

Minor amendment to the Development Assessment Rules

Summary of changes – September 2020

Overview

The following amendments have been made to the Development Assessment Rules (DA Rules), published 2 September 2020 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 | |
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| 1. | 'Version 1.2'— <i>Omit, insert</i> — 'Version 1.3' |
| 2. | '6 December 2019— <i>Omit, insert</i> — 'Yet to commence – Effective date to be prescribed in the Planning Regulation 2017' |
| 3. | Insert 'Queensland Treasury' on cover page |
| 4. | Cover Page <i>Omit</i> — 'Source numbers D19/273902 and D19/273929' |
| 5. | Insert of new chapter references on pages within the body of the document |

Amendment of Part 4: Public notification

| Amendment | |
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| 6. | Section 17 (Public notice requirements) Section 17.1 (a) publishing a notice at least once in a newspaper circulating generally in the locality of the premises the subject of the application; and <i>Omit, Insert</i> — (a) 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 |
| 7. | Section 17.1 (Public Notice Requirements) Section 17.1— <i>Insert</i> — '(b) giving notice to the adjoining owners of all lots adjoining the premises the subject of the application; and |
| 8. | Section 17.1 (Public notice requirements) Section 17.1 '(c) giving notice to the adjoining owners of all lots adjoining the premises the subject of the application <i>Omit, Insert</i> — |

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| | ‘(c) where there is a hard copy local newspaper for the locality of the premises the subject of the application, publishing a notice at least once in a hard copy local newspaper circulating generally in the locality of the premises the subject of the application; or’ |
| 9. | <p>Section 17.1 (Public notice requirements) Section 17.1 <i>Insert—</i> ‘(d) where there is no hard copy local newspaper for the locality of the premises the subject of the application by either—</p> <p>(i) publishing a notice at least once in an online local newspaper for the locality of the premises the subject of the application in a section of that publication that is intended for displaying notices intended for members of the public; or</p> <p>(ii) publishing a notice on the assessment manager’s website; or’</p> |
| 10. | <p>Section 17.1 (Public notice requirements) Section 17.1 <i>Insert—</i> ‘(e) publishing a notice at least once in a hard copy state newspaper.’</p> |

Amendment of Part 5: Decision

| Amendment | |
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| 11. | <p>Section 22 (Decision period - generally) Section 22.3 – <i>Omit—</i> Footnote 15.</p> |
| 12. | <p>Section 22 (Decision period - generally) Section 22.4— ‘The assessment manager’s decision period does not include any further period agreed under part 3.’ <i>Omit, insert—</i> ‘22.4 However, for section 22.3 where the number of days taken by the assessment manager to make an information request is greater than 10 days, the number of days taken by the assessment manager to make an information request is taken to be 10 days¹⁶.’</p> |

Amendment of Part 7: Miscellaneous

| Amendment | |
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| 13. | <p>Section 39 (Transitional provisions) Section 39.1 – 39.3 — <i>insert—</i> <u>39 Transitional provisions</u> 39.1 Section 39.2 and 39.3 apply to an application if at the date version 1.3 of the DA Rules takes effect, the applicant or the assessment manager acting under section 53(10) of the Act had commenced but not completed giving public notice in accordance with the requirements under section 17 of version 1.2 of the DA Rules. 39.2 Section 17 of version 1.2 of the DA Rules continues to apply to the application instead of section 17 of version 1.3 of the DA Rules. 39.3 Despite section 39.2, public notification may be undertaken in accordance with a method stated in section 17.1(c) and (d) of version 1.3 of the DA Rules may instead apply.</p> |

Amendment of Schedule 3: Public notice requirements

| Amendment | |
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| 14. | |
| 15. | <p>Schedule 3: Public notice requirements Headings Requirements for placing a public notice on the premises <i>Omit, insert—</i> General Requirements for placing a public notice on the premises.</p> |
| 16. | <p>Schedule 3: Public notice requirements Requirements for placing a public notice on the premise Item 4 '4. (b) mounted at least 300 millimetres above ground level;' <i>Omit, insert—</i> '4. (b) mounted at least 300 millimetres(mm) above ground level;'</p> |
| 17. | <p>Schedule 3: Requirements for placing a public notice in the newspaper <i>Omit,</i> 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.</p> |
| 18. | <p>Schedule 3: Requirements for giving notice to owners of lots adjoining the premises 'Requirements for giving notice to owners of lots adjoining the premises' <i>Omit, insert—</i> 'General requirements for giving notice to owners of lots adjoining the premises'</p> |
| 19. | <p>Schedule 3: Requirements for giving notice to owners of lots adjoining the premises Item 10, 11, 12 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— 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. <i>Omit, insert—</i> 8. A notice must be given to the owners of all lots adjoining the premises the subject of the application. 9. 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— 10. 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.</p> |
| 20. | <p>Schedule 3: General requirements for giving notice on the assessment manager's website <i>Insert—</i> 'General requirements for giving notice on the assessment manager's website 11. For giving notice on the assessment manager's website, the notice must: (a) be published on the assessment manager's website in a section of the website where notices published under section 17(1)(d)(ii) are published; and (b) remain on the website for the period of time up to and including the stated day. '</p> |
| 21. | <p>Section 1A (Specifications for public notices on the premises) Item 1 (b)</p> |

