

General Advice

Amended 1 January 2010



PUBLIC NOTIFICATION AND MAKING SUBMISSIONS ON APPLICATIONS

This brochure explains when and how public notification of development applications should occur and how you can make a submission on a development application that has been publicly notified.

For a more complete explanation of how the City Plan operates, applicants are recommended to read the following sections of the City Plan:

- Section 1—Introduction, Chapter 3—Areas and Assessment Processes
- Section 2—General Assessment Processes, Chapter 3—Areas and Assessment Processes
- Section 1—Introduction, Chapter 4—Local Plans
- Section 1—Introduction, Chapter 5—Codes and Related Provisions

Why carry out notification?

An important part of the development assessment process is encouraging the general public to participate and make submissions regarding individual development applications.

This 'notification stage' of a development application is intended to give the public an opportunity to:

- find out the details of proposals
- understand the implications
- make submissions to Council
- secure the right of appeal regarding Council's decision (for impact assessable development)

Part 1—Public notification and submissions for impact assessable development

The *Sustainable Planning Act 2009* requires that ALL impact assessable development involve public notification.

The *Sustainable Planning Act 2009* outlines the way public notification is to be carried out in a development application, how submissions on applications can be made and how they will be considered. For example, the Act explains:

For notification:

- when development applications are notified
- the notification period
- the separate parts to public notification
- the timeframe associated with these parts of notification

- the format of required public notices
- when notification should start
- who is responsible for notification
- what happens after notification

For submissions:

- when submissions can be made
- the required format and content of submissions
- where and how submissions should be lodged
- the conditions applying to submissions in relation to confidentiality
- how and when a submission can be changed or withdrawn what happens to submissions after the notification period
- the appeal rights available to submitters



- what happens to submissions after the notification period

The three parts of notification

There are three separate parts to public notification:

- publishing a notice in a newspaper circulating generally in the Brisbane City area (such as the *Courier Mail*, *Sunday Mail* or *The Australian*)

- placing a notice on the land
- giving notice to the owners of all adjoining land

All three parts require completion within 5 business days of each other. The format of this public notice has been developed by the State Government and is as shown below. For full details of the requirements for this notice refer to the *Sustainable Planning Act 2009*.

EXAMPLE OF PUBLIC NOTICE — UNDER IPA

Form 7
Integrated Planning Act 1997
Public Notice of Development Application

Planning Scheme for *(name of local government)*
Proposal *(describe the development)*
Applicant *(insert name of applicant)*
On Land at *(insert the postal address of each lot to which the application relates, or if the land does not have frontage to a named road or cannot be otherwise sufficiently identified, the property description. In any case, the postal address or property description is to be sufficient to locate the land.)*
The application can be viewed at *(insert address of assessment manager)*
Any person may, on or before *(insert last day for receipt of submissions)*
make a written submission to: *(insert postal address of the assessment manager)*

EXAMPLE OF PUBLIC NOTICE — UNDER SPA

Proposed Development
<Capital lettering must be at least 4 mm in height and in a bold style>

Have your say
<Capital lettering must be at least 3 mm in height and in a bold style>

<p>From: <small><Capital lettering must be at least 3 mm in height and in a bold style></small></p> <p>To: <small><Capital lettering must be at least 3 mm in height and in a bold style></small></p> <p>By: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>At: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>On: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>☎ <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>web: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>Approval sought: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p> <p>Application No.: <small><Capital lettering must be at least 2 mm in height and in a bold style></small></p>	<p><small><Insert the existing use of the land using the use definitions in the planning scheme (Capital lettering must be at least 3 mm in height and in a bold style)></small></p> <p><small><Insert brief description of the proposed use (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) using the definitions in the planning scheme. (Capital lettering must be at least 3 mm in height and in a bold style)></small></p> <p><small><Insert the applicant name. The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (e.g. a consultancy firm operating as the contact for the applicant) (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Street address of land to which the application relates. (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Real property description (e.g. lot on plan) (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Insert the applicant's telephone number (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Insert the applicant's web address, if any (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Insert the types of approval sought (i.e. preliminary approval, development permit or both) (Capital lettering must be at least 2 mm in height)></small></p> <p><small><Insert the application number assigned by the assessment manager to the application in question (Capital lettering must be at least 2 mm in height)></small></p>
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Comment period: <Capital lettering must be at least 2 mm in height and in a bold style> <insert the date the notification period starts (Capital lettering must be at least 2 mm in height and in a bold style)> **to** <insert the date the notification period ends (Capital lettering must be at least 2 mm in height and in a bold style)>

