

DEVELOPMENT ASSESSMENT IN QUEENSLAND

All development applications go through a standard assessment process to make sure they are assessed equitably. This ensures all development applications are assessed with the right information, by the right people, and follow the same process.

The Development Assessment Rules (or DA Rules) set out this assessment process for all parties involved, the applicant, assessment manager and any referral agency. Information about DA Rules can be found on the department [website](#).

There are five key parts to the formal DA process – application, referral, information request, public notification, and decision.

Not all steps in the DA process will apply to all development applications. The process will vary depending on the type of development application. Pre-lodgement and appealing a decision sit outside the formal process within the DA Rules.

Each part of the DA process is summarised on the right.

DA RULES STEPS



Pre-lodgement

While voluntary it is advisable to contact the assessment manager and any referral agencies that may be involved in the process prior to lodging to identify potential issues or additional information requirements



Part 1 Application

When preparing and lodging a development application the applicant must meet certain criteria to ensure it is properly made



Part 2 Referral

In some circumstances a development application may require additional assessment. In this case, the application is considered by a referral agency



Part 3 Information request

The assessment manager and any referral agency have the opportunity to ask the applicant for more information



Part 4 Public notification

During the public notification period, the community can make submissions about a development application to the assessment manager, who will consider these when making their decision



Part 5 Decision

The assessment manager makes their decision on the development application to either approve, approve in part, approve with conditions or refuse



Appealing a decision

After a development application has been decided, the Planning Act specifies certain instances where the applicant or another party can appeal the decision

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The DA Process in parts

Pre-lodgement

While pre-lodgement is not part of the formal development assessment (DA) process, it can create a smoother development application process, especially for more complex development applications. It can be a good idea to contact the assessment manager, and any referral agencies that may be involved, before lodging a development application. This will identify any potential issues or additional information requirements.

The relevant local government is often the assessment manager. Most local governments will offer pre-lodgement advice or services for applicants. Contact your local government office to find out pre-lodgement services they offer and if they charge a fee.

If a state or regional interest is involved in the proposed development, the assessment manager may be the state government. The State Assessment and Referral Agency (SARA) is the assessment manager in this instance. Alternatively, SARA may be a referral agency for the development application while the local government is the assessment manager.

Part 1: Application

When preparing a development application, the applicant must meet certain criteria to ensure the development application is a 'properly made application'. These criteria relate to:

- > using the correct form
- > supplying the right information
- > obtaining consent of the owner
- > paying the fees.

The state government sets out the minimum required information in the [development assessment forms](#). The DA forms are maintained by the state government for use by applicants.

When preparing a development application, if critical information is missing, the applicant will be asked to provide this information before the

assessment begins. The assessment manager may issue an action notice to resolve any 'not properly made' aspects of the development application.

The development application assessment process begins once the development application has been properly made.

If the development application is impact assessable, the assessment manager will send a confirmation notice to the applicant confirming the development application requires public notification or referral. For code assessable development applications, the assessment manager is not required to send a confirmation notice, but may choose to do so.

Depending on where the applicant submits the development application, they may be able to prepare and lodge an electronic development application directly with the local government via their website. If the applicant is lodging the development application with SARA as the assessment manager or a referral agency, the state's electronic lodgement system [MyDAS2](#) can be used.

Part 2: Referral

Sometimes a development application may require additional assessment. In these cases, the development application is considered by a referral agency. The referral agency is generally a state government department (e.g. SARA) or authority. This enables state government departments, who have specific state interests, to determine the potential impact of the proposal on these state interests. The [Planning Regulation 2017](#) sets out when referral agencies are required.

The [DA Rules](#) establish the process and requirements for how a referral agency receives, assesses and gives their response about a development application.

All responses given by a referral agency must be considered by the assessment manager in making their decision. There are two types of referral agencies:

- > concurrence agencies
- > advice agencies.

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Concurrence agencies can direct assessment managers to take certain action, either to impose conditions or to approve or refuse the development. Other referral agencies may just provide advice, such as recommending conditions.

When SARA is the referral agency, applicants are encouraged to use [MyDAS2](#) to refer the development application. SARA assesses development applications against the [State Development Assessment Provisions \(SDAP\)](#).

Part 3: Information request

During the development assessment process, the assessment manager and any referral agency may ask the applicant for more information. This will only occur if it is regarded as helpful for assessing the development application.

The [DA Rules](#) outlines the timeframes around when the assessment manager may request further information. The applicant has three months to respond to the information request; however, this time may be extended by agreement.

