section 22 (Decision period - generally)</b> Section 22.2(b)— <b>'principal submitter'</b> — <i>Omit, insert—</i> 'principal submitter'
16.	<b>Section 22 (Decision period - generally)</b> Section 22.5— 'concurrency agency'— <i>Omit, insert—</i> <b>'concurrency agency'</b>
17.	<b>Section 22 (Decision period - generally)</b> Section 22.1(a), new footnote after 'last relevant part in section 21'— <i>Insert—</i> 'See section 38 for instances where a further period need not be agreed with the applicant.'
18.	<b>Section 22 (Decision period - generally)</b> Section 22.1(b), new footnote after 'of deciding the application'— <i>Insert—</i> 'In accordance with sections 77(1) and 77(2) of the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> an assessment manager must not give a development permit for certain development types without sighting an approved form showing payment or an exemption of payment of the long service leave levy.'
19.	<b>Section 22 (Decision period - generally)</b> Section 22.3, footnote 15, after 'which is 29 days.'— <i>Insert—</i> 'If the information request has been extended by agreement, only the initial 10 days are included as being part of the decision period.'
20.	<b>Amendment of footnotes 13-15</b> Footnote 13— <i>renumber as 15</i> Footnote 14— <i>renumber as 16</i> Footnote 15— <i>renumber as 17</i>

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

Amendment	
21.	<b>Section 26 (Effect of a change that is about a matter raised in a submission, information request or further advice)</b> Section 26.1— 'minor change'— <i>Omit, insert—</i> <b>'minor change'</b>
22.	<b>Section 26 (Effect of a change that is about a matter raised in a submission, information request or further advice)</b> Section 26.3— 'referral requirements'— <i>Omit, insert—</i> <b>'referral requirements'</b>

23.	<p><b>Amendment of footnotes 16-18</b></p> <p>Footnote 16— <i>renumber as 18</i></p> <p>Footnote 17— <i>renumber as 19</i></p> <p>Footnote 18— <i>renumber as 20</i></p>
-----	--

## Amendment of Part 7: Miscellaneous

Amendment	
24.	<p><b>Section 29 (Missed referral agency)</b></p> <p>Section 29.2— 'party'— <i>Omit, insert—</i> '<b>party</b>'</p>
25.	<p><b>Section 32 (Stopping a current period)</b></p> <p>Section 32.1— 'DA Rules'— <i>Omit, insert—</i> '<b>DA Rules</b>'</p>
26.	<p><b>Section 37 (Publishing a notice about the decision)</b></p> <p>Section 37.2, after 'from the assessment manager'— <i>Insert—</i> '.'</p>
27.	<p><b>New section 38 (Effect of local government caretaker period for particular applications)</b></p> <p>After section 37— <i>Insert—</i> '38.1 Section 38.2 applies –</p> <ul style="list-style-type: none"> <li>(a) to an application involving a variation request, if the decision for the application is a <b>major policy decision</b>; and</li> <li>(b) if the decision period for the application would end either – <ul style="list-style-type: none"> <li>(i) during the <b>caretaker period</b>; or</li> <li>(ii) within ten days after the end of the caretaker period; and</li> </ul> </li> <li>(c) despite, but without limiting, section 22.1(a) and 33.1.</li> </ul> <p>38.2 The assessment manager may, without the agreement of the applicant, give a notice to the applicant extending the decision period until a day no later than 10 days after the end of the caretaker period.'</p>
28.	<p><b>Amendment of footnotes 19-24</b></p> <p>Footnote 19— <i>renumber as 21</i></p> <p>Footnote 20— <i>renumber as 22</i></p> <p>Footnote 21— <i>renumber as 23</i></p> <p>Footnote 22— <i>renumber as 24</i></p> <p>Footnote 23— <i>renumber as 25</i></p> <p>Footnote 24—</p>

renumber as 26

## Amendment of Schedule 1: Substantially different development

Amendment	
29.	<p><b>Section 1</b>                      'development approval'—                      Omit, insert—                      '<b>development approval</b></p>
30.	<p><b>Amendment of footnotes 25-27</b>                      Footnote 25—                      renumber as 27                      Footnote 26—                      renumber as 28                      Footnote 27—                      renumber as 29</p>

