



Guide on public notification of certain development applications

Approved form for public notices under the *Sustainable Planning Act 2009*

General information on public notification processes and how public notices on land, in newspapers and provided to adjoining landholders are required to look.

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Looking forward and delivering now—integrated planning, strong local government and development for a growing state.

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About this publication

The *Sustainable Planning Act 2009* (SPA) requires certain development applications to be publicly notified by publishing a notice in a newspaper, placing a notice on land and giving notice to adjoining owners in the approved form. This document provides guidance information on public notification requirements and includes (in Appendix 1 and Appendix 2) copies of the approved form for notices under Sections 297(1) and 748(1) of SPA.

Public notification

The purpose of public notification is to inform the community and relevant stakeholders of the proposal and to give them the opportunity to make submissions that must be taken into account before the development application is decided. A properly made submission secures the right of a submitter to appeal to the Planning and Environment Court about the decision if they disagree with part or all of the assessment manager's decision.

As part of the integrated development assessment system (IDAS), development applications are required to be publicly notified under Chapter 6, Part 4 of SPA (IDAS notifications) if either of the following applies:

- any part of the application requires impact assessment
- the application is an application to which Section 242 of SPA applies.

Also, notification is required for certain aquaculture developments in the Great Barrier Reef Marine Park (see Section 744 of SPA for details) under Chapter 9, Part 7 of SPA (**GBRMP notifications**). This notification process includes public notification requirements and extended appeal rights equivalent to the sum of the requirements previously imposed under state and Commonwealth law. These provisions reflect an agreement between the state and Commonwealth governments and stakeholders necessary to enable accreditation of the assessment process under Queensland law pursuant to Regulation 5 of the Great Barrier Reef Marine Park (Aquaculture) Regulation 2000 (Cwlth) (GBRMP regulation). The notification provisions under Chapter 9, Part 7 (GBRMP notifications) replace those of Chapter 6, Part 4 (IDAS notifications) for these types of development applications.

Applications involving both code and impact assessment

If an application comprises a code assessable component and an impact assessable component, the whole development proposal must be publicly notified.

This allows potential submitters to make an informed comment on the whole proposal and puts the assessment manager in a better position to gauge public opinion, as well as other relevant considerations. However, a right of appeal will relate only to the impact assessable component.



Notification actions

The SPA requires that the following public notification actions (under Section 297(1) or 746(1), whichever is relevant) be carried out:

- Publish a notice at least once in a newspaper circulating generally in the locality of the land that is the subject of the application.
- Place a notice on the land that is the subject of the application in the way prescribed under the Sustainable Planning Regulation 2009 (SPR) for all of the notification period. The notice must be maintained from the day it is placed on the land until the end of the notification period.
- Give a notice to the owners of all land adjoining the land that is the subject of the application.

These notification actions must be completed within five business days after the first action is carried out and within 20 business days after the applicant was entitled to start the notification stage of the IDAS¹.

The notification period

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

IDAS notifications

Notification of the application can start when:

- the acknowledgement notice is given to the applicant, provided there are no concurrence agencies and the assessment manager states in the acknowledgment notice that it does not intend to make an information request; or
- the last information request period ends (if no information requests have been made during the last information request period); 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.

The notification period is a minimum of 15 business days except where any of the following apply to the application, in which case a 30 business day notification period applies:

- there are three or more concurrence agencies²
- all or part of the development is:
 - assessable under a planning scheme and
 - prescribed under the SPR
- all or part of the development is the subject of an application for a preliminary approval mentioned in Section 242 of SPA.

GBRMP notifications

If no information requests have been made during the last information request period, notification can start as soon as the last information request period ends.

¹ More information on IDAS and its stages can be found in *Your guide to the Sustainable Planning Act 2009* at the Department of Local Government and Planning website www.dlgp.qld.gov.au

² Concurrence agency is defined in Section 251 of SPA.



If an information request has been made during the information request period, notification can start as soon as the applicant gives copies of all information request responses to the assessment manager and the chief executives of the Department of Employment, Economic Development and Innovation; and the Department of Environment and Resource Management (the prescribed concurrence agencies for the application).

The notification period is a minimum of 30 business days.

Making a submission during the notification stage

A submission is a written comment about a development application made by any interested member of the community (i.e. person, group or organisation) to the assessment manager about a development application.

