



## Public Notification Fact Sheet

Public notification is required for certain development applications to ensure that the public is aware of the development and they have the opportunity to make submissions about it. A properly made submission will secure for the submitter the right to appeal to the Planning and Environment Court about the assessment manager's decision. Public notification is only required for an application that is **impact assessable**, for a changed application where public notification is required to be undertaken again, and for a preliminary approval that may affect a planning scheme.

To satisfy the requirements of Part 4 of the Development Assessment Rules and section 53 of the *Planning Act 2016*, public notification must involve each of the following:

- Publish a notice at least once in a newspaper circulating generally in the locality of the premises that is the subject of the application. It is recommended that the newspaper selected is relevant to the application in terms of its distribution and target reader.
- Place a notice on the premises that is the subject of the application that must remain on the premises for the period of time up to and including the stated day.
- Give a notice to the adjoining owners of all lots adjoining the premises that is the subject of the application.

Schedule 3 of the Development Assessment Rules provides further information on how each of these actions must be undertaken. This schedule also sets out what is taken to be an adjoining lot for the purposes of public notification.

Additional information on how to correctly complete these methods of notification, follow this link: <https://planning.dsdmip.qld.gov.au/planning/resources>

### The Notification Period

The notification period starts from the day after the last notification action is carried out. The notification period excludes any business days between (and including) 20 December and 5 January of the following year.

Notification of the application can start (s16 of Development Assessment Rules):

- Within 20 days of the day after the confirmation notice is given to the applicant, provided there are no concurrence agencies and the assessment manager states in the confirmation notice that it does not intend to make an information request; or
- If an information request has been made, the applicant has responded to all information requests and given copies of any responses to the assessment manager.
- If there are no referral agencies for the application and part 3 does not apply, public notification must start within 20 days of the day after the confirmation notice is given to the applicant.
- If the applicant has advised that it does not wish to receive an information request and it is not an application mentioned in section 11.3 of the Development Assessment Rules and there are referral agencies, public notification must start within 20 days after the day the last referral assessment period has started.
- If sections 16.1 and 16.2 of the Development Assessment Rules do not apply, public notification must start within 20 days of the day after part 3 has ended.

The notification period is a minimum of 15 business days after the day the notice is given, except if the following applies:

- for an application that includes a variation request – 30 business days after the notice is given.

### **Responsibility for Notifications**

Notification may be undertaken by either:

- the applicant; or
- Council, for a fee, if the assessment manager offers this service and the applicant provides their written agreement.

An applicant must, in accordance with section 17.2 of the Development Assessment Rules, give notice to the assessment manager of their intended start date of public notification.

The applicant must also, within 10 business days after the notification period ends, give Council written notice of compliance that the applicant has complied with the public notification requirements.

An application, to which the notification stage applies, lapses if:

- the public notification requirements are not carried out within 20 business days of when the applicant was entitled to start the notification stage (or a further period agreed to between the assessment manager and the applicant), or
- the applicant does not provide a notice of compliance under Section 18.1 of the Development Assessment Rules within 10 business days of the end of the notification period (or a further period agreed to between the assessment manager and the applicant).

If you have any further queries, please contact Council's Planning Department on 07 4671 7400.