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Community, Planning & Environment

5 September 2019

Frank Eyndhoven, Compliance Officer Planning
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File Ref: MCU19/0015
Our Ref: franke
Your Ref:

Higham Building
PO Box 582
ATHERTON QLD 4883

info@highambuilding.com.au

Dear Sir/Madam

Confirmation Notice *Planning Act 2016*

Council acknowledges receipt of your application, which was properly made on 4 September 2019.

This Confirmation Notice has been prepared in accordance with the Development Assessment Rules and contains information relevant to the processing and assessment of the application. The following details are confirmed:

APPLICATION DETAILS

| | |
|----------------------------|---------------------------------------|
| Application No: | MCU19/0015 |
| Proposal: | Code – Warehouse capped 3000sqm GFA |
| Street Address: | 17-27 Irvine Street KAIRI QLD 4872 |
| Real Property Description: | Lot 6 SP 104570 |
| Planning Scheme: | Tablelands Regional Council 2016 (v3) |

TYPE OF DEVELOPMENT

The application seeks development approval for: Warehouse capped 3000sqm GFA.

SUPERSEDED PLANNING SCHEME

Is the application for development under the Superseded Planning Scheme? No

CODE ASSESSMENT

Will Code Assessment be required? Yes

PUBLIC NOTIFICATION DETAILS

Is Public Notification Required? No

INFORMATION REQUEST

Has the applicant advised on the approved form that the applicant does not agree to accept an Information Request? No

Council requires the following further information to satisfactorily assess the proposal.

| | |
|---|---|
| 1 | <p>As per Part 8 of DA Form 1 (Question 24 Development application checklist) a planning report is required addressing the relevant codes and assessment benchmarks. The applicable Codes are:</p> <p>Industry zone Code Landscaping Code Parking and Access Code Works, services and infrastructure Code, and Industrial activities use Code</p> |
|---|---|

End of Information Request

Under the provisions of the *Development Assessment Rules 2017*, you have three options available in response to this Information Request. You may give the assessment manager (in this instance Council):

- (a) all of the information requested; **or**
- (b) part of the information requested; **or**
- (c) a notice that none of the information will be provided.

For any response given in accordance with items (b) and (c) above, you may also advise Council that it must proceed with its assessment of the development application.

Please be aware that under the *Development Assessment Rules 2017*, the applicant is to respond to any Information Request within **3 months** of the request. If you do not respond to the Information Request within this time period, or, within a further period agreed between the applicant and Council, it will be taken that you have decided not to provide a response. In the event of no response being received, Council will continue with the assessment of the application without the information requested.

Council prefers that all of the information requested be submitted as one package. If any additional matters arise as a result of the information submitted, or, as a result of public notification (where applicable), you will be advised accordingly.

Should any referral agency make an information request, you are reminded of your obligation to provide council with a copy of the information response provided to that referral agency.

Assessment Officer

The contact details of the assessment officer for your application are provided below. Your primary point of contact for any general enquires regarding this application is:

Compliance Officer Planning Frank Eyndhoven 07 4089 2258

Should you have any further queries in relation to the above, please do not hesitate to contact the above-mentioned assessment officer.

Yours faithfully

**FRANK EYNDHOVEN
 COMPLIANCE OFFICER PLANNING**

Explanatory Note - Public Notification Procedures

PLANNING ACT 2016 & Development Assessment Rules

1. INTRODUCTION

The purpose of this Explanatory Note is to provide guidance to applicants on the public notification requirements under Section 53 of the *Planning Act 2016* (the Act) and under the Development Assessment Rules (the Rules). The Act and the Rules, set out the requirements for the giving of public notice. These guidelines quote much of the material contained within the Act and the Rules.

If there is doubt about a particular public notification aspect, the applicant should refer to the Act and the Rules or have the public notice procedures undertaken by a consultant who is familiar with the public notice requirements.

Whilst every care has been taken in preparation of this explanatory note, ultimately it is the applicant's responsibility to ensure that the procedures are correctly followed. Council will not accept any responsibility for incorrect giving of public notice.