Written comments to the assessment manager

Assessment Manager: <Insert name of assessment manager (Capital lettering must be at least 2 mm)>

Post: <Insert the assessment manager's postal address (Capital lettering must be at least 2 mm in height)>

☎: <Insert the assessment manager's telephone (Capital lettering must be at least 2 mm in height)>

web: <Insert the assessment manager's web address (Capital lettering must be at least 2 mm in height)>

Copies of the full application can be viewed or obtained from the assessment manager
<Capital lettering must be at least 2 mm in height and in a bold style>

Public Notification Requirement
Sustainable Planning Act 2009 Form 5 v 1
<Capital lettering must be at least 2 mm in height and in a bold style>
<Queensland Government logo must be at least 9 mm in height>

When to start

The start of notification depends on whether there are any concurrence agencies and whether Council intends to make an information request. There are three alternatives:

- if there are no concurrence agencies and Council states in the Acknowledgment Notice for the development application that it has no information request, notification can commence immediately after the receipt of the Acknowledgment Notice
- notification can start after all 'information request periods' under section 276 of the *Sustainable Planning Act 2009* have passed and no concurrence agency or Council has any information requests
- notification can start after the applicant has responded to all information requests, or has been advised by Council to commence advertising

In all cases, notification must commence within 20 business days of completing the 'information and referral stage', under the *Sustainable Planning Act 2009*.

How long is the notification period?

The notification period is to be:

- 15 business days, or
- 30 business days if:
 - there are three or more concurrence agencies, or
 - all, or part of the development, is
 - assessable under a planning scheme and
 - prescribed under a regulation or
 - all or part of the development is subject of an application for preliminary approval mentioned in Section 242 of SPA

The notification period is not to include business days between 20 December and 5 January.

Any person can make a submission before or after the notification period. During the notification period, it is possible to change or withdraw a submission. After notification, it is only possible to withdraw a submission and this can only occur prior to the final decision being made.

Who is responsible for notification?

The applicant is responsible for notification of the application. There are companies that specialise in public notices for development applications (advertised in the *Yellow Pages* under 'Town & Regional Planning') if assistance is required.

What happens after notification?

After the end of the notification period, the applicant is to give Council a written notice ('notice of compliance') that all requirements have been met. The notice should be delivered or mailed to the relevant Council Assessment Manager. (To help applicants, a pro-forma notice of compliance is available from the Regional Business Centres). Council will assess the application in the 'decision stage' once it receives the compliance notice.

Council must consider all submissions received and will inform all principal submitters of its decision.

Part 2—Public notification and submissions on code assessment development

Not all code assessment development requires notification. Council has introduced a category 'code assessment—notififiable', to facilitate community input into code assessable development.

Where stated in the Code against which the proposal is to be assessed, Council will be seeking additional advice or comment from the surrounding community. This is to promote community awareness of the proposal and to assist in the decision stage of the application. This is indicated in the level of assessment tables in the *City Plan* by the term *Code Assessment—Notififiable*.

All development applications, even those that are not publicly notified, will be available for inspection by any person.

