

Fact Sheet

An overview of how the Minister's extension notice under the Planning Act 2016 that took effect on 6 May 2022 applies to accepting, assessing and deciding development applications in the Gympie Regional Council local government area

The Rainfall and Flood Applicable Event 1/2022 was declared on 1 April 2022 and took effect on 4 April 2022. During this applicable event, on 6 May 2022, the Minister for Planning published an extension notice providing additional time for certain actions in the development assessment process prescribed by the Development Assessment Rules (DA Rules), to assist local government and other assessing authorities to respond to the impacts of rainfall and flood event on their operations.

Which assessment timeframes receive the extension?

The extension notice extended the periods stated in the notice by **10 business days (b.d.)**. The periods stated in the notice include:

- » Confirmation Period (section 1.2 of the DA Rules)
- » Referral Agency Assessment Period (section 9.2 and schedule 2 of the DA Rules)
- » Decision Period (section 22.1 of the DA Rules)

Where does the extension apply?

The extension notice will only apply to development applications within the Gympie Regional Council local government area – identified as a flood disaster-activated local government area.

When does the extension apply?

The extension notice will apply from the day the notice is published on the department's website until **30 June 2022** (unless revoked earlier).

This means that for development applications within the applicable event area, assessing authorities will have an additional 10 b.d. for each period stated in the notice (i.e. the confirmation period, referral assessment period and the decision period) where that period is active during window of time where the extension notices applies. Depending on the status of the application in the assessment process, an extension may apply to multiple periods stated in the notice.

The 10 b.d. extension will apply where the stated period:

- was underway but had not ended on the day the extension notice took effect (e.g. confirmation period was underway on 6 May 2022); or
- commences during the effective period of the notice (i.e. from 6 May 2022, or between 6 May 2022 and 30 June 2022 inclusive). Examples of how the extension may apply are provided below.

For example:

- Where a decision period started on 15 March and would have ordinarily ended on 9 May 2022, it would now end on 23 May 2022.
- Where a decision period starts on 16 May 2022 and would have ordinarily ended on 4 July 2022, it would now end on 18 July 2022.

- Where a decision period would have originally ended on 18 February 2022 but had been extended by agreement under the DA Rules (before 6 May 2022) until 19 May 2022, the decision period would now end on 2 June 2022¹.
- Where a development application is lodged with the assessment manager on 26 April 2022 and the confirmation period would ordinarily end on 11 May 2022, the confirmation period would now end on 25 May 2022.
- Where both the confirmation period and decision period are active for a development application between 6 May 2022 and 30 June 2022 the extension will apply to both periods (e.g. if the application were in the confirmation period at the commencement of the extension of time notice, the confirmation period would be extended by 10 b.d. If that application, then moved into the decision period before the end of the effective period of the extension of time notice (i.e. before 30 June 2022) then the decision period would also be extended by 10 b.d.).

When the extension does not apply

An extension would not apply to a confirmation period, referral agency assessment period or decision period timeframe that would have not ordinarily occurred within the applicable event extension notice period.

Some examples of when the extension notice does not apply include:

- Where a stated period ended prior to the extension of time notice taking effect (e.g. where the confirmation period was due to end 12 March 2022, the extension to the timeframe would not apply).
- Where a stated period does not start during the effective period of the extension notice (e.g. where the decision period starts on 4 July 2022, the extension to the timeframe would not apply)
- Where only other parts of the process are active during the effective period of the extension notice (e.g. where only the information request period and information response periods occur from 6 May 2022 – 30 June 2022).
- Time in addition to any further agreed period that was agreed after 6 May 2022 – (e.g. where decision period had been extended by agreement on 12 April 2022 extending the period until 2 September 2022, the end date of the period remains unchanged as 2 September 2022).

Example Scenarios



Copy of Applicable Event Extension Notice

EXTENSION NOTICE MADE UNDER THE *PLANNING ACT 2016*

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, Minister Assisting the Premier on Olympics, notify under section 275R of the *Planning Act 2016* (Planning Act), that I extend by a period of 10 business days:

1. the confirmation period under part 1, section 1.2 of the Development Assessment Rules version 1.3 made under the Planning Act (DA Rules);
2. the referral agency assessment period under part 2, section 9.2 and schedule 2 of the DA Rules
3. the decision period under part 5, section 22.1 of the DA Rules.

This notice applies to the Gympie Regional Council local government area and has effect from 6 May 2022 to 30 June 2022.



STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development,
Infrastructure, Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

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