

Making a submission for a Development Application

July 2024

What is a submission?

A submission is a written objection or supporting comment about a development application, made by any interested member of the community (for example, a person, group or organisation) about a development application.

A person who makes a 'properly made submission' is called the 'submitter'. For applications requiring public notification, once Council considers all submissions and the application is decided, a copy of the decision must be sent to each principal submitter.

Submissions can be made on developments that are impact assessable and for variation requests. Normally these are complex developments, or those that may impact the community, or considered to be potentially unsuitable for an area.

Before preparing your submission you will need to review the development application and plans. The most convenient way to view a development application is via [DAP Online](#).

On which applications can I make a submission?

You can confirm the category of assessment for a development application by checking the application details on Council's [DAP Online](#). There are two different types of development applications.

A **code** assessable application does not need public notification. You may lodge a letter of objection or support for any application at any time. The assessing officer will consider your comments. No appeal rights apply for an application that is code assessable and you will not receive a copy of the decision notice. The decision notice will, however, be available for viewing on Council's [DAP Online](#).

An **impact** assessable application must have a public notification period. This is when you can make a formal submission. Submissions received during the

notification period will receive an acknowledgement letter. If you make a properly made submission, you're able to appeal Council's decision on the application to the Planning and Environment Court.

If a submission is not properly made, the assessing officer may accept the submission, however, the person who made the submission will not have the right to appeal to the Planning and Environment Court.

How do I find out the details of a development application?

Use [DAP Online](#) to view details of the development application including available documents (e.g. supporting material, confirmation notice, information request), the current status and the closing date for submissions. All development applications can be accessed by any person online.

What makes a submission properly made?

All submissions are considered by the assessment manager (Council) when assessing a development application, but only properly made submissions create a legal right to appeal Council's decision through the Planning and Environment Court.

To be properly made, a submission must:

- be in writing (includes electronic);
- be made to the assessment manager (Council);
- be signed by each person who made the submission, unless it is made electronically;
- state the name and residential or business address of each person who made the submission;
- states one postal or electronic address for service relating to the submission for all submission-makers;
- state the grounds, and the facts and circumstances relied on to support the grounds; and
- be received by Council during the formal public notification period.

Are submissions confidential?

Submissions are **NOT** confidential and details **WILL NOT** be redacted (including but not limited to names, addresses, email addresses etc). As required by the [Planning Act 2016](#) and in accordance with the [Planning Regulation 2017](#), Schedule 22, Part 2 "Properly Made" submissions, including individual details, must be published on Council's [DAP Online](#) website.

Grounds for a submission

When stating the grounds of your submission, it is important to focus on planning, environment or transport issues, including matters such as:

- whether the proposed use is consistent with the intent for the area as expressed in the planning scheme;
- whether the scale and design of the proposed development is compatible with surrounding development;
- how the development addresses the street and interfaces with adjoining properties;
- any potential traffic and car parking issues associated with the development;
- hours of operation (for commercial activities);
- how the development may impact on drainage patterns in the area; or
- how the development fits with any objective of the Planning scheme to protect and enhance the natural environment

Lodging an appeal to a Council decision

Submitters of properly made submissions have the legal right to appeal the decision on an impact assessable application or a variation request through the Planning and Environment Court. Council will write to submitters to let you know when the appeal period begins and ends. The submitter can only lodge an appeal within the submitter appeal period. To lodge an appeal, a notice of appeal form must be completed and lodged with the accompanying fee to the [Planning and Environment Court](#).

Key things to remember in preparing a submission

ENSURE YOUR VIEW IS CLEAR

- Your submission may support or object to all or part of the development proposal. For example, you may wish to express support for the amount of landscaping proposed as part of a development but object to the location of car parking.
- To assist the assessment manager in understanding your views, your submission should include any relevant supporting evidence or documentation.

ENSURE IT IS ON TOPIC

- Your submission should state why you support or object to all or part of the proposal. • Focus on how well you believe the proposal meets the planning scheme's intentions.
- The Planning Act 2016 does not allow consideration of personal circumstances (for example a concern that the proposal will devalue a property). Matters raised should relate to what is in the public interest.

ENSURE IT IS MADE ON TIME

- A properly made submission must be made to the assessment manager during the public notification period.

A PETITION IS ONE SUBMISSION

- A petition, despite having a large list of names, is considered as one submission by the assessing officer.
- All correspondence relating to the petition will be sent only to the principal submitter.

TALK TO A PLANNER

Council's Planners are available for confidential discussions to help you navigate the planning scheme and how it affects you. Call (07) 5540 5111 or email mail@scenicrim.qld.gov.au to make an appointment.

FOR MORE INFORMATION

The planning scheme, mapping and DAP Online is available to view on Council's website at

www.scenicrim.qld.gov.au/planning-and-permits/planning-schemes and <https://srr-prod-icon.saas.t1cloud.com/Common/Common/Terms.aspx>

Hard copies of the planning scheme and mapping are also available at Council's Customer Service Centres