

IDAS IMPLEMENTATION NOTES

Note 5

Requirements for issuing an acknowledgment notice

An acknowledgment notice is the document with which the assessment manager confirms receipt of a development application. It also acts to confirm the assessment manager's understanding of the proposal based on the information provided by the applicant on the application form and in any supporting information. However, an acknowledgment notice is not required to be issued for every IDAS application.

An acknowledgment notice is **not** required if the application fulfils **all** of the criteria listed below -

- the application requires code assessment only; and
- there are **no** IDAS referral agencies (other than building referral agencies¹), or all referral agencies have stated in writing that they do not require the application to be referred to them under the information and referral stage; and
- the application is **not** a development application (superseded planning scheme) [s3.2.3(1A) of the IPA].

1.0 The acknowledgment period [s3.2.3(1) of the IPA]

Where an acknowledgment notice is required, it must be 'given' within **10 business days** of lodgement of a "properly made application".

For a "development application (superseded planning scheme)" the assessment manager must issue the acknowledgment notice within **30 business days**.

If an acknowledgment notice is required, the information and referral stage of IDAS cannot commence until after the acknowledgment notice is issued. If the assessment manager fails to give the acknowledgment notice the applicant may bring proceedings in the Planning and Environment Court (the Court). In this event the Court may direct the assessment manager to issue the acknowledgment notice [s 4.1.21(1)(a)].

If the Court makes the order for the assessment manager to give the acknowledgement notice the Court must award costs against the assessment manager [s 4.1.23(6)].

2.0 The reckoning of time and the service of documents [Parts 9 & 10 of the Acts Interpretation Act 1954]

Under the *Acts Interpretation Act 1954* (AIA) –

1. where the expression 'deliver', 'give', 'notify', 'send', 'serve' or other similar expression is used, the document may be served by delivering it to the person personally, or by sending it by post, telex, facsimile or similar facility;
2. if a document is served by post, the action is taken to have been effected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proven;
3. if a period is provided or allowed for a purpose by an Act, the period is calculated by excluding the day of the action.

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¹ Building referral agencies are defined in *Sch 10* and include only those referral agencies triggered for applications involving carrying out building work assessed against the Building Act (i.e. Qld Fire and Rescue Authority and the Chief Executive administering the *Workplace Health and Safety Act 1995*).

3.0 Contents of the acknowledgment notice [s3.2.3(2) of the IPA]

When an acknowledgment notice is required to be issued, the IPA prescribes the minimum level of detail that must be included in the notice². The assessment manager may however include additional information about the application they consider relevant.

As a minimum, an acknowledgment notice or amended acknowledgment notice must state -

- the aspects of development for which approval is being sought³;
- the names and addresses of all IDAS referral agencies for the application or the changed application at the date the application or notice of a changed application is made, and whether each is an advice or concurrence agency;
- whether at the date the application or notice of a changed application is made, an aspect of the development applied for requires “code assessment”, and if so, the names of all “codes” that appear to the assessment manager to be applicable codes for the development⁴;
- whether at the date the application or notice of a changed application is made, an aspect of the development requires “impact assessment”, and if so, the public notification requirements; and
- if the assessment manager does **not** intend to make an information request under section 3.3.6 (if known).

For an application requesting assessment against a **superseded planning scheme**, the acknowledgment notice must **also** state whether the application will be assessed against either-

- the superseded planning scheme or
- the existing planning scheme.

For an application that notifies the assessment manager of the applicant’s intention to carry out development that would have been exempt or self-assessable under a superseded planning scheme, the acknowledgment notice must also state whether -

- the applicant may proceed with the proposal as if it were to be carried out under the superseded planning scheme⁵

OR

- a development permit is required for the proposal. (In this instance, a new application for the proposal will be required.)

4.0 What constitutes issuing the acknowledgment notice

Unfortunately, in some instances an acknowledgment notice may contain an error. For example, the notice may incorrectly state that the application is **not** required to be publicly notified when in fact it is, or the notice may fail to identify a referral agency.