## Amendment of Schedule 2: Referral agency assessment period

Amendment	
31.	<p><b>Schedule 2 Title</b>                      'Referral agency's assessment period'—                      Omit, insert—                      'Referral agency assessment period'</p>
32.	<p><b>Table column title</b>                      'Referral agency's assessment period'—                      Omit, insert—                      'Referral agency assessment period'</p>
33.	<p><b>Table items</b>                      '(1)', '(2)' and '(3)'—                      renumber—                      '1.', '2.' and '3.'</p>

## Amendment of Schedule 3: Public notice requirements

Amendment	
34.	<p><b>Section numbers</b>                      '1.', '2.', '3.', '4.', '5.', '6.', '7.', '8.', '9.', '10.', '11.', '12.'—                      renumber—                      '1.', '2.', '3.', '4.', '5.', '6.', '7.', '8.', '9.', '10.', '11.', '12.'</p>
<b>Part 1 – Public notice requirements for development applications</b>	
35.	<p><b>Section 1A (specifications for public notices on the premises)</b>                      Heading '1A specifications'—                      Omit, insert—                      '1A - Specifications'</p>
36.	<p><b>Section 1A (specifications for public notices on the premises)</b>                      Item 1., after 'Figure 1'—                      Insert—</p>

	‘ ’
37.	<p><b>Section 1A (specifications for public notices on the premises)</b>                      Item 1, footnote 31—                      ‘www.dilgp.qld.gov.au’                      Omit, insert—                      ‘<a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a>’</p>
38.	<p><b>Section 1A (specifications for public notices on the premises)</b>                      Before ‘Unless stated otherwise’—                      Insert—                      ‘4.’</p>
39.	<p><b>Section 1A (specifications for public notices on the premises)</b>                      Item numbers, ‘1.’, ‘2.’ and ‘3.’—                      renumber—                      ‘1.’, ‘2.’, ‘3.’ and ‘4.’.</p>
40.	<p><b>Figure 1 - Design layout of public notices to be placed on the premises</b>                      Figure 1 image—                      Omit, insert—                      Revised figure 1 image</p>
41.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Items 1-8 in the first column throughout, before the number—                      Insert—                      ‘Section’</p>
42.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Indent the last two dot points below ‘If used, the QR code must:’</p>
43.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Item 6, Site cover, after ‘on each new line’—                      Insert—                      ‘where items are listed’</p>
44.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Item 7, For further information &amp; submissions to, after ‘on each new line’—                      Insert—                      ‘where items are listed’</p>
45.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Item 7, For further information &amp; submissions to, after ‘Line spacing of 1.2’—                      Insert—                      ‘in this section’</p>
46.	<p><b>Table 1 – Information that must be included on a public notice on the premises</b>                      Item 7, View the Application—                      ‘Use a bullet point’ character before text on each new line.’                      Omit, insert—                      ‘Use a bullet point character before text on each new line, where items are listed.’</p>
47.	<p><b>Section 1B (specifications for public notices in a newspaper and notice to owners of lots adjoining the premises)</b>                      Heading ‘1B specifications’—                      Omit, insert—                      ‘1B - Specifications’</p>
48.	<p><b>Section 1B (specifications for public notices in a newspaper and notice to owners of lots adjoining the premises)</b>                      Item numbers, ‘1.’, ‘2.’, ‘3.’ and ‘4.’—                      renumber—</p>