2. OVERVIEW OF PUBLIC NOTIFICATION PROCEDURES

There are three distinct tasks to be undertaken when carrying out public notice:

1. Publishing a notice in a local newspaper.
2. Placing a notice (or notices) on the premises.
3. Giving notice to adjoining landowners.

After the notification period has ended, the applicant must give the assessment manager a notice of compliance in accordance with Part 4 of the Rules.

One key aspect to note is that an application **automatically lapses** if public notification does not start within 20 business days of the completion of the relevant preceding part. Furthermore, the application also **automatically lapses** if applicant does not give the assessment manager the notice of compliance within 10 business days from the day after the last day on which a submission may be made.

3. WHEN THE PUBLIC NOTIFICATION PART STARTS

Part 4 of the Rules states when the public notification part starts. The following is an extract from Part 4.

16. When this part starts

16.1. *If there are no referral agencies for the application and part 3 does not apply because:*

- (a) *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; or*
- (b) *the assessment manager states in the confirmation notice that it does not intend to make an information request; public notification must start within 20 days of the day after the confirmation notice is given to the applicant.*

16.2. *If—*

- (a) *the applicant has advised that it does not wish to receive an information request; and*
- (b) *it is not an application mentioned in section 11.3; and*
- (c) *there are referral agencies; public notification must start within 20 days after the day the last referral assessment period for any referral agency has started.*

16.3. *If sections 16.1 and 16.2 do not apply, public notification must start within 20 days of the day after part 3 has ended.*

16.4. *For a changed application, where public notification is required to be undertaken again from its beginning, public notification must commence within 20 days—*

- (a) *if both part 2 and part 4 are relevant to the application as a result of the changed application, the day after part 3 has ended;*
- (b) *otherwise, the day after the day notice is given under section 26.2(a) or 26.2(c).*

4. WHAT IS PUBLIC NOTICE?

The following is extracted from Part 4 of the Rules.

17. Public notice requirements

17.1. *The applicant, or the assessment manager acting under section 53(10) of the Act, must give public notice by—*

- (a) *publishing a notice at least once in a newspaper circulating generally in the locality of the premises the subject of the application; and*
- (b) *placing notice on the premises the subject of the application that must remain on the premises for the period of time up to and including the stated day; and*
- (c) *giving notice to the adjoining owners of all lots adjoining the premises the subject of the application.*

17.2. *The applicant must give notice to the assessment manager of the intended start date of public notification.*

17.3. *Schedule 3 prescribes the way in which public notice must be given.*

17.4. *All public notice requirements under section 17.1 and 17.2 must be undertaken within the period prescribed under section 16.*

18. Notice of compliance

18.1. *If the applicant gives public notice, it must, within 10 days from the day after the last day on which a submission may be made, or a further period agreed between the applicant and the assessment manager, give the assessment manager notice of compliance with the public notice requirements.*

5. PUBLIC NOTIFICATION PERIOD

Section 53 of the Act states the required public notification period. The following is an extract from Section 53.

53(4) *The notice must state that—*

- (a) *a person may make a submission about the application to the assessment manager; and*
- (b) *any submission must be made by a stated day that is at least—*
 - (i) *for an application that includes a variation request—30 business days after the notice is given; or*
 - (ii) *for an application of a type prescribed by regulation—the period, of more than 15 business days after the notice is given, prescribed for the application; or*
 - (iii) *for any other application—15 business days after the notice is given.*

53(5) *However, if the development assessment rules require the notice to be given in more than 1 way, the period mentioned in subsection (4)(b) starts on the day after the day when the last notice is given.*

Please ensure that all public notices that are published in the newspaper, placed on the land, and given to adjoining land owners clearly state that:

- (a) **written submissions may be made electronically; and**
- (b) **electronic submissions are to be sent to info@trc.qld.gov.au**
- (c) **all submissions, including individual submitter's particulars, will be published on Council's website (PD Online) and therefore will be accessible to internet search engines.**