Where an error comes to the attention of an entity involved in the application (i.e. the assessment manager, concurrence agency, applicant etc), the Department suggests that the assessment manager and the applicant consider whether the missing information affects the common understanding of the process for assessing and deciding the application.

If the error has potential to affect the common understanding of the processing and deciding of the application, for example, omission of the identification of a concurrence agency with jurisdiction for the assessment of the proposed development, the assessment manager should re-issue an amended acknowledgment notice. In this instance the IDAS timeframes recommence from the day the amended acknowledgment notice is given.

If the error does not affect the processing of the application, the Department does not consider that the acknowledgment notice should be reissued.

Note: The applicant should contact the assessment manager if they are unsure about any of the details provided in the acknowledgment notice.

Note: A ‘recommended’ format for a standard acknowledgment notice and acknowledgment notice (superseded planning scheme) are available on the Department’s IPA website.

² A template for an acknowledgement notice is available on the [IPA website](#) under Recommended IDAS notices

³ Clearing of vegetation on freehold land must be listed separately from all other operational works.

⁴ These details do not apply to an acknowledgement notice given for an application made under a transitional planning scheme.

⁵ If the acknowledgement notice states that the applicant may proceed under the superseded planning scheme, the details required to be provided under section 3.2.3(2) do not apply.

5.0 Changing an application [s 3.2.9 of the IPA]

An applicant may change an application at any time before an application is decided, by giving written notice of the change to the assessment manager. The IDAS process stops on the day the notice of the change is received by the assessment manager. The IDAS process is not stopped if the change merely corrects a mistake about the name or address of the applicant or owner, or any details about the land that is the subject of the application, and the assessment manager is satisfied the change would not adversely affect the assessment of the changed application.

The IDAS process for a changed application restarts from the start of the acknowledgment period, i.e. an amended acknowledgment notice must be given, if–

- an acknowledgment notice is required for the changed application, and the acknowledgment notice for the original application has not yet been given, or
- there are any referral agencies for the original or changed application, or
- the original application involved only code assessment but the changed application involves impact assessment.

It is the responsibility of the assessment manager to advise any referral agencies for the original application and the changed application of the change.

For more information on requirements for changed applications refer to IDAS Implementation Note 12 *Making a change to a development application before it is decided*.

6.0 When the application stage of IDAS ends

The application stage of IDAS ends -

- the day the acknowledgment notice is 'given' - if an acknowledgment notice is required

OR

- the day the properly made application was received - if an acknowledgment notice is not required.

The information and referral stage of IDAS commences on the next business day after the day the acknowledgment notice is given.

7.0 The effect on IDAS timeframes when an acknowledgment notice is not required

The scenarios provided on page 4 and 5 of this implementation note illustrate what happens to the IDAS timeframes in three common circumstances.

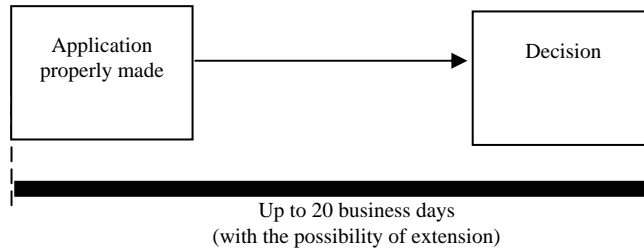
Scenario 1 - illustrates what happens to the IDAS timeframes when the application does not involve a building referral agency (e.g. the Chief Executive administering the *Workplace Health and Safety Act 1995* or Queensland Fire and Rescue Authority (QFRA)), an acknowledgment notice is not required, and no information request is made by the assessment manager.

Scenario 2 - highlights the variation in the instance where an application involves a building referral agency.

Scenario 3 - illustrates what happens to the IDAS timeframes when no acknowledgement notice is required and an information request is made by the assessment manager.

