



OUR REF: DA-2012-4

17 January 2012

Benjamin Illes  
C/- McArthur Planning & Development  
PO Box 3185  
TARRAGINDI QLD 4121

Dear Sir/Madam

### **ACKNOWLEDGEMENT NOTICE – MIRANI SHIRE PLANNING SCHEME**

Proposal:	Material Change of Use - Community Facility - Child Care Centre (75 Children)
Application Number:	DA-2012-4
Address:	L 401 Kennys Road, MARIAN QLD 4753
Property Description:	Lot 401 on SP197295

I acknowledge receipt of the above application on 9 January 2012 and confirm the following details:

#### **1. Details of the application**

The application seeks development approval for:

- Material Change of Use – Development Permit

#### **2. Planning Scheme**

The application has been lodged under the Mirani Shire Planning Scheme dated 19 December 2011.

The development applied for is **Impact Assessable**. Consequently, the application **must be** publicly notified under the provisions of s297 of the *Sustainable Planning Act 2009*.

#### **3. Applicable Codes**

The applicable Codes contained in the Mirani Shire Planning Scheme that may be applicable to the proposed development are listed below:

- Urban Locality Code
- Community Use Class Code
- Filling and Excavation Code
- Vehicle Parking and Movement Code
- Infrastructure Code
- Any applicable State Government Planning Policies

The application applied for is Impact Assessable. Consequently, the whole of the application will be assessed against all relevant provisions of the Mirani Shire Planning Scheme.

#### 4. Public Notification

Public notification of the application must be given as this application:

- ☒ requires impact assessment—the whole of the application must be publicly notified in accordance with the *Sustainable Planning Act 2009* (SPA).
- ☐ is an application to which section 242 of SPA applies.

##### ***Requirements for public notification***

The requirements for public notification are set out in SPA, chapter 6, part 4. You should have regard to the legislation when carrying out the public notification. In summary, you are required to:

- publish a notice at least once in a newspaper circulating generally in the locality of the land;
- place a notice on the land in the way prescribed under the *Sustainable Planning Regulation 2009* (SPR); and
- give a notice to the owners of all land adjoining the land.

All of the above notices must be on the approved form available on the Department of Local Government and Planning website at [www.dlgp.qld.gov.au](http://www.dlgp.qld.gov.au).

The notification period for the application must be at least:

- ☒ **15 business days** (not including any business days between and including 20 December in a particular year and 5 January in the following year); or
- ☐ **30 business days** (not including any business days between and including 20 December in a particular year and 5 January in the following year) as the application involves one or more of the following:
  - ☐ three or more concurrence agencies;
  - ☐ all or part of the development is assessable under a planning scheme and is prescribed under a regulation; or
  - ☐ all or part of the development is the subject of an application for a preliminary approval mentioned in section 242 of SPA.

The notice placed on the land must remain on the land for all of the notification period. The applicant is required to undertake the public notification.

#### 5. Referral Agencies

Based on the information provided in the application, referral is required to the following referral agencies:

Concurrence Agencies	Department of Transport and Main Roads Trigger: Making a material change of use on land where “land the subject of the development application abuts rail corridor land”, as identified in Schedule 13 and exceeds the threshold (All) for “Development impacting on railway safety and efficiency, and thresholds”, as identified in Schedule 7, Table 3, item 15 of the <i>Sustainable Planning Regulations 2009</i> .	PO Box 62 MACKAY QLD 4740
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This list is provided for your information only. It is the applicant’s responsibility to identify any referral agencies for the application and give each referral agency a copy of:

- the application (including the application forms and supporting material);
- this acknowledgment notice; and
- any required application fee.

The above material must be given to all referral agencies within:

- 20 business days after the applicant receives this acknowledgement notice; or
- the further period agreed between the assessment manager and the applicant.

If you do not give the material mentioned above to all referral agencies within these timeframes, the application will lapse (see section 273 of the *Sustainable Planning Act 2009*).

## 6. Information Request

A further information request ☒ **may** / ☐ **will not** be made by the Assessment Manager.