A submission may:

- object to all or part of the development and/or
- support all or part of the application.

A properly made submission is a submission that (Schedule 3 of SPA):

- is in writing and signed by each person who made the submission; or is made electronically
- is received during the notification period
- states the name and residential or business address of each person who made the submission
- states the grounds of the submission and the facts and circumstances relied on in support of the grounds
- is made to the assessment manager.

A person who makes a properly made submission about an application is called a *submitter*. By making a properly made submission about an application requiring public notification, a submitter gains the right to appeal to the Planning and Environment Court about any decision made by the assessment manager relating to the impact assessable component of the application, including the imposition of any conditions.

If an application requires both code and impact assessment, a submission may be made in relation to both the impact assessable components and the code assessable components. However, a submitter can only appeal to the Planning and Environment Court in respect to the impact assessable component.

If the notification stage is repeated for any reason, properly made submissions made under the first notification period are taken into account during the later notification period (Section 306 of SPA).

Acceptance of electronic submissions

The SPA enables an assessment manager to accept submissions made electronically (e.g. by email) (Section 756 of SPA). Where an assessment manager advises the applicant (e.g. through the acknowledgement notice or other form of communication) that they are willing to accept electronic submissions to a particular email address, that email address is to be included in each public notice on the land, in the newspaper notice and in the notice sent to each adjoining land owner.



GBRMP notifications—additional appeal rights

Section 463 of SPA provides an additional right of appeal to the Planning and Environment Court for a submitter to *either impact assessable or code assessable* GBRMP aquaculture development under Chapter 9, Part 7 of SPA. However, the applicant's right to appeal is confined to the concurrence agency's response of:

- the chief executive administering the *Environmental Protection Act 1994* (Department of Environment and Resource Management) if the development is for an aquaculture environmentally relevant activity (ERA)
- the chief executive administering the *Fisheries Act 1994* (Department of Employment, Economic Development and Innovation) if the development is for making a material change of use of premises for aquaculture or operational works that is marine plant disturbance.

Responsibility for notifications

Notification may be undertaken by either:

- the applicant or
- the assessment manager, if the assessment manager offers this service and the applicant provides their written agreement.

Applicant to notify assessment manager of particular matters—IDAS notifications

An applicant must, within five business days of carrying out the last of the actions mentioned in Section 297(1) of SPA, give the assessment manager written notice of the date the last of the actions was carried out (Section 300 of SPA). This enables the assessment manager to remain informed of the progress of the application and to calculate when the notification period commenced and when it will end.

The Department of Local Government and Planning has developed a standard template for applicants to notify the assessment manager of the commencement of the notification period. The template is available on the department's website at www.dlqp.qld.gov.au.

Notice of compliance—IDAS notifications

The applicant must, within 20 business days of the end of the notification period, give the assessment manager written notice that they have complied with the requirements of Chapter 6, Part 4, Division 2 of SPA (Section 301 of SPA).

The Department of Local Government and Planning has developed a standard template for applicants to assist in notifying the assessment manager that they have complied with the public notification requirements of SPA. The template is available on the department's website at www.dlqp.qld.gov.au.

Notice of compliance—GBRMP notifications

After the notification period has ended, the applicant must give the prescribed concurrence agencies written notice that the applicant has complied with the requirements of Chapter 9, Part 7, Division 2 of SPA (Section 749 of SPA).

The applicant must also give the assessment manager written notice that the applicant has complied with the requirements of Chapter 9, Part 7, Division 2 and that the



prescribed concurrence agencies have been given the notice relating to compliance with the Division (Section 749 of SPA).

If the assessment manager carries out notification on behalf of the applicant, the assessment manager must give the prescribed concurrence agencies written notice that the assessment manager has complied with the requirements of this division (Section 749 of SPA).

The Department of Local Government and Planning has developed a standard template (separate to that for IDAS notifications) for applicants to assist in notifying the assessment manager that they have complied with the public notification requirements of SPA. The template is available on the department's website at www.dlqp.qld.gov.au.

Lapsed applications in the notification stage— IDAS notifications

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

- the public notification requirements under Section 297(1) of SPA 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 301 of SPA within 20 business days of the end of the notification period (or a further period agreed to between the assessment manager and the applicant).