	'1.', '2.', '3.' and '4.'
49.	<b>Section 1B (specifications for public notices in a newspaper and notice to owners of lots adjoining the premises)</b> Section 2. after 'to be increased in size'— <i>Insert</i> — 'from the minimum requirements'
50.	<b>Figure 2 - Design layout of public notice for newspaper and to owners of lots adjoining the premises</b> Figure 2 image— <i>Omit, insert</i> — Revised figure 2 image
<b>Part 2 – Public notice requirements for change applications</b>	
51.	<b>Section 2A (specifications for public notices on the premises)</b> Heading '2A specifications'— <i>Omit, insert</i> — '2A - Specifications'
52.	<b>Section 2A (specifications for public notices on the premises)</b> Item 1, new footnote after 'in this part'— <i>Insert</i> — 'A downloadable template of this notice, including the symbols, is available on the department's website at <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> .'
53.	<b>Figure 3 - Design layout of public notice for newspaper and to owners of lots adjoining the premises</b> Figure 3 image— <i>Omit, insert</i> — Revised figure 3 image
54.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Items 1-7 in the first column throughout, before the number— <i>Insert</i> — 'Section'
55.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 1, Proposed change to approval— 'Lettering'— <i>Omit, insert</i> — 'Heading lettering'
56.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 1, Make a submission from [date] to [date]— 'Lettering'— <i>Omit, insert</i> — 'Heading lettering'
57.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 5, Existing approval, after 'information'— <i>Omit</i> — '.'
58.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 6, For further information & submissions to— 'Line spacing of 1.2.' <i>Omit, insert</i> — 'Line spacing of 1.2 in this section.' as last dot point in this section
59.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 7, Public notification requirements are in accordance with the <i>Planning Act 2016</i> — 'lettering'— <i>Omit, insert</i> —

	'Lettering'
60.	<b>Table 3 – Information that must be included on a public notice on the premises for a change application</b> Item 7, Public notification requirements are in accordance with the <i>Planning Act 2016</i> — 'Act name'— <i>Omit, insert</i> — 'Act's title'
61.	<b>Section 2B (specifications for public notice in a newspaper and notice to owners of lots adjoining the premises)</b> Item numbers, '5.', '5.', '6.' and '7.'— <i>renumber</i> — '1.', '2.', '3.' and '4.'
62.	<b>Section 2B (specifications for public notice in a newspaper and notice to owners of lots adjoining the premises)</b> Item 5(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. <i>Omit, insert</i> — '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 public notice in a newspaper and to be given to owners of lots adjoining the premises.
63.	<b>Figure 4 - Design layout of public notice for newspaper and to owners of lots adjoining the premises for a change application</b> Figure 4 image— <i>Omit, insert</i> — Revised figure 4 image
64.	<b>Amendment of footnotes 28-30</b> Footnote 28— <i>renumber as 30</i> Footnote 29— <i>renumber as 31</i> Footnote 30— <i>renumber as 32</i>

## Amendment of Schedule 4: Definitions

Amendment	
65.	Definition <i>Action notice, (a)</i> — '(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;...' <i>Omit, insert</i> — '(ii) the reasons the application is not properly made; (iii) the actions required to make the application comply with section 51 of the Act; and...'
66.	New definition after <i>Assessing authority</i> — <i>Insert</i> — <b>'Caretaker period</b> – (a) for the Brisbane City Council local government area – see schedule 2 of the <i>City of Brisbane Act 2010</i> ; or (b) otherwise – see schedule 4 of the <i>Local Government Act 2009</i> .'
67.	New definition after <i>Changed application</i> — <i>Insert</i> — <b>'Change representations</b> see schedule 2 of the Act.



68.	<p>New definition after <i>Information request</i>—  <i>Insert</i>—  <b>'Major policy decision –</b>                  (a) for the Brisbane City Council local government area – see schedule 2 of the <i>City of Brisbane Act 2010</i>; or                  (b) otherwise – see schedule 4 of the <i>Local Government Act 2009</i>.'</p>
69.	<p>Definition <i>Premises</i>—                  After 'of the Act'  <i>Insert</i>—                  '.'</p>
70.	<p>Definition <i>Responsible entity</i>, 'see schedule 2 of the Act.'  <i>Omit, insert</i>—                  ', for a change application, see schedule 2 of the Act.'</p>
71.	<p><b>Amendment of footnote 31</b>                  Footnote 31—  <i>renumber as 34</i></p>