



PUBLIC NOTIFICATION OF DEVELOPMENT AND CHANGE APPLICATIONS

GUIDANCE FOR DEVELOPMENT ASSESSMENT

SEPTEMBER 2021

**Department of State Development, Infrastructure,
Local Government and Planning**

Planning Group

INVESTED IN PLANNING FOR YOUR FUTURE



Public notification under the Development Assessment Rules and the *Planning Act 2016* – Version 1.2 effective September 2021

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

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Department of State Development, Infrastructure, Local Government and Planning
PO Box 15009, City East, Queensland 4002
1 William Street Brisbane Qld 4000 (Australia)
Phone: 13 QGOV (13 7468)
Email: planningcomms@dsdilgp.qld.gov.au
Web: www.planning.statedevelopment.qld.gov.au

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1.0 Introduction

1.1 About this guide

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

1.2 Publication notification

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

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

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

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

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

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

1.3 Applications involving both code and impact assessment

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

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

1.4 Notification requirements

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

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

- a) placing a notice on the premises that must remain on the premises for the period up to and including the stated day;
- b) giving notice to the owners of all lots adjoining the premises before and;
- c) in at least one of the following ways:
 - 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; or
 - where there is no hard copy local newspaper for the locality of the premises the subject of the application notice may be given either:
 - in an online local newspaper for the area; or
 - on the assessment manager's website.
 - Alternatively, notice may be published in a state-wide hard copy newspaper.

A notice placed on an assessment managers website must be published in a section of the website where notices are published, and to remain on the website for the period of time up to and including the stated day in which the stated period to make a submission.

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

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

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

1.5 Notification period

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

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

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

1.6 Starting public notification

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

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

1.7 Making a submission during public notification

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

A submission may:

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

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

A properly made submission must:

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

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

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

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

1.8 After the notification period

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

The Department of State Development, Infrastructure, Local Government and Planning has developed a standard template for applicants to help them notify the assessment manager that they have complied with the public notification requirements of the DA Rules. The template is available on the department's [website](#).

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

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

1.9 Circumstances when applications may be assessed and decided without correct notification

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

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

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

2.0 Requirements for public notification

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

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

2.1 Notices on the premises

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

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

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

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

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

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

The template for the public notices on the premises is shown in Figure 1. A copy of the template and supporting symbols is available on the department's [website](#).

2.2 Requirements for development applications

Layout of notice on land and adjoining land owners

Figure 1 shows the minimum requirements of how a notice (consistent with the template in the DA Rules) would appear. The notice is to contain the following information:

- The proposed use(s) of the land as defined in the planning scheme (if a new or changed use is proposed) or the proposed development, including an indication of the scale or density of the development (e.g. number of lots, gross floor area).
- The relevant assessment manager, contact details (contact number, contact email, postal address and, if applicable, website). The assessment manager is the relevant local government entity in which the development application is applicable to.
- The street address of the site that the application relates to, including the real property description (i.e. lot on plan).

- Types of approval sought (i.e. preliminary approval, development permit or both). Where a 'preliminary approval' is sought, as prescribed under section 53 of the Planning Act public notification requirements are specific to preliminary approvals of which include a variation request.
- The application reference number assigned by the assessment manager to which the application applies to.
- The proposed development details where the development application is applicable to the extent of the planning scheme (e.g. lot size and frontage, building height, setbacks, and site cover).
- A minimum of two proposed development images showing relevant details of the proposal (e.g. the location of the proposal and a plan of subdivision or site layout plan and elevations etc.). This diagram is intended to give the public a general indication of what is being proposed.
- Where copies of the full and up-to-date application can be viewed or obtained from.
- If applicable, include a QR Code which directly links to information about the application on the assessment manager's website (such as a direct link to the application online on an assessment managers PDOnline system or list of applications under assessment, or where an assessment manager may be publishing information about the public notification of the application on its website). The QR code must be at least 11,025mm² (105mm x 105mm) and at least 300dpi at 100%.
- The start and finish dates of the notification period.
- Where written comments may be provided to (i.e. name of the assessment manager, telephone, email and website contact details).
- Information relating to appeal rights as shown on Figure 1, 'To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.'
- Information relating to public notification requirements to be in accordance with the *Planning Act 2016*.