How to make a submission

Submissions are important to the planning and assessment process and they have certain requirements including:

- submissions are to be in writing and signed by every person making the submission
- submissions must include the name and address of all submitters
- Council has to receive the submission before the end of the notification period—the date of this will be stated in the public notice
- submissions must state the grounds, facts and circumstances being relied upon

Submissions should be sent to:

Brisbane City Council
GPO Box 1434
BRISBANE QLD 4001

The two parts of notification

There are two separate parts to public notification:

- place a notice on the principal road frontage of the land
- give a letter to owners of all adjoining land



The format for the sign to be posted on the land is as follows — under IPA:

PROPOSED (insert use)

It is proposed to use this site at *(insert address)* for a *(insert use)*.

Details may be inspected at Brisbane City Council, Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane.

The Council is seeking public comment under s.3.2.7 of the *Integrated Planning Act 1997*.

Comments may be lodged at any Brisbane City Council Customer Service Centre or posted to:

Brisbane City Council
GPO Box 1434
Brisbane 4001

The final date for lodging comments is *(insert date)*.

Any comments will be taken into account by Council is assessing the application. However lodging comments does not give any right to appeal against Council's decision on the application.

The format for the sign to be posted on the land is as follows — under SPA:

<h1 style="margin: 0;">Proposed Development</h1> <p style="font-size: small; color: white; margin: 0;"><(Lead heading—capital letters must be at least 75 mm in height and in a bold style)></p> <h2 style="margin: 0;">Have your say</h2> <p style="font-size: small; color: white; margin: 0;"><(Sub heading—capital letters must be at least 40 mm in height and in a bold style)></p>	
<p>From: <(Capital letters must be at least 30 mm in height and in a bold style)> <Insert the existing use of the land using the use definitions in the planning scheme. (Capital letters must be at least 40 mm in height and in a bold style)></p> <p>To: <(Capital letters must be at least 30 mm in height and in a bold style)> <Insert brief description of the proposed use (if a new or changed use is proposed) or the proposed development, including an indication of the scale or density of the development (eg. number of lots, gross floor area) using the development definitions in the planning scheme. (Capital letters must be a minimum of 40 mm in height and in a bold style)></p>	<p style="font-size: x-small; color: gray;"><Dimensions for insert image must no smaller than 250 mm x 250 mm and must be 300 DPI at 100 per cent size></p>
<p>By: <(Capital letters must be at least 25 mm in height and in a bold style)> <Insert the applicant name. The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (eg. a consultancy firm operating as the contact for the applicant). (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>At: <(Capital letters must be at least 25 mm in height and in a bold style)> <Insert the applicant's telephone number. (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>On: <(Capital letters must be at least 25 mm in height and in a bold style)> <Street address of land to which the application relates. (Capital letters must be at least 25 mm in height and of regular weight)></p>	<p>web: <Insert the applicant's web address, if any. (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>Copies of the full application can be viewed at or obtained from <(Capital letters must be at least 15 mm in height and of a bold style)> <Insert the Assessment manager's organisational name. (Capital letters must be at least 15 mm in height and of a bold style)></p>
<p>Approval sought: <(Capital letters must be at least 30 mm in height and of regular weight)> <Insert the types of approval sought (e.g. preliminary approval, development permit or both). (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>Application No.: <(Capital letters must be at least 30 mm in height and of regular weight)> <Insert the assigned application number assigned by the assessment manager to the application in question. (Capital letters must be at least 25 mm in height and of regular weight)></p>	<p>Comment period: <(Capital letters must be at least 30 mm in height and of regular weight)> <Insert the date the notification period starts. (Capital letters must be at least 25 mm in height and of regular weight)> to <Insert the date the notification period ends. (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>Public Notification Requirement Sustainable Planning Act 2009 <(Capital letters must be at least 15 mm in height and of a bold style)></p>
<p>Written comments to: <(Capital letters must be at least 25 mm in height and of regular weight)> <Insert assessment manager's phone number. (Capital letters must be at least 25 mm in height and of regular weight)></p> <p>web: <(Capital letters must be at least 25 mm in height and of regular weight)> <Insert assessment manager's website address. (Capital letters must be at least 25 mm in height and of regular weight)></p>	<p>Form 4 v1 <(Capital letters must be at least 9 mm in height and of a bold style)></p> <p style="text-align: right;"> <(Queensland Government logo must be at least 24mm in height)></p>
<p>Text in the approved form designated by the descriptor <> are instructions outlining the minimum requirements for form headings and free text. The information contained within the descriptor <> must be deleted prior to finalising the form. Where the text is also highlighted, this must be replaced by free text necessary to complete the form.</p>	

