PO BOX 1268, Townsville
Queensland 4810

13 48 10

enquiries@townsville.qld.gov.au
townsville.qld.gov.au

ABN: 44 741 992 072

Date >> 15 January 2024

Waveconn Operations Pty Ltd
PO Box 50
CLAYFIELD QLD 4011

Email >> mark@saqconsulting.com.au

Dear Sir/Madam

# Confirmation Notice

***Planning Act 2016***

Council acknowledges receipt of your application on 22 December 2023, which was determined to be a properly made application on the date received.

This confirmation notice has been prepared in accordance with the Development Assessment Rules under *Planning Act 2016* and contains information relevant to the processing and assessment of the application. The following details are confirmed:

## Application Details

| | |
|---|---|
| **Application no:** | MCU23/0138 |
| **Assessment no.** | 6404009 |
| **Proposal:** | Telecommunications facility |
| **Development Type** | Development Permit - Material Change of Use |
| **Street address/s:** | 9 Serene Court NOME QLD 4816 |
| **Real property description/s** | Lot 66 RP 748776 Vol 1410 Fol 00166 |
| **Assessment benchmarks:** | *Planning Act 2016/Planning Regulation 2017*<br>State Planning Policy<br>North Queensland Regional Plan<br>Townsville City Plan<br>Rural residential zone code<br>Bushfire hazard overlay code<br>Flood hazard overlay code |
| **Level of assessment** | Assessable development - Impact assessment |
| **Applicant's reference:** | AQ4816-004 |

## Superseded Planning Scheme

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| Is the application for development under the Superseded Planning Scheme?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

## Public Notification Details

| | |
|---|---|
| Is public notification required? | Yes |

Under section 17.4 of the Development Assessment Rules under the *Planning Act 2016*, the applicant **must** give notice to the assessment manager of the intended start date of public notification.

Refer to the enclosed Explanatory Note for Public Notification Procedures. Please ensure all public notices published in the newspaper, placed on the land, and given to adjoining land owners clearly state:

(a) written submissions may be made electronically; and
(b) electronic submissions are to be sent to developmentassessment@townsville.qld.gov.au, and
(c) all submissions, including individual submitter's particulars, will be published on council's website (eplanning.townsville.qld.gov.au) and therefore will be accessible to internet search engines.

Please contact customer service on 13 4810 or send an email to enquiries@townsville.qld.gov.au if you require the names and address details of adjoining land owners.

**Referral Agencies**

Is referral required? No

**Information Request**

The applicant agrees to receive an information request if determined necessary for this development application.

Should the assessment manager not make an Information Request within the timeframes specified in the Development Assessment Rules, the applicant can proceed to the next part of the development assessment process.

The progress of this application can be followed online at:
http://eplanning.townsville.qld.gov.au/Pages/xc.track/SearchApplication.aspx.

If you have any further queries in relation to the above, please do not hesitate to contact Assessment Officer, Jake Kidner on telephone 07 4417 5240 or email developmentassessment@townsville.qld.gov.au.

Yours faithfully

**For Assessment Manager**
Planning and Development



Document Set ID: 22252041
Version: 2, Version Date: 15/01/2024

# Explanatory Note - Public Notification Procedures

*PLANNING ACT 2016 and* Development Assessment Rules

## 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.

## OVERVIEW OF PUBLIC NOTIFICATION PROCEDURES (PUBLIC NOTICE)

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 owners.

Prior to commencing public notification, the applicant **must** give notice to the assessment manager of the intended start date of public notification.

After the notification period has ended, the applicant **must** give the assessment manager notice of compliance with the public notice requirements.

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 intention to start public notification (17.2 of the Rules), and the notice of compliance with the public notice requirements within 10 business days from the day after the last day on which a submission may be made (18.1 of the Rules).

## WHEN 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).*

## 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.*



Document Set ID: 22252041
Version: 2, Version Date: 15/01/2024

**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 developmentassessment@townsville.qld.gov.au**
- **(c) all submissions, including individual submitter's particulars, will be published on Council's website and therefore will be accessible to internet search engines.**



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