PROPOSED DEVELOPMENT

HAVE YOUR SAY

MULTIPLE DWELLING (6 UNITS), INDOOR SPORT & RECREATION, SHOP, THEATRE

<p>📍 1 Jill Street & 555 Kristy Street; 2789 Kate Avenue & 799 Shane-Smith Boulevard, Hollytown 4000</p> <p>📍 Lot 1 on RP12345, Lot 2 on RP22222, Lot 3 on RP64587, Lot 4 on RP55227, Lot 5 on RP56874, Lot 6 on RP34367</p> <p>🔍 Approval sought: Development permit - Material Change Use</p> <p>📄 Application reference: MCU202001249</p> <p>📅 Make a submission 23 October to 25 November 2020</p> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div> <p>📏 Lot size and frontage 750sqm lot size, 20m lot frontage</p> </div> <div> <p>🏠 Building height (5m building height, 3 storeys)</p> </div> <div> <p>📏 Setback 5m front setback, 2m side setback, 2m rear setback</p> </div> <div> <p>🌳 Site cover 70% site coverage</p> </div> </div>	 
<p>For further information and to view a copy of the application, contact:</p> <ul style="list-style-type: none"> New World City Council www.ncc.qld.gov.au (07) 2454 5678 <p>Submissions can be made to:</p> <ul style="list-style-type: none"> New World City Council 111 Holly Square, 4000, QLD mailnewworld@ncc.qld.gov.au <div style="text-align: center;">  </div> <p style="font-size: 0.7em;">To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.</p> <p style="font-size: 0.6em;">Public notification requirements in accordance with the Planning Act 2016</p>	

Figure 1 – Design layout of public notices to be placed on the premises and notice given to adjoining owners

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

Layout for notice for the newspaper

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

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

Figure 2: Design layout of public notice for newspaper

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

2.3 Requirements for change applications

Layout of notice on land and adjoining land owners

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

- The existing use(s) and the proposed use(s) of the land as defined in the planning scheme (if a new or changed use is proposed) or the proposed development, including an indication of the scale or density of the development (e.g. number of lots, gross floor area).
- The relevant assessment manager, contact details (contact number, contact email, postal address and, if applicable, website). The assessment manager is the relevant local government entity in which the development application is applicable to.
- The street address of the site that the application relates to, including the real property description (i.e. lot on plan).
- Types of approval sought (i.e. preliminary approval, development permit or both).
- The application reference number assigned by the assessment manager to the application.
- A minimum of two proposed development images showing relevant details of the proposal (e.g. the location of the proposal and a plan of subdivision or site layout plan and elevations etc.). This diagram is intended to give the public a general indication of what is being proposed.

- Where copies of the full and up-to-date application can be viewed or obtained from.
- If applicable, include a QR Code which directly links to information about the application on the assessment manager's website (such as a direct link to the application online on an assessment managers PDOnline system or list of applications under assessment, or where an assessment manager may be publishing information about the public notification of the application on its website). The QR code must be at least 11,025mm² (105mm x 105mm) and at least 300dpi at 100%. The start and finish dates of the notification period. Where written comments may be provided to (i.e. name of the assessment manager, telephone, email and website contact details).
- Information relating to appeal rights as shown on Figure 1, 'To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.'
- Information relating to public notification requirements to be in accordance with the Planning Act 2016.

PROPOSED CHANGE TO APPROVAL HAVE YOUR SAY

MULTIPLE DWELLING (4 UNITS) & SHOP

<p>📍 1 Jill Street, Tammytown 4000</p> <p>🏠 Lot 1 on RP12345</p> <p>🔍 Existing Approval: Development permit – Multiple Dwelling 6 Units</p> <p>📄 Application Reference: MCU202001333</p> <p>📅 <u>Make a Submission 23 October to 25 November 2020</u></p>	
<p>For further information and to obtain a copy of the application, contact:</p> <ul style="list-style-type: none"> • New World City Council • www.ncc.qld.gov.au • (07) 2454 5678 <p>Submissions can be made to:</p> <ul style="list-style-type: none"> • New World City Council • 111 Holly Square, 4000, QLD • mailnewworld@ncc.qld.gov.au <p><small>To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.</small></p>	

Public notification requirements in accordance with the Planning Act 2016

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

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

Layout for notice for the newspaper

Figure 4 provides an example of the template layout (consistent with the template in the DA Rules) completed with the same information used in Figure 3 for notices on land.