The sign is to be no smaller than 1.2m x 0.9m.

The lettering on the sign is to be:

- for the words 'PROPOSED (insert use)', at least 50mm high and in bold
- for other lettering, at least 25mm high

The following information is to be included in a letter to owners of all adjoining land — under IPA:

An application has been made by *(insert name of applicant)* to use the site at *(insert street address of proposed activities)* for a *(insert use)*.

The Council is seeking public comment under s3.2.7 of the *Integrated Planning Act 1997*. You are being notified because the City Plan requires that owners of neighbouring properties be advised of proposals to carry out a *(insert use)*.

Details of the proposal may be inspected at Brisbane City Council, Town Planning Enquiries Counter, Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane.

If you have any comments, please lodge them at any Brisbane City Council Customer Service Centre or post them to:

Brisbane City Council
GPO Box 1434
Brisbane 4001

The final date for lodging comments is *(insert date)*.

Any comments you make will be taken into account by Council in assessing the application. However, making comments does not give you any right to appeal against Council's decision on the application.

The following information is to be included in a letter to owners of all adjoining land — under SPA:

Proposed Development	
<Capital lettering must be at least 4 mm in height and in a bold style>	
Have your say	
<Capital lettering must be at least 3 mm in height and in a bold style>	
From: <Capital lettering must be at least 3 mm in height and in a bold style> To: <Capital lettering must be at least 3 mm in height and in a bold style> By: <Capital lettering must be at least 2 mm in height and in a bold style> At: <Capital lettering must be at least 2 mm in height and in a bold style> On: <Capital lettering must be at least 2 mm in height and in a bold style> ☎: <Capital lettering must be at least 2 mm in height and in a bold style> web: <Capital lettering must be at least 2 mm in height and in a bold style> Approval sought: <Capital lettering must be at least 2 mm in height and in a bold style> Application No.: <Capital lettering must be at least 2 mm in height and in a bold style>	<Insert the existing use of the land using the use definitions in the planning scheme (Capital lettering must be at least 3 mm in height and in a bold style)> <Insert brief description of the proposed use (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) using the definitions in the planning scheme. (Capital lettering must be at least 3 mm in height and in a bold style)> <Insert the applicant name. The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (e.g. a consultancy firm operating as the contact for the applicant) (Capital lettering must be at least 2 mm in height)> <Street address of land to which the application relates. (Capital lettering must be at least 2 mm in height)> <Real property description (e.g. lot on plan) (Capital lettering must be at least 2 mm in height)> <Insert the applicant's telephone number (Capital lettering must be at least 2 mm in height)> <Insert the applicant's web address, if any (Capital lettering must be at least 2 mm in height)> <Insert the types of approval sought (i.e. preliminary approval, development permit or both) (Capital lettering must be at least 2 mm in height)> <Insert the application number assigned by the assessment manager to the application in question (Capital lettering must be at least 2 mm in height)>
Comment period: <Capital lettering must be at least 2 mm in height and in a bold style> <insert the date the notification period starts (Capital lettering must be at least 2 mm in height and in a bold style)> to <insert the date the notification period ends (Capital lettering must be at least 2 mm in height and in a bold style)>	
Written comments to the assessment manager Assessment Manager: <Insert name of assessment manager (Capital lettering must be at least 2 mm)> Post: <Insert the assessment manager's postal address (Capital lettering must be at least 2 mm in height)> ☎: <Insert the assessment manager's telephone (Capital lettering must be at least 2 mm in height)> web: <Insert the assessment manager's web address (Capital lettering must be at least 2 mm in height)>	
Copies of the full application can be viewed or obtained from the assessment manager <Capital lettering must be at least 2 mm in height and in a bold style>	
Public Notification Requirement Sustainable Planning Act 2009 Form 5 v 1 <Capital lettering must be at least 2 mm in height and in a bold style> <Queensland Government logo must be at least 9 mm in height>	

How long is the notification period?