You are advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or seek clarification about any of these details please contact the Assessing Officer on [matt.ingram@mackay.qld.gov.au](mailto:matt.ingram@mackay.qld.gov.au) or phone 4961 9107 for enquiries regarding your application.

Yours faithfully

**Leah Sorohan**  
Principal Planner

## **Public Notification Guideline**

*Sustainable Planning Act 2009 s.300*

The Sustainable Planning Act, section 295, requires Public Notification of certain Development Applications. This includes all Impact Assessable applications and applications to which section 242 of SPA applies.

### **When can Notification Stage Start (section 296)**

- 1) If there are no concurrence agencies and Council, as Assessment Manager, has stated in the Acknowledgment Notice that it does not intend to make an Information Request, the Applicant may start the notification stage as soon as the Acknowledgment Notice is given.
- 2) If no Information Requests have been made during the last information request period, the Applicant may start the notification period as soon as the last information request period ends.
- 3) If an information request has been made during the information request period, the Applicant may start the notification period as soon as the Applicant gives:
  - (a) all information request responses to all information requests made; and
  - (a) copies of the responses to Council.

### **Details of Public Notice (section 297)**

Within 20 business days of the applicant being entitled to commence the Notification Stage, the applicant must:

- (a) publish a notice at least once in a newspaper circulating generally in the Council area (Form 5); and
- (b) place a notice on the land in the way prescribed by regulation (Form 4); and
- (c) give a notice to the adjoining owners as per list supplied by Council (Form 5).

The form of the notices are prescribed by the Sustainable Planning Regulation (SPR), copies of Forms 4 and 5 are attached.

All public notification events specified in Section 297 must be carried out within five (5) business days after the first of the action is carried out.

*Please note, Council does not provide the notices (signs) to be placed on the land (Form 4). The applicant is responsible for contacting printing companies and arranging for the production of the necessary notice at the applicants cost.*

### **Period of Notification (section 298)**

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

- There are three or more concurrence agencies
- All or part of the development is:
  - Assessable under a planning scheme and
  - Prescribed under Schedules 16 and 17 of the Sustainable Planning Regulation (SPR).
- All or part of the development is the subject of an application for a preliminary approval mentioned in Section 242 of SPA.

The periods mentioned above must not include any business days between 20 December and 5 January (inclusive) of the following year.

### **Requirements for Notices to Assessment Manager**

The applicant must give written notice to the Assessment Manager within 5 business days after the last of the actions required by Section 297, of the day the last of the actions were carried out.

The Applicant must, after the notification period has ended give Council written notice that the Applicant has complied with the requirements outlined. This notice must be provided to the Assessment Manager within 20 business days of the end of the notification period.

### **Applications may Lapse**

Applications may lapse during the Notification Stage in the following circumstances:

- If the last action required by section 297 is not carried out before the end of 20 business days after the applicant was entitled to start the notification stage, or
- If the applicant does not provide written notice (Notice of Compliance) to the Assessment Manager within 20 business days after the notification period ends, advising that the applicant has complied with the requirements of Section 297

## Notice of commencement of Public Notification

*Sustainable Planning Act 2009 s.300*

Benjamin Illes  
C/- McArthur Planning & Development  
PO Box 3185  
TARRAGINDI QLD 4121

\_\_\_\_\_(Date )

Mackay Regional Council  
PO Box 41  
MACKAY QLD 4740

**RE:** Application for:

Proposal Details:      Material Change of Use - Community Facility - Child Care Centre (75 Children)

DA Number:              DA-2012-4  
Property Address:      L 401 Kennys Road, MARIAN QLD 4753  
Legal Description:      L401/SP197295

Dear Sir/Madam,

The following public notification actions under s.297 with respect to the above application have been undertaken:

- ☐ Published a notice in \_\_\_\_\_(insert name of newspaper) on \_\_\_\_\_(insert date of published advertisement); and
- ☐ Placed a notice on the land in the way prescribed under a regulation on \_\_\_\_\_(insert date notice erected); and
- ☐ Notified the owners of all land adjoining the site \_\_\_\_\_(insert date owners notified)

