

Development assessment—making a submission about a development application

This fact sheet outlines when an application needs to be publicly notified and how submissions can be made about an application.

Summary

A submission is a written comment about a development application made by any interested member of the community (for example, person, group or organisation) 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 submission may be made in relation to either the impact assessable parts of a development application, or the code assessable parts, if it is an application that is required to be publicly notified.

A submission that is received by the assessment manager in the first three stages of the integrated development assessment system (IDAS) forms part of the common material for the development application and therefore must be considered by the assessment manager when assessing the application.

Which applications must be publicly notified?

A development application must be publicly notified if:

- any part of the application requires impact assessment, or
- the application applies to section 242 of the *Sustainable Planning Act 2009* (SPA) (i.e. it is an application for a preliminary approval to vary the effect of a local planning instrument).

Requirements for a submission

In order to be considered a properly made submission, the submission must:

- be in writing and, unless the submission is made electronically, be signed by each person who made the submission
- be received during the notification period
- state the name and residential or business address of each person who made the submission
- state the grounds of the submission and the facts and circumstances relied on in support of the grounds, and
- be 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, a submitter gains the right to appeal to the Planning and Environment Court (the court) about any decision made by the assessment manager about the application. However, if an application involves both code and impact assessable components, the right to appeal applies only in the case of the impact assessable components.

An assessment manager may accept a submission that is not properly made, however, the person who made the submission will not have the right to appeal to the court.

Grounds for a submission

When stating the grounds of a submission and the facts and circumstances relied on, it is important to focus on planning issues.

Planning issues include 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
- how the development fits with any objective of the planning scheme to protect and enhance the natural environment.

To assist the assessment manager in understanding the views of the submitter, the submission should also include any relevant evidence and/or documentation in support of the grounds raised in the submission.

How to find out the details of a development application

Commenting on an application requires a basic understanding of the nature and extent of the proposed development. For each development application, the assessment manager must keep the following documents available for inspection and purchase:

- the application, including any supporting material
- any acknowledgement notice
- any information request
- any properly made submission
- any referral agency's response.

Many local governments now provide this information online. To find out where this information is held for a particular application, contact the relevant assessment manager.

Availability of submitter details

Submissions are not confidential. Until such time as the application is finalised, assessment managers are required to keep copies of all properly made submissions available for inspection or purchase by members of the public.

The assessment manager may remove the name, address and signature of each person who made a submission before making the submission publicly available.

When the assessment manager gives the applicant the decision notice for the application, the decision notice must state whether or not there were any properly made submissions about the application and the name and address of the principal submitter for each properly made submission.

Changing or withdrawing a submission

If the assessment manager has accepted a submission (even if it is not a properly made submission) the person who made the submission may, by written notice:

- amend the submission during the notification period, or
- withdraw the submission at any time before a decision about the application is made.

Submitters to be given notice of the decision

After the application is decided, the assessment manager must give a copy of the decision notice to each principal submitter.

Appeal rights for submitters

A submitter for a development application may appeal to the court only against:

- the part of the approval relating to the assessment manager's decision on the part of the application requiring impact assessment under section 314, or
- the part of the approval relating to the assessment manager's decision under section 327 for a preliminary approval to vary to effect of a local planning instrument.

The appeal may be against the giving of the approval or a provision of the approval including:

- the conditions, or lack of conditions, for the approval, or
- the length of the relevant period for the approval.

Further information

Further fact sheets on related matters are available on the department's website.

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