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

Proposed change to approval	Section 1
Make a submission from [date] to [date]	Section 2
Change proposed: [insert description of proposed change to the existing development approval]	Section 3
Where: [insert street address] On: [insert real property description] Existing approval: [insert description of existing approval that is proposed to be changed, including application reference number] Application ref: [insert change application reference]	Section 4
You may obtain a copy of the application and make a submission to: [Assessment Manager name] [Assessment Manager postal address] [Assessment Manager email] [Assessment Manager phone] [Assessment Manager web]	Section 5
Public notification requirements are in accordance with the <i>Planning Act 2016</i>	Section 6

Figure 4: Design layout of proposed change to approval.

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

Appendix: Public notice templates

A copy of the templates and the supporting symbols is available on the department's [website](#).

For development applications

PROPOSED DEVELOPMENT HAVE YOUR SAY	
[INSERT THE PROPOSED USE(S) OF THE LAND AS DEFINED IN THE PLANNING SCHEME]	
<p>📍 [Insert the street address of the site that the application relates to]</p> <p>🏠 [Insert the real property (e.g. lot on plan)]</p> <p>🔍 Approval sought: [Insert the types of approval sought (i.e. preliminary approval, development permit, and material change use)]</p> <p>📄 Application reference: [Insert application reference number i.e. MCUXXXXXXXX]</p> <p>📅 Make a submission: [Insert period start and end date]</p>	<p>[Insert proposed development image]</p>
<p>📏 Lot size and frontage [Insert minimum lot size and minimum frontage]</p> <p>🏠 Building height [Insert proposed building height in metres of storeys at upper most projection]</p> <p>📐 Setbacks [Insert proposed side, rear and front setbacks]</p> <p>📊 Site cover [Insert proposed site coverage]</p>	<p>[Insert proposed development image]</p> <p>[Insert proposed development image]</p>
<p>For further information and to view a copy of the application, contact:</p> <ul style="list-style-type: none"> • [Insert assessment manager] • [Insert assessment manager web address] • [Insert assessment manager contact number] <p>Submissions can be made to:</p> <ul style="list-style-type: none"> • [Insert assessment manager] • [Insert assessment manager postal address] • [Insert assessment manager contact email] <p>To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.</p>	<p>[Insert QR Code here if applicable]</p>
Public notification requirements are in accordance with the Planning Act 2016	

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

For change applications

PROPOSED CHANGE TO APPROVAL HAVE YOUR SAY	
[INSERT THE PROPOSED USE(S) OF THE LAND AS DEFINED IN THE PLANNING SCHEME]	
<p>📍 [Insert the street address of the site that the application relates to]</p> <p>🏠 [Insert the real property (e.g. lot on plan)]</p> <p>🔍 Existing Approval: [Insert the types of existing approval (i.e. preliminary approval, development permit, and material change use)]</p> <p>📄 Application reference: [Insert application reference number i.e. MCUXXXXXXXX]</p> <p>📅 Make a submission: [Insert period start and end date]</p>	<p>[Insert proposed development image]</p>
<p>📏 Lot size and frontage [Insert minimum lot size and minimum frontage]</p> <p>🏠 Building height [Insert proposed building height in metres of storeys at upper most projection]</p> <p>📐 Setbacks [Insert proposed side, rear and front setbacks]</p> <p>📊 Site cover [Insert proposed site coverage]</p>	<p>[Insert proposed development image]</p> <p>[Insert proposed development image]</p>
<p>For further information and to view a copy of the application, contact:</p> <ul style="list-style-type: none"> • [Insert assessment manager] • [Insert assessment manager web address] • [Insert assessment manager contact number] <p>Submissions can be made to:</p> <ul style="list-style-type: none"> • [Insert assessment manager] • [Insert assessment manager postal address] • [Insert assessment manager contact email] <p>To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.</p>	<p>[Insert QR Code here if applicable]</p>
Public notification requirements are in accordance with the Planning Act 2016	

Proposed change to approval
Make a submission from [date] to [date]
Change proposed: [insert description of proposed change to the existing development approval]
Where: [insert street address] On: [insert real property description] Existing approval: [insert description of existing approval that is proposed to be changed, including application reference number] Application ref: [insert development application reference]
You may obtain a copy of the application and make a submission to: [Assessment Manager name] [Assessment Manager postal address] [Assessment Manager email] [Assessment Manager phone] [Assessment Manager web]
Public notification requirements are in accordance with the Planning Act 2016



Department of State Development, Infrastructure, Local Government and Planning

1 William Street, Brisbane
PO Box 15009, City East, Queensland 4002
Tel: 07 3328 4811 or 13 QGOV (13 74 68)
Email: bestplanning@dsdilgp.qld.gov.au