If an application lapses on the above grounds, the application may be revived within five business days of when the application would have lapsed, providing the applicant gives written notice to the assessment manager to revive the application.

Circumstances when applications may be assessed and decided without correct notification

An assessment manager may continue to assess and decide an application, even if public notification has not been undertaken in accordance with the provisions of Chapter 6, Part 4, Division 2 of SPA; or Chapter 9, Part 7, Division 2 of SPA. However, this can only be undertaken if the assessment manager is satisfied that any non-compliance (Section 304 of SPA) has not:

- adversely affected the awareness of the public of the existence and nature of the application, or
- restricted the opportunity of the public to make properly made submissions
- and for GBRMP notifications, each prescribed concurrence agency for the application has given written consent to the assessment and decision being made in this way.

For example, if the notices published in the newspaper and sent to adjoining owners correctly show the property description of the land, but the notice placed on the land contained an error in the description. In this case, the assessment manager might consider exercising discretion because the sign was located on the correct land, all other notices were correct and the application clearly applied to the land on which the notice was erected.

The assessment manager cannot assess and decide an application that has lapsed and has not been revived under Chapter 6, Part 4, Division 2 of SPA.



Public notice requirements

The applicant must give details of the proposed development on the public notice so that the community is aware of the existence and nature of the application. This enables the community to make a properly made submission on the proposal.

Notices on land

Section 16 of the SPR prescribes a number of requirements for placing notices on land. These requirements include:

- placed on, or within 1500 millimetres of the road frontage for the land
- mounted at least 300 millimetres above ground level
- positioned so that it is visible from the road
- made of weatherproof material
- not less than 900 millimetres in height and 1200 millimetres in width
- the lettering on the notice must be as stated on the approved form.

If the land has more than one road frontage, a notice must be placed on each road frontage. The notice(s) must be maintained on the land until the end of the notification period.

The approved form for public notices on land under Sections 297(1) and 748(1) of SPA is shown in Appendix 1. A copy of the approved form is available on the department's website at www.dlqp.qld.gov.au.

Layout of notice on land

Figure 1 shows how a notice (consistent with the approved form in Appendix 1) would appear when complete. The notice includes the following information:

- The existing use(s) and the proposed use(s) of the land as defined in the planning scheme (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).
- The applicant's name and contact details (telephone and website if applicable). 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).
- The street address of the site that the application relates to, including the real property description (i.e. lot on plan).
- Types of approval sought (i.e. preliminary approval, development permit or both).
- The application number assigned by the assessment manager to the application.
- An indicative development plan showing relevant details of the proposal (e.g. the location of the proposal and a plan of subdivision or site layout plan and elevations, etc.). This diagram is intended to give the public a general indication of what is being proposed.
- Where copies of the full and up to date application can be viewed or obtained from.
- The start and finish dates of the notification period.
- Where written comments may be provided to (i.e. name of the assessment manager, telephone, email and website contact details).

Figure 1 also identifies how the capital lettering must be used on the notice.

Signage dimensions

The sign dimensions must be a minimum of 900 millimetres in height and 1200 millimetres in width. Should additional text lines be required, then the notice is to be



increased in size from the minimum requirements to accommodate the additional text. Font size must not fall below the minimum size specified below.

Font

The font to be used on the signage is not specified in the approved form, however the font style and sizing is specified. The recommended font is Arial or similar using regular character spacing (i.e. Arial narrow is not considered acceptable). Where specified below, the font style must be changed to bold style using regular character spacing.

Section 1

- Heading—lettering must at least 75 millimetres in height and bold text (approximately 270 point Arial bold font).
- Subheading—lettering must at least 40 millimetres in height and bold text (approximately 147 point Arial bold font).

Section 2

- 'From' and 'To' headings—lettering must be at least 30 millimetres in height and bold text (approximately 108 point Arial bold font).
- Free text—lettering must be at least 40 millimetres in height and bold text (approximately 147 point Arial bold font).

Section 3

- 'At', 'On', 'By', 'web', and telephone symbol headings—lettering must be at least 25 millimetres in height and bold text (approximately 83 point Arial bold font).
- Free text—lettering must be at least 25 millimetres in height (approximately 83 point Arial font).

