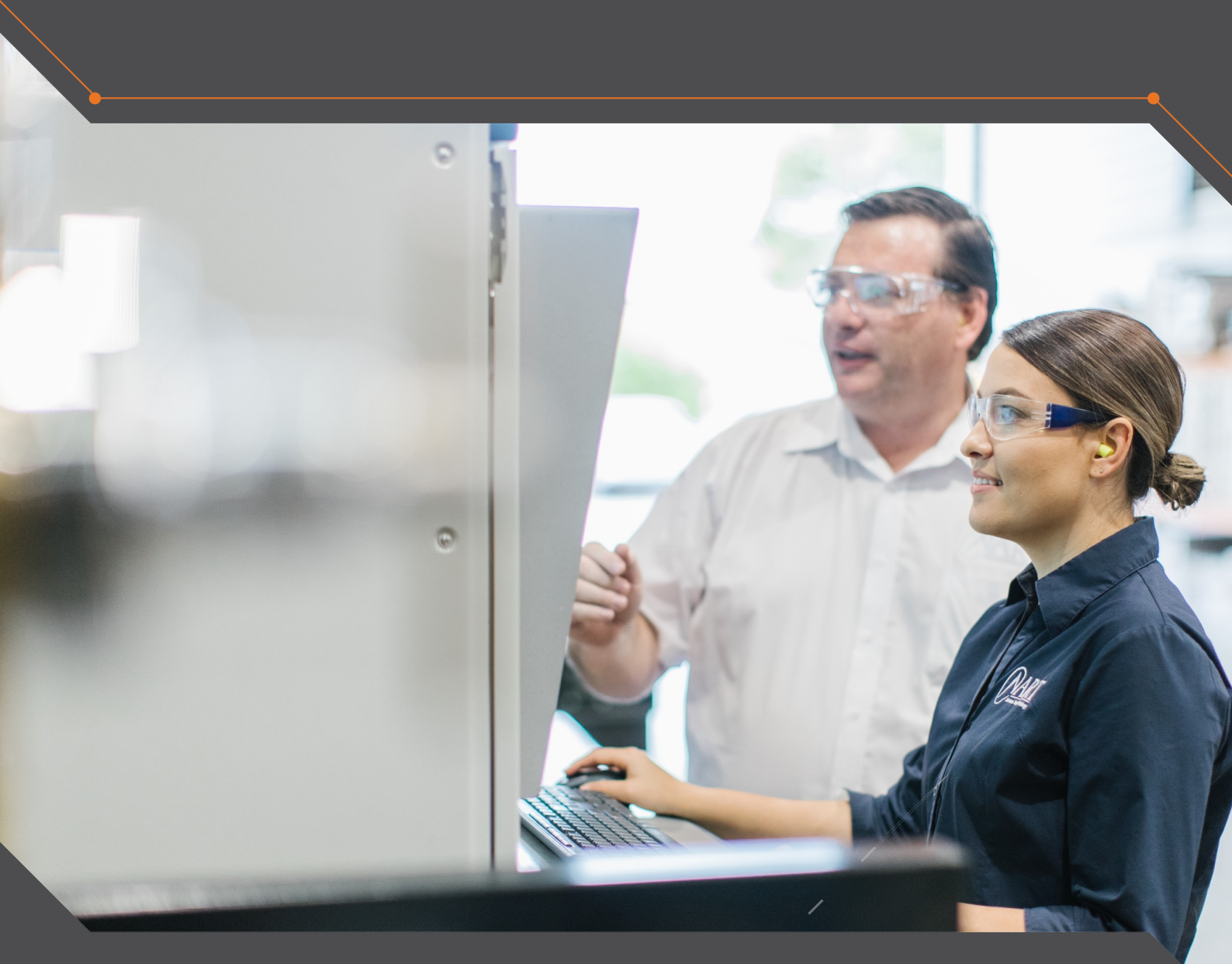


# RPI Act

## Statutory Guideline 06/14

Public notification of assessment applications



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# Public Notification

The RPI Act requires an assessment application to be publicly notified if:

- a) the proposed resource activity is in a Priority Living Area (as stated in the *Regional Planning Interests Regulation 2014* (RPI Regulation)) or
- b) the chief executive has given the applicant a requirement notice requiring the applicant to notify the application.