***The last day the above actions was carried out was \_\_\_\_\_(insert date)***

Yours sincerely

\_\_\_\_\_(applicant signature and date)

\_\_\_\_\_(applicant name)

## Notice of Compliance of Public Notification

*Sustainable Planning Act 2009 s.301*

Benjamin Illes  
C/- McArthur Planning & Development  
PO Box 3185  
TARRAGINDI QLD 4121

\_\_\_\_\_(Date )

Mackay Regional Council  
PO Box 41  
MACKAY QLD 4740

**RE:** Application for DA-2012-4

Proposal Details: Material Change of Use - Community Facility - Child Care Centre (75 Children)

Property Address: L 401 Kennys Road, MARIAN QLD 4753

Legal Description: L401/SP197295

Dear Sir/Madam

I \_\_\_\_\_(insert name of applicant) have undertaken and completed the public notification with respect to the above development application in accordance with the requirements of the *Sustainable Planning Act 2009*, chapter 6, part 4, division 2.

The public notification included:

- ☐ Publishing a notice in \_\_\_\_\_(name of newspaper) on \_\_\_\_\_  
(insert date of the newspaper) (see attached); and
- ☐ Placing a notice on the land in the way prescribed under the *Sustainable Planning Regulation 2009* from \_\_\_\_\_(date sign was erected) until \_\_\_\_\_(date sign was removed) (see attached photo attached); and
- ☐ Giving a notice to the owners of all land adjoining the land. A list of the names and addresses and the date they were notified is attached to this notice.

Signature of applicant

\_\_\_\_\_(applicant's signature and date)

# Proposed Development

<(Lead heading—capital letters must be at least 75 mm in height and in a bold style)>

## Have your say

<(Sub heading—capital letters must be at least 40 mm in height and in a bold style)>

### From:

<(Capital letters must be at least 30 mm in height and in a bold style)>

<Insert the existing use of the land using the use definitions in the planning scheme. (Capital letters must be at least 40 mm in height and in a bold style)>

### To:

<(Capital letters must be at least 30 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 (eg. number of lots, gross floor area) using the development definitions in the planning scheme. (Capital letters must be a minimum of 40 mm in height and in a bold style)>

### By:

<(Capital letters must be at least 25 mm in height and in a bold style)>

### At:

### On:

<Insert the applicant name. The contact details for the applicant may be the contact details for a representative acting on behalf of the applicant (eg. a consultancy firm operating as the contact for the applicant). (Capital letters must be at least 25 mm in height and of regular weight)>

< Insert the applicant's telephone number. (Capital letters must be at least 25 mm in height and of regular weight)>

### web:

< insert the applicant's web address, if any. (Capital letters must be at least 25 mm in height and of regular weight)>

<Street address of land to which the application relates. (Capital letters must be at least 25 mm in height and of regular weight)>

<Real property description (e.g. lot on plan). (Capital letters must be at least 25 mm in height and of regular weight)>

### Approval sought:

<Capital letters must be at least 30 mm in height and of regular weight)>

<Insert the types of approval sought (e.g. preliminary approval, development permit or both). (Capital letters must be at least 25 mm in height and of regular weight)>

### Application No.:

<Insert the assigned application number assigned by the assessment manager to the application in question. (Capital letters must be at least 25 mm in height and of regular weight)>

### Written comments to:

<(Capital letters must be at least 25 mm in height and of regular weight)>  
<Insert assessment manager's phone letters must be at least 25 mm in height and of regular weight)>

### web:

<(Capital letters must be at least 30 mm in height and of regular weight)> <Insert name of Assessment manager. (Capital letters must be at least 25 mm in height and of regular weight)>

<(Capital letters must be at least 25 mm in height and of regular weight)>

<Insert assessment manager's website address. (Capital letters must be at least 25 mm in height and of regular weight)>

<Dimensions for insert image must no smaller than 250 mm x 250 mm and must be 300 DPI at 100 per cent size>

Copies of the full application can be viewed at or obtained from

### Comment period:

<Insert the date the notification period starts. (Capital letters must be at least 25 mm in height and of regular weight)>