Section 4

- 'Approval sought' and 'Application no.' headings—lettering must be at least 30 millimetres in height and bold text (approximately 108 point Arial bold font).
- Free text—lettering must be at least 25 millimetres in height (approximately 83 point Arial font).

Section 5

- 'Written comments to' heading—lettering must be at least 30 millimetres in height and bold text (approximately 108 point Arial bold font).
- 'Web' and telephone symbol headings—lettering must be at least 25 millimetres in height and bold text (approximately 83 point Arial bold font).
- Free text—lettering must be at least 25 millimetres in height (approximately 83 point Arial font).
- 'Public notification requirement...' text—lettering must be at least 15 millimetres in height and bold text (approximately 54 point Arial bold font).
- Form number and version—lettering must be at least 15 millimetres in height and bold text (approximately 54 point Arial bold font).

Section 6

- Development plan image size—minimum size must be 250 millimetres in height by 250 millimetres in width and must be 300 DPI at 100 per cent.
- 'Copies of the full application...'—lettering must be at least 15 millimetres in height and bold text (approximately 54 point Arial bold font).
- Assessment manager's name text—lettering must be at least 15 millimetres in height (approximately 54 point Arial font).



Section 7

- 'Comment period' heading—lettering must be at least 30 millimetres in height and bold text (approximately 108 point Arial bold font).
- Date fields—lettering must be at least 25 millimetres in height (approximately 83 point Arial font).

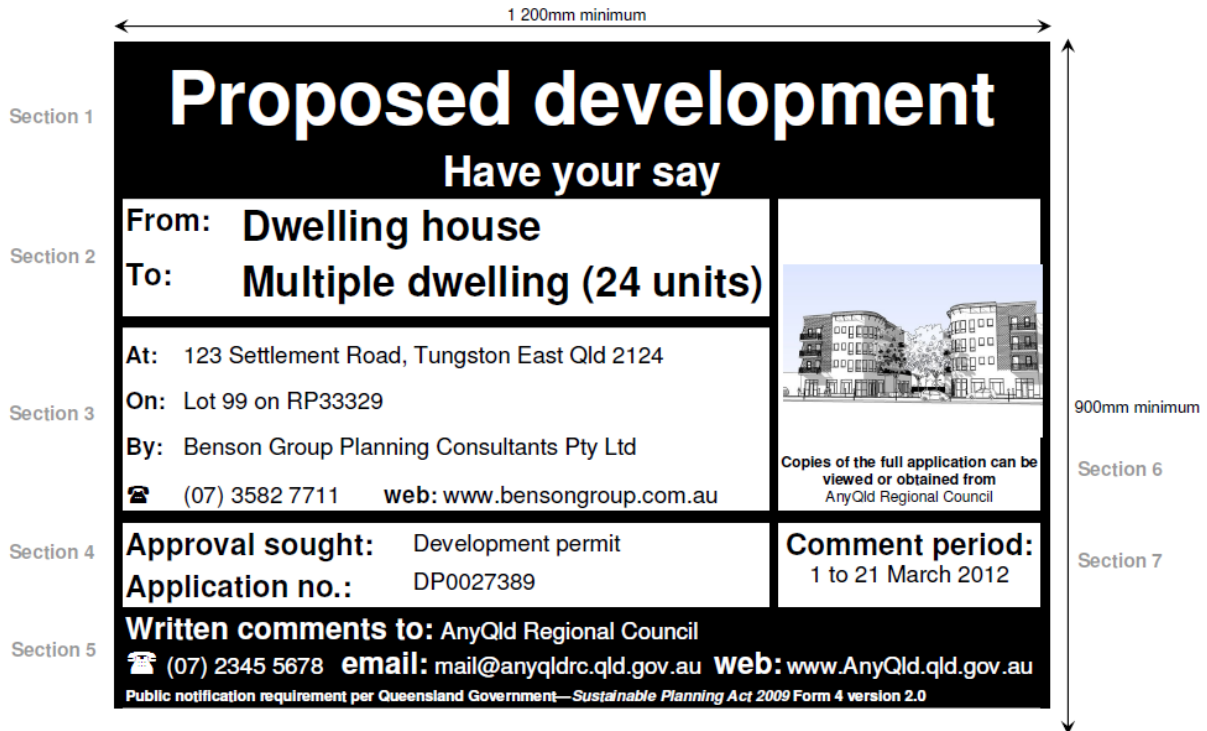


Figure 1—Design layout of public notices to be placed on land.