Notification of an application provides the opportunity for the community to express their views about a particular proposal and for the government to consider these views when deciding an application.

For some areas of regional interest under the RPI Act, in particular a Priority Living Area (PLA), the local community's views are considered essential in assessing the level of impact of the proposal on the future of the town.

## Notification of activities in a Priority Living Area

The RPI Regulation requires all assessment applications made over land in a PLA to undergo public notification.

This process ensures the assessor for the application (both the local government and the chief executive) understands the local community's views in relation to how the proposed activity will contribute to or detract from the liveability of the town and investment certainty.

## Avoiding duplication of notification

It is not the intention to repeat notification of a proposed activity where notification has been undertaken as part of another process (e.g. the EIS process under the *State Development and Public Works Organisation Act 1971* or the *Environmental Protection Act 1994*) and where that notification included detailed information of the proposed activity and its relationship to the area/s of regional interest impacted.

Section 34(3) of the RPI Act provides that an exemption from notification can be granted by the chief executive where a request is made in writing and the chief executive is satisfied that there has been sufficient notification of the activity completed under another act or law.

Generally, any previous public notification of a proposed activity or project would need to meet the following criteria to be considered sufficient public notification for the purposes of Section 34(3) of the RPI Act:

- the period between the previous public notification and the receipt of the application under the RPI Act does not exceed 12 months
- the publicly notified activity or project included the land the subject of the application made under the RPI Act
- the publicly notified activity or project detailed the surface area impacts of the activity the subject of the application made under the RPI Act
- the publicly notified activity or project provided sufficient information about matters relating to an area of regional interest. For example, existing land uses on the site and the impact of the proposed resource activity on the town.

If an applicant intends to request an exemption from notification from the chief executive, it is recommended that this request be included in the application upon lodgement and be accompanied by justification.

Where it is determined sufficient public notification has been undertaken under another process, consideration of the relevant matters raised in submissions received as part of the publicly notified activity or project would be considered by the chief executive in the decision of the application made under the RPI Act.

## Notification required by the chief executive

For applications in areas of regional interest other than a PLA, the chief executive may decide that public notification is necessary in order to properly assess the proposal.

In determining the need for public notification for other applications, the chief executive will consider the possible impacts of the activity on an area of regional interest as well as the impact/s on individual properties within the area of regional interest.

The chief executive will also consider the matters addressed under the 'Avoiding duplication of notification' section of this guideline.

If it is decided that notification is appropriate, the chief executive will issue a requirement notice under Section 44 of the RPI Act, stating the requirement to notify the application.

## Undertaking notification

If notification is required, the applicant must:

- publish a notice about the application at least once in a newspaper circulating generally in the area of the land and
- if the applicant is not the owner of the land, give the owner a notice about the application.

The notice must be in the approved form, and state the following:

- that submissions may be made to the chief executive of the Department, State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
- the day by which submissions must be received (the closing day)
- that making a submission does not give rise to a right of appeal against a decision about the application.

The approved form for notification is available on the DSDMIP website:

<https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act>

It is recommended that the notice given to the landowner also includes a copy of the application and be posted by registered mail a couple of days prior to the notice appearing in the newspaper. This is to allow sufficient time for the landowner to receive the notice prior to commencement of the notification period.

The closing day is the day after the notification period which must be at least 15 business days, calculated from the day after the day the notice is first published.

Upon completion of public notification, it is recommended that the applicant provide the chief executive with evidence of undertaking public notification in accordance with the RPI Act to ensure the assessment process progresses as soon as possible after the notification period ends.

## Making a submission

Any person may make a submission about an assessment application. A submission must:

- be made in writing
- state the name of each person who made the submission
- state an address for service for at least 1 of the persons who made the submission
- be received by the closing day for making submissions.

All submissions will be published on the department's website.

## Further information

Visit: <https://planning.dsdmip.qld.gov.au/planning/regional-planning-interests-act>

Phone: 1300 967 433

Email: [RPIAct@dsdmip.qld.gov.au](mailto:RPIAct@dsdmip.qld.gov.au)





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