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| | <p>'(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.'</p> <p><i>Omit, insert—</i></p> <p>'(b) identifies the breakdown of sections as they appear in table 1, which identifies the information that is to be included and the minimum specifications.'</p> |
| 22. | <p>Section 1A (Specifications for public notices on the premises)</p> <p>Item 3</p> <p>'Font size must not fall below the minimum size specified in table 1.'</p> <p><i>Omit, insert—</i></p> <p>'Font size must be clearly legible and meet the minimum text height requirements specified in table 1.'</p> |
| 23. | <p>Section 1A (Specifications for public notices on the premises)</p> <p>Item 4</p> <p><i>Insert t—</i></p> <p>Internal border lines shown in figure 1 may be adjusted within the sign where additional space is required to fit the relevant information in each section.</p> |
| 24. | <p>Section 1A (Specifications for public notices on the premises)</p> <p>Item numbers, '4.'</p> <p><i>renumber—</i></p> <p>'4 and 5'.</p> |
| 25. | <p>Section 1A (Specifications for public notices on the premises)</p> <p><i>Insert—</i></p> <p>'Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.'</p> |
| 26. | <p>Figure 1 - Design layout of public notices to be placed on the premises</p> <p>Figure 1 image—</p> <p><i>Omit, insert—</i></p> <p>Revised figure 1 image</p> |
| 27. | <p>Figure 1 - Design layout of public notices to be placed on the premises</p> <p>Figure 1 Title —</p> <p><i>Insert—</i></p> <p>and notice given to adjoining owners</p> |
| 28. | <p>Table 1 – Information that must be included on a public notice on the premises</p> <p>Section 1</p> <p><i>Omit, insert—</i></p> <p>Revised Table 1</p> |
| 29. | <p>Section 1B (specifications for public notices in a newspaper and notice to owners of lots adjoining the premises)</p> <p>Heading 'Specifications for public notices in a newspaper and notice to owners of lots adjoining the premises.'</p> <p><i>Omit, insert—</i></p> <p>'1B – 'Specifications for notice to owners of lots adjoining the premises'</p> |
| 30. | <p>Section 1B (specifications for public notices in a newspaper and notice to owners of lots adjoining the premises)</p> <p>Figure 2 in this part—</p> <p>(a) shows the general layout for the public notice in a newspaper and to be given to owners of lots adjoining the premises; and</p> <p>(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.</p> <p>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.</p> <p>3. Font size must not fall below the minimum size specified in table 2.</p> |

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| | <p>4. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.</p> <p><i>Omit, insert,</i></p> <p>1. The notice given to adjoining owners is to be a completed copy of the public notice on the premises as required under 1A of this part, that is reproduced and rescaled to fit the majority of a single A4 page as a minimum requirement, and text must remain legible.</p> |
| 31. | <p>Section 1C Specifications for public notice in a newspaper</p> <p><i>Insert –</i></p> <p>‘1C – Specifications for public notice in a newspaper</p> <p>1. Figure 2 in this part—</p> <p>(a) shows the general layout for the public notice in a newspaper; and</p> <p>(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</p> <p>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.</p> <p>3. Font size must not fall below the minimum size specified in table 2. for hard copy newspapers.</p> <p>4. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.’</p> |
| 32. | <p>Figure 2 - Design layout of public notice for newspaper and to owners of lots adjoining the premises</p> <p>Figure 2 heading</p> <p>Design layout of public notice for newspaper and to owners of lots adjoining the premises</p> <p><i>Omit, insert—</i></p> <p>‘Design layout of public notice for newspaper’</p> |
| 33. | <p>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</p> <p>Table 2 Heading</p> <p>‘Information and specifications that must be included in a public notice in a newspaper and given to owners of lots adjoining the premises’</p> <p><i>Omit, Insert –</i></p> <p>‘Information and specifications that must be included in a public notice in a newspaper’</p> |
| 34. | <p>Section 1D - Specifications for notice on the assessment manager’s website</p> <p><i>Insert -</i></p> <p>‘1D – Specifications for notice on the assessment manager’s website</p> <p>1. The notice given on the assessment manager’s website must include, as a minimum the information requirements established under 1C of this part, however layout may vary, and text must remain legible’</p> |
| 35. | <p>Section 2A (specifications for public notices on the premises)</p> <p>Item 1 (a)</p> <p><i>Insert—</i></p> <p>‘and to be given to owners of lots adjoining the premises for a change application; and</p> |
| 36. | <p>Section 2A (specifications for public notices on the premises)</p> <p>Item 3</p> <p>‘Font size must not fall below the minimum size requirements specified in table 3.’</p> <p><i>Omit, insert -</i></p> <p>‘Font size must not fall be clearly legible and meet the minimum text height requirements specified in table 3.’</p> |
| 37. | <p>Section 2A (specifications for public notices on the premises)</p> <p>Item 4</p> <p><i>Insert -</i></p> <p>‘Internal border lines shown in figure 3 may be adjusted within the sign where additional space is required to fit the relevant information in each section.’</p> |
| 38. | <p>Section 2A (specifications for public notices on the premises)</p> <p>Item 4</p> <p><i>renumber -</i></p> |