Notice for newspaper and adjoining land owners

The approved form for notices to be published in newspapers and to be provided to the owners of land adjoining the land that is the subject of the development application is in Appendix 2. A downloadable template based on the approved form in Appendix 2 is available on the department's website at www.dlqp.qld.gov.au.

Layout of notice for newspaper and adjoining land owners

Figure 2 provides an example of the approved form (consistent with the approved form in Appendix 2) completed with the same information used in Figure 1 for notices on land.

Advertisement layout

Advertisements can vary in size depending on the information and medium being used. All advertisements must use the following minimum sizing and fonts.

Font

The font of notices for newspapers and adjoining landholders is not specified in the approved form, however the font style and sizing is. The recommended font is Arial or similar using regular character spacing (i.e. Arial narrow is not considered acceptable) and single line spacing. Where specified below, the font style must be changed to bold style using regular character spacing.



- 'Proposed development' and 'Have your say' headings—lettering must be a minimum of two millimetres in height and bold text.
- 'From', 'To', 'At', 'On', 'By', 'Phone', 'Web', 'Approval sought', 'Application no.' and 'Written comments to:' headings—lettering must be at least one millimetre in height and bold text.
- 'From' and 'To' response text—lettering must be at least one millimetre in height and bold text.
- At response text—lettering must be at least one millimetre in height and bold text.
- On, by, phone, web, approval sought, application no. response text—lettering must be at least one millimetre in height.
- 'Comment period:' heading and comment period response text—lettering must be at least two millimetres in height and bold text.
- 'The assessment manager' text and 'assessment manger' response text, including contact details—lettering must be at least one millimetre in height .
- 'Copies of the full...etc.' text—lettering must be at least one millimetre in height.
- 'Public notification requirement...etc.' text—lettering must be at least one millimetre in height and bold text.

**Proposed development
Have your say**

From: Dwelling house
To: Multiple dwelling (24 units)

At: 123 Settlement Road, Tungston
East Qld 2124
On: Lot 99 on RP33329
By: Benson Group Planning Consultants
Pty Ltd
Ph: (07) 3582 7711
Web: www.bensongroup.com.au

Approval sought: Development permit
Application no.: DP0027389

**Comment period:
1 to 21 March 2012**

Written comments to:
The assessment manager
AnyQld Regional Council
PO Box 1434, AnyQldTown Qld 4001
mail@anyqldrc.qld.gov.au
(07) 2345 5678
www.AnyQld.qld.gov.au

Copies of the full application can be
viewed or obtained from the assessment
manager

**Public notification requirement per
Queensland Government—Sustainable
Planning Act 2009 Form 5 version 2.0**

Figure 2—Layout using example text for notice in newspaper and to adjoining land owners



Appendix 1—Approved form of public notice to be placed on land (Sections 297 and 748 of SPA)

