



Minor amendment to the Development Assessment Rules

Summary of amendments

The following minor amendments have been made to the Development Assessment Rules (DA Rules), published 4 August 2017 and effective when prescribed by the Planning Regulation in accordance with section 69 of the *Planning Act 2016*.

Amendment of cover page

1. 'Under the *Planning Act 2016*, section 68(1)'—
Omit, insert—
'Under the *Planning Act 2016*, section 68
Version 1.1'
2. 'To be prescribed in the Planning Regulation 2017'—
Omit, insert—
'Prescribed in the Planning Regulation 2017'
3. 'Made 17 March 2017'—
Omit, insert—
'Effective as at 11 August 2017'.

Amendment of part 1, section 4 (end of part 1)

1. Section 4.1(a)—
Omit, insert—
'the assessment manager gives a confirmation notice under section 2, or section 3.4 or section 3.6 to the applicant; or'
2. Section 4.2—
Omit, insert—
'Despite section 4.1, actions taken under sections 12.3 and 21.2 are also taken to end part 1.'

Amendment of part 2, section 5 (referral of application)

Section 5.2—

Omit, insert—

'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 is given.'

Amendment of part 2, section 6 (properly referred application)

Section 6.4, 'Despite 6.3'—

Omit, insert—

'Despite section 6.3'

Amendment of part 2, footnote 5

Omit, insert—

'Not taking this action within the period prescribed will result in the application lapsing – see section 31.'



Amendment of part 2, section 9 (referral agency's assessment)

1. Section 9.2 (a), after ';'—
Insert—
'or'
2. Section 9.3, 'under section 12.3'—
Omit, insert—
'under section 12'
3. Section 9.4—
Omit, insert—
'The referral agency assessment period does not include:
(a) any further period agreed under part 3; or
(b) any time taken for an applicant to respond to the information request under section 13.'

Amendment of part 2, section 10 (end of part 2)

- 10.1(b), 'its'—
Omit, insert—
'a'

Amendment of part 3, section 11 (when part 3 does not apply)

- 11.2, 'assessing authority'—
Omit, insert—
'**assessing authority**'

Amendment of part 3, section 14 (end of the applicant's response period)

1. Section 14.1(b), '...has advised the assessing authority proceed with...'—
Omit, insert—
'...has advised the assessing authority to proceed with...'
2. Section 14.2, '...in accordance with section 13.2 within the period...'—
Omit, insert—
'...in accordance with section 13.2 and 13.3 if applicable within the period...'

Amendment of part 4, footnote 9

- Omit, insert*—
'Not taking this action within the period prescribed will result in the application lapsing – see section 31.'

Amendment of part 5, section 22 (decision period – generally)

1. Section 22.2 (a)(ii) , after ';'—
Insert—
'or'
2. Section 22.3, 'under section 12.1'—
Omit, insert—
'under section 12'

Amendment of part 5, section 23 (decision period – changed circumstances)

1. Section 23.2 (b), after ‘;’—
Insert—
‘or’
2. Section 23.3 (a), after ‘;’—
Insert—
‘or’

Amendment of part 5, footnote 14*Omit, insert—*

‘In this instance, the decision period is still the period prescribed, less any time taken by the assessment manager to make an information request, and does not include any further period agreed under part 3.’

Amendment of part 6, section 26 (effect of a change that is about a matter raised in a submission, information request or further advice)

26.2(b)—

Omit, insert—

‘if part 4 had started or ended for the original application when the change was made, public notification must be undertaken again 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.’

Amendment of part 7, section 29 (missed referral agency)

29.1—

Omit, insert—

‘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 under section 55(2) of the Act in the time provided to refer the application (a *missed referral agency*).’

Amendment of part 7, footnote 22

‘If a referral agency wishes to amend...’—

Omit, insert—

‘If a concurrence agency wishes to amend...’

Amendment of part 7, section 31 (lapsing of the application)

Section 31.3, superscript number ‘24’—

*Omit***Amendment of footnotes 25 to 32**

1. Footnote 25—
renumber as 24
2. Footnote 26—
renumber as 25
3. Footnote 27—
renumber as 26

4. Footnote 28—
renumber as 27
5. Footnote 29—
renumber as 28
6. Footnote 30—
renumber as 29
7. Footnote 31—
renumber as 30
8. Footnote 32—
renumber as 31

Amendment of part 7, section 32 (stopping a current period)

Section 32.4(b)(i), after ‘;’—

Insert—

‘and’

Amendment of part 7, section 36 (effect of the Native Title Act (Cwlth))

Section 36.1(b), after ‘;’—

Insert—

‘or’

Amendment of part 7, section 37 (publishing a notice about the decision)

Section 37.1(a)(ii), after ‘;’—

Insert—

‘or’

Amendment of schedule 1 (substantially different development)

1. Section 1, ‘...a minor change is a change that would not result in ‘substantially different development’.—

Omit, insert—

‘...a minor change is a change that would not result in ‘substantially different’ development.’

2. Section 4, ‘A change may be considered to result in a substantially different development if the proposed change...’—

Omit, insert—

‘A change may be considered to result in a substantially different development if any of the following apply to the proposed change...’

Amendment of schedule 3 (public notice requirements)

1. Part 1, table 1, sections 1–6, ‘the ‘>’ throughout—

Omit, insert—

‘a bullet point’

2. Part 1, table 1, section 4, ‘eg’—

Omit, insert—

‘e.g.’

3. Part 1, table 1, section 7, ‘The ‘>’ throughout—
Omit, insert—
‘Use a bullet point’
4. Part 2, 2A, section 1(b) ‘...for the a public notice on the premises.’
Omit, insert—
‘...for the public notice on the premises.’
5. Part 2, table 3, sections 1–6, ‘the ‘>’ throughout—
Omit, insert—
‘a bullet point’
6. Part 2, table 3, section 4, ‘eg’—
Omit, insert—
‘e.g.’

Amendment of schedule 4 (definitions)

1. Definition *Action notice*, ‘is a notice that must be given if a application:’
Omit, insert—
‘is a notice that must be given if an application:’
2. Definition *Referral confirmation notice*, ‘is a notice given by a referral agency to an application for a properly referred application...’—
Omit, insert—
‘is a notice given by a referral agency to an applicant for a properly referred application...’