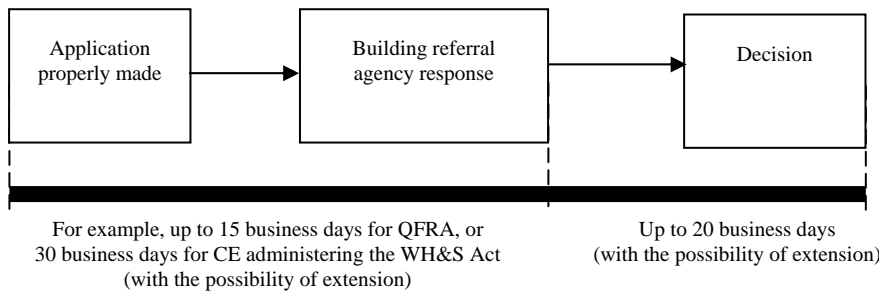
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**SCENARIO 1 – No IDAS referral agencies
No acknowledgment notice required
No information request made**



In this instance, the application stage ends the day the properly made application is received. The period for the assessment manager to make any information request begins the next business day after the application is received. If an information request by the assessment manager has not been made within the information request period, the decision stage for the application starts the next business day after the properly made application was received.

**SCENARIO 2 – A building referral agency
No acknowledgment notice required
No information request made**

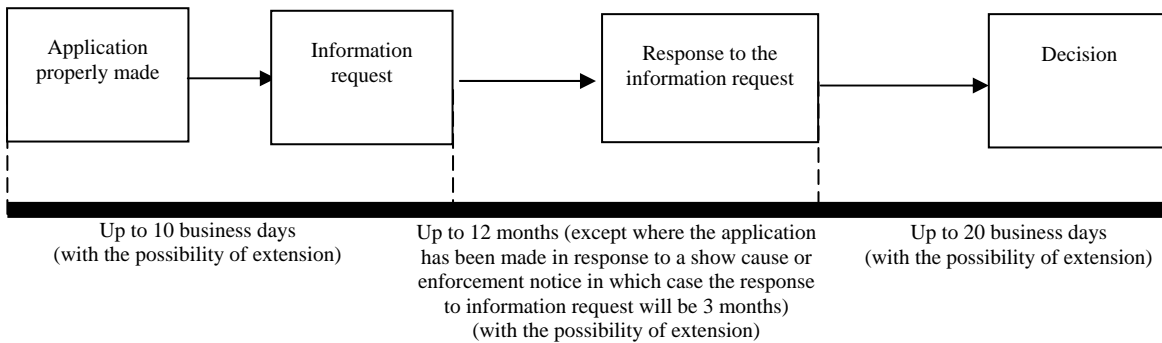


In this instance, the application involves a building referral agency. The application stage ends the day the application is received. The period for the assessment manager or any building concurrence agency⁶ to make an information request begins from the next business day after the application is received, or in the case of the concurrence agency, the application is referred. If an information request by the assessment manager or the concurrence agency has not been made within 10 business days after the day the application was received or referred, the decision stage for the application starts the day after all other stages applying to the application have ended. As a result the decision stage starts the next business day after the referral agency assessment period ends. The time period for a referral agency’s assessment period may be prescribed by regulation at less than 30 business days, otherwise it is 30 business days.

Note: Even though an information request is not required the fact that the application involves a building referral agency results in the information and referral stage applying to the application. This stage is not deleted, as is the case in Scenario 1.

⁶ Only concurrence agencies may make an information request, about a matter that is within its jurisdiction.

**SCENARIO 3 – No acknowledgment notice required
An information request made**



In this instance, the application stage ends the day the application is received. The period for the assessment manager to make any information request begins the next business day after the properly made application is received and any request must be made within the information request period. If there is a referral to a building referral agency and if an information request by the assessment manager or a concurrence agency has been made, the decision stage (20 business days) for the application starts the next business day after all other stages for the application have ended (i.e. the applicant has responded to the information request and any building referral agency’s assessment period has ended). The time period for a referral agency’s assessment period may be prescribed by regulation at less than 30 business days, otherwise it is 30 business days, and includes the information request period.

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