<h1 style="margin: 0;">Proposed development</h1> <p style="font-size: small; margin: 0;"><(Capital lettering 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; margin: 0;"><(Capital lettering must be at least 40 mm in height and in a bold style)></p>		
<p>From: <(Capital lettering must be at least 30 mm in height and in a bold style)></p> <p>To: <(Capital lettering must be at least 30 mm in height and in a bold style)></p>	<p><Insert the existing use of the land using the uses defined in the planning scheme. (Capital lettering must be at least 40 mm in height and in a bold style)></p> <p><Insert 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 use defined in the planning scheme. (Capital lettering must be a minimum of 40 mm in height and in a bold style)></p>	<p style="text-align: center;"><Insert an indicative development plan here. Image must be a minimum of 250 mm by 250 mm, legible and not pixelated.></p>
<p>At: <(Capital lettering must be at least 25 mm in height and in a bold style)></p> <p>On: <(Capital lettering must be at least 25 mm in height and in a bold style)></p> <p>By: <(Capital lettering must be at least 25 mm in height and in a bold style)></p>	<p><Street address of land to which the application relates. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p><Real property description (e.g. lot on plan). (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p><Insert the applicant's 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 25 mm in height and of regular weight)></p>	<p style="text-align: center;">Copies of the full application can be viewed or obtained from <(Capital lettering must be at least 15 mm in height and of a bold style)></p> <p><Insert the assessment manager's name. (Capital lettering must be at least 15 mm in height and of regular weight)></p>
<p>Approval sought: <(Capital lettering must be at least 30 mm in height and in a bold style)></p> <p>Application no.: <(Capital lettering must be at least 30 mm in height and in a bold style)></p>	<p><Insert the applicant's telephone number. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p>web: <(Capital lettering must be at least 25 mm in height and in a bold style)></p> <p><Insert the applicant's web address. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p><Insert the types of approval sought (e.g. preliminary approval, development permit or both). (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p><Insert the application number assigned by the assessment manager to the application. (Capital lettering must be at least 25 mm in height and of regular weight)></p>	<p>Comment period: <(Capital lettering must be at least 30 mm in height and in a bold style)></p> <p><Insert the date the notification period starts. (Capital lettering must be at least 25 mm in height and of regular weight)> to <Insert the date the notification period ends. (Capital lettering must be at least 25 mm in height and of regular weight)></p>
<p>Written comments to: <(Capital lettering must be at least 30 mm in height and in a bold style)></p> <p><Insert name of assessment manager. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p>email: <(Capital lettering must be at least 25 mm in height and in a bold style)></p> <p><Insert assessment manager's email address. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p>web: <(Capital lettering must be at least 25 mm in height and in a bold style)></p> <p><Insert assessment manager's website address. (Capital lettering must be at least 25 mm in height and of regular weight)></p> <p>Public notification requirement per Queensland Government—Sustainable Planning Act 2009 Form 4 version 2.0 <(Capital lettering must be at least 15 mm in height and of a bold style)></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.

Appendix 2—Approved form of public notices for newspapers and adjoining land owners (Sections 297 and 748 of SPA)

Proposed development	
<Capital lettering must be at least 2 mm in height and in a bold style>	
Have your say	
<Capital lettering must be at least 2 mm in height and in a bold style>	
From: <Capital lettering must be at least 1 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 1 mm in height and in a bold style)>
To: <Capital lettering must be at least 1 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 1 mm in height and in a bold style)>
At: <Capital lettering must be at least 1 mm in height and in a bold style>	<Street address of land to which the application relates. (Capital lettering must be at least 1 mm in height and in a bold style)>
On: <Capital lettering must be at least 1 mm in height and in a bold style>	<Real property description (e.g. lot on plan). (Capital lettering must be at least 1 mm in height)>
By: <Capital lettering must be at least 1 mm in height and in a bold style>	<Insert the applicant's 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 1 mm in height)>
Ph: <Capital lettering must be at least 1 mm in height and in a bold style>	<Insert the applicant's telephone number. (Capital lettering must be at least 1 mm in height)>
web: <Capital lettering must be at least 1 mm in height and in a bold style>	<Insert the applicant's web address, if any. (Capital lettering must be at least 1 mm in height)>
Approval sought: <Capital lettering must be at least 1 mm in height and in a bold style>	<Insert the types of approval or approvals sought (i.e. preliminary approval, development permit, both etc.). (Capital lettering must be at least 1 mm in height)>
Application no.: <Capital lettering must be at least 1 mm in height and in a bold style>	<Insert the application number assigned by the assessment manager to the application. (Capital lettering must be at least 1 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: <Capital lettering must be at least 1 mm in height and in a bold style>	
The assessment manager <Capital lettering must be at least 1 mm in height>	
<Insert name of assessment manager (Capital lettering must be at least 1 mm in height)>	
<Insert the assessment manager's postal address (Capital lettering must be at least 1 mm in height)>	
<Insert the assessment manager's email address (Capital lettering must be at least 1 mm in height)>	
<Insert the assessment manager's telephone (Capital lettering must be at least 1 mm in height)>	
<Insert the assessment manager's web address (Capital lettering must be at least 1 mm in height)>	
Copies of the full application can be viewed or obtained from the assessment manager <Capital lettering must be at least 1 mm in height>	
Public notification requirement per Queensland Government—Sustainable Planning Act 2009 Form 5 version 2.0 <Capital lettering must be at least 1 mm in height and in a bold style>	

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.