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| | '5' |
| 39. | <p>Figure 3 - Design layout of public notice for newspaper and to owners of lots adjoining the premises</p> <p>Figure 3 image— <i>Omit, insert—</i> Revised figure 3 image</p> |
| 40. | <p>Figure 3 - Design layout of public notice for newspaper and to owners of lots adjoining the premises</p> <p>Figure 3 heading— <i>Insert—</i> 'and notice given to adjoining owners'</p> |
| 41. | <p>Table 3 – Information that must be included on a public notice on the premises for a change application</p> <p><i>Omit, insert –</i> Revised Table 3</p> |
| 42. | <p>Section 2B (specifications for public notice in a newspaper and notice to owners of lots adjoining the premises)</p> <p>Item 1, 2, 3 and 4 <i>Omit, Insert -</i> '1. The notice given to adjoining owners is to be a completed copy of the public notice on the premises as required under 2A of this part, that is reproduced and rescaled to fit the majority of a single A4 page as a minimum requirement, and text must remain legible'</p> |
| 43. | <p>Section 2C (specifications for public notice in a newspaper and notice to owners of lots adjoining the premises)</p> <p>Heading <i>Omit –</i> 'and notice to owners of lots adjoining the premises'</p> |
| 44. | <p>Section 2C (specifications for public notice in a newspaper and notice to owners of lots adjoining the premises)</p> <p><i>Insert –</i> 'Figure 4 in this part— (a) shows the general layout for the public notice in a newspaper; 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 public notice in a newspaper 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 4. for hard copy newspapers. 4. Unless stated otherwise, all sections and specifications for the public notice are mandatory minimum requirements.'</p> |
| 45. | <p>Figure 4 - Design layout of public notice for newspaper and to owners of lots adjoining the premises for a change application</p> <p>Figure 4 heading — <i>Omit —</i> 'and to owners of lots adjoining the premises'</p> |
| 46. | <p>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</p> <p>Heading <i>Omit –</i> 'and given to owners of lots adjoining the premises'</p> |
| 47. | <p>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</p> <p><i>Omit, insert –</i> Revised Table 4</p> |

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| 48. | <p>Section 2D – Specifications for notice on the assessment manager’s website</p> <p><i>Insert –</i></p> <p>‘2D – Specifications for notice on the assessment manager’s website</p> <p>1. The notice given on the assessment manager’s website must include, as a minimum the information requirements established under 2C of this part, however layout may vary, and text must remain legible’</p> |
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Amendment of Schedule 4: Definitions

| Amendment | |
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| 49. | |
| 50. | <p>New definition Local Newspaper —</p> <p><i>insert—</i></p> <p>‘Local newspaper, for a locality, means a newspaper that:</p> <p>(a) primarily publishes news in relation to the locality or a region that includes the locality;</p> <p>(b) is intended for a local or regional, rather than State-wide, readership; and</p> <p>(c) contains a section for the publication of notices intended for members of the public.</p> |
| 51. | <p>New definition State Newspaper—</p> <p><i>Insert—</i></p> <p>‘State newspaper means a newspaper that:</p> <p>(a) is published in Australia;</p> <p>(b) primarily publishes news in relation to the State; and</p> <p>(c) is intended for a State-wide readership.</p> |