A minimum of 10 business days will be allowed between the closing date for lodging comments and the time the notice is placed on the land or the letter is given to all adjoining owners (whichever is the later). The notification period is not to include business days between 20 December and 5 January.

Any person can make a submission before or after the notification period. During the notification period it is possible to change or withdraw a submission. Afterwards however, it is only possible to withdraw a submission prior to the final decision being made.

Who is responsible for notification?

A dispensation of fees is provided where the applicant undertakes notification rather than Council. There are companies that specialise in public notices for development applications (advertised in the *Yellow Pages* under 'Town & Regional Planning') if assistance is required.

What happens after notification?

Where the applicant has carried out public notification, at the end of the notification period the applicant is to give Council a statement of compliance indicating how the public notification requirements have been complied with. The notice should be delivered or mailed to the relevant Council Assessment Manager. (To help applicants,

When to start

Public notification should commence within 5 days of lodgement of the application.

a pro-forma notice of compliance is available from the Regional Business Centres).

Council will assess the application in the 'Decision Stage' once it receives the compliance notice. Council must consider all submissions received and will inform all principal submitters of its decision. For code assessable – notifiable development, no appeal rights exist for a submitter.

Part 3—Further assistance

Council is available to assist if you would like to discuss any matter relating to development applications. You can obtain advice either by calling or meeting with us.

Telephone assistance

Council's Call Centre is available to provide advice about procedures, interpretation of the City Plan, and policies and practices affecting proposed development. You can contact the Call Centre on 3403 8888.

Regional Business Centres

Council has five Regional Business Centres providing assistance with development and regulatory matters. They can help with:

- checking City Plan Area classifications
- names and addresses of adjoining owners
- lodgement fees
- PlanFlag Reports and City Plan CD–Rom information, a useful way to identify the relevant planning provisions applying to a particular site. PlanFlag Reports are also available to BIMAP subscribers

Regional Business Centres are located at:

- Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane
- North Regional Business Centre, 960 Gympie Road, Cherside
- South Regional Business Centre, Sunnybank Hills Shoppingtown, 661 Compton Road, Sunnybank Hills
- East Regional Business Centre, 2 Millennium Boulevard, Carindale
- West Regional Business Centre, 70 Station Road, Indooroopilly

Self help area

The Library and Customer Centre, Level 1 North Quay Podium, Brisbane Square, 266 George Street, Brisbane has an area available to the public to view the City Plan and Planning Scheme Maps.

Pre-lodgement meeting

Pre-lodgement meetings are useful for identifying issues that applicants need to address in making development applications and ensures applicants are on the 'right track'. To arrange a pre-lodgement meeting, contact the Call Centre on 3403 8888 or collect a Pre-lodgement Meeting Request Form and an information sheet on this service from a Regional Business Centre.

Some terms used in the *Sustainable Planning Act 2009*

The *Sustainable Planning Act 2009* uses terms that have special meaning. Some of the more important terms are:

"principal submitter" for properly made submissions about a development application means—

- a) if a submission is made by 1 person, the person; or
- b) if a submission is made by more than 1 person, the person identified as the principal submitter or if no person is identified as the principal submitter the submitter whose name first appears on the submission.

"concurrency agency" for a development application, means an entity prescribed under a regulation as a concurrency agency for the application, or if the functions of the entity in relation to the application have been devolved or delegated to another entity, the other entity.