<Insert the date the notification period ends. (Capital letters must be at least 25 mm in height and of regular weight)>

Public Notification Requirement  
Sustainable Planning Act 2009

Form 4 v1



<(Capital letters must be at least 9 mm in height and of a bold style)>

<(Capital letters must be at least 15 mm in height and of a bold style)>

<Insert the Assessment manager's organisational name. (Capital letters must be at least 15 mm in height and of a bold style)>

<(Capital letters must be at least 30 mm in height and of regular weight)>

<(Capital letters must be at least 15 mm in height and of a bold style)>

<(Queensland Government logo must be at least 24mm in height)>

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.



## Proposed Development

### Have your say

From:

To:

By:



web:

At:

On:

**Copies of the full  
application can be  
viewed or obtained  
from**

**Approval  
sought:**

**Application No.:**

**Written comments to:**



web:

**Comment period:**

to

**Public Notification  
Requirement  
*Sustainable Planning  
Act 2009*  
Form 4 v1**



This template is to assist with creating public notices for certain development applications. It is the applicant's responsibility to ensure that all requirements outlined in the approved form (including font styles and minimum letter heights) are met. If additional space is required, the overall size of the public notice should be increased.

This information is issued on the understanding that the Department of Infrastructure and Planning is not, through the issue of this information, giving any legal or other professional service.

## Proposed Development

<Capital lettering must be at least 4 mm in height and in a bold style>

### Have your say

<Capital lettering must be at least 3 mm in height and in a bold style>

**From:** <Capital lettering must be at least 3 mm in height and in a bold style>

**To:** <Capital lettering must be at least 3 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 3 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 3 mm in height and in a bold style)>

**By:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Insert the applicant 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 2 mm in height)>

**At:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Street address of land to which the application relates. (Capital lettering must be at least 2 mm in height)>

**On:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Real property description (e.g. lot on plan) (Capital lettering must be at least 2 mm in height)>

**☎** <Capital lettering must be at least 2 mm in height and in a bold style>

<Insert the applicant's telephone number (Capital lettering must be at least 2 mm in height)>

**web:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Insert the applicant's web address, if any (Capital lettering must be at least 2 mm in height)>

**Approval sought:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Insert the types of approval sought (i.e. preliminary approval, development permit or both) (Capital lettering must be at least 2 mm in height)>

**Application No.:** <Capital lettering must be at least 2 mm in height and in a bold style>

<Insert the application number assigned by the assessment manager to the application in question (Capital lettering must be at least 2 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 the assessment manager

**Assessment Manager:** <Insert name of assessment manager (Capital lettering must be at least 2 mm)>

**Post:** <Insert the assessment manager's postal address (Capital lettering must be at least 2 mm in height)>

**☎:** <Insert the assessment manager's telephone (Capital lettering must be at least 2 mm in height)>

**web:** <Insert the assessment manager's web address (Capital lettering must be at least 2 mm in height)>

**Copies of the full application can be viewed or obtained from the assessment manager**  
<Capital lettering must be at least 2 mm in height and in a bold style>

### Public Notification Requirement

**Sustainable Planning Act 2009 Form 5 v 1**

<Capital lettering must be at least 2 mm in height and in a bold style>

<Queensland Government logo must be at least 9 mm in height>



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.

# Proposed Development

Have your say

**From:**

**To:**

**By:**

**At:**

**On:**

**☎:**

**web:**

**Approval sought:**

**Application No.:**

**Comment period:**

**Written comments to the assessment manager**

**Assessment Manager:**

**Post:**

**☎:**

**web:**

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

**Public Notification Requirement**

***Sustainable Planning Act 2009 Form 5 v 1***



This template is to assist with creating public notices for certain development applications. It is the applicant's responsibility to ensure that all requirements outlined in the approved form (including font styles and minimum letter heights) are met. If additional space is required, the overall size of the public notice should be increased.

This information is issued on the understanding that the Department of Infrastructure and Planning is not, through the issue of this information, giving any legal or other professional service.