Applicants who are confident that they have included all the necessary information with their development application may inform the assessment manager, via the DA form during lodgement, that they do not wish to receive an information request.

Part 4: Public notification

Public notification is required for certain development applications to help the community better understand development proposals in their local area and provide them the opportunity to make a submission about it.

Public notification is not a part of every development assessment process. It needs to be undertaken for impact assessable development applications and those development applications that include a variation request.

During the public notification period, the community can make submissions about a development application to the assessment manager, who will consider these when making their decision. The submissions must be 'properly

made', which means they must be in writing, on topic, signed and submitted by the due date. More information is available on [having your say on a development application](#).

Submitters who make a 'properly made submission' for an impact assessable and other change applications can appeal the decision in the Planning and Environment Court.

The applicant is responsible for undertaking the public notification requirements. The public notification requirements include:

- › placing a public notice on the premises – a sign is erected on the premises for the duration of the public notification period. It includes information about what is being proposed, specifications and pictures or diagrams of the proposed development;
- › giving notice to owners of lots adjoining the premises – a rescaled version of the sign is reproduced to fill the majority of an A4 page. It includes information about what is being proposed, specifications and pictures or diagrams of the proposed development.
- › public notice published in a newspaper – the notice is published in at least one hard copy newspaper circulating locally of the premises the subject of the development application. If there is no hard copy local newspaper circulating in the locality, notice may be given either in an online local newspaper for the area, on the assessment manager's website (if available) or a state-wide hard copy newspaper.

The [DA Rules](#) outline the time of when public notification starts and finishes and the public notice requirements including the size and content of the sign and notices. The state government maintains and provides public notification templates for the public notice on the premises and in the newspaper.

Part 5: Decision

The [DA Rules](#) establish how long an assessment manager has to make the decision. Any referral agency responses will inform the assessment manager's decision and 'properly made

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submissions' received during public notification may also be considered. The assessment manager must consider the development application and decide to:

- › approve
- › approve in part
- › approve with conditions, or
- › refuse.

The assessment manager notifies the applicant of the outcome in a decision notice.

- › If approved, the decision notice sets out the terms of the decision, appeal rights and conditions.
- › In the case of a refusal, the reasons for the refusal are set out.

Anyone who has made a 'properly made submission' also receives a copy of the decision notice.

Development approvals generally specify the currency period which vary between two and six years for the different types of development.

As the assessment manager, the local government or the state government must publish the reasons for their decision. Assessment managers are not obliged to publish the reasons for their decision for operational works (e.g. earthworks) and some building works, although they can choose to do so.

Publicising the reasons for decisions helps the community understand why decisions were made. Where the assessment manager is the local government, you are encouraged to visit the relevant local government's website to view the reasons for decision. Where the state government was the assessment manager see the [SARA application material](#) or [SARA archived decisions](#) for this information.



Appealing a decision

After a development application has been decided, the [Planning Act 2016](#) (Planning Act) specifies certain instances where the applicant or another party can appeal the decision. This includes anyone who made a 'properly made submission' during the public notification period.

Appeals are lodged with the Planning and Environment Court. Visit the [Court website](#) for further information regarding lodging an appeal.

Changing or extending development approvals

An applicant can change an existing development approval or extend the timeframe of a development approval at any time prior to the development approval lapsing.

Changing during the applicant's appeal period

During the applicant's appeal period, the Planning Act provides for the applicant to make [change representations](#) to the assessment manager about changing the development approval. This is done through a negotiation process between the assessment manager and the applicant. If the assessment manager agrees with any of the matters proposed to be changed, it must give a negotiated decision notice. Sections 74 to 76 of the Planning Act set out when and how change representations may be made, considered and decided.

Changing after the applicant's appeal period

If an applicant wishes to change an existing development approval after the appeal period has ended, it will be either a 'minor change' or 'other change'. A change to an existing development approval is a 'minor change', if the proposed change does not result in changes to the original approval that are more significant and substantially different to the original development application that was assessed and approved. A minor change application does not require public notification and is a relatively streamlined process detailed in section 81 of the Planning Act.

If a change is not a 'minor change' it will be 'other change'. Other change applications follow the DA Rules assessment process, including the timeframes and may also require public notification.

Extending an approval

The currency period (i.e. the length of time the applicant has to start the development) may be extended at any time prior to the development approval lapsing. The process to extend the currency period is detailed in section 86 and 87 of the Planning Act.

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