

Having your say on a development application

There are a number of ways you can have your say on development occurring in your area

Not all development requires a development application. Your local government's planning scheme may specify that some development does not require a development application in certain circumstances. This type of development is called 'accepted development' and may occur without the local government, or anyone else, being informed. Examples of this type of development are low impact, low risk activities, like running a small business from home or changing a tenancy in a shopping complex from a shop to a restaurant or doctor surgery.

Finding out about development proposals

Code assessable development applications



Some development applications will be 'code assessable' in your local government's planning scheme. This is for development that is generally expected and can be assessed against clear requirements within the planning scheme called 'assessment benchmarks'.

These development applications are not required to be publicly notified, which means community members may not see a sign on the land about the development proposal.

While not required to do so, some applicants may however decide to consult the neighbours of the development or the local community about their development proposal.

Some local governments provide access to details about current code assessable development applications through their website.



Local planning schemes describe what type of development is generally expected in an area.

Each parcel of land has a planning 'zone', which outlines what uses are intended in that zone, such as apartments or houses or industrial businesses.

Knowing the zone of a parcel of land, and its surrounding zones, helps people understand what type of development can happen and why certain development may occur without being publicly notified. Find out more about zoning in Queensland at [Know your zone](#).



Comments on code assessable development applications can be made to your local government.

Your comments should address how the proposal meets, or fails to meet, the assessment benchmarks that apply to it.

It is up to the assessment manager to decide how to consider your comments when determining whether the development application complies with the assessment benchmarks in the local planning scheme.

The earlier comments are received in the development assessment process, the more time the assessment manager will have to consider them.

There is no right of appeal about a decision on a code assessable development application.

Factsheet – July 2021



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Queensland Government

Impact assessable development applications



Some development applications will be 'impact assessable'.

This is for development proposals that are usually more complex and where the local government has identified that the development has the potential for greater impacts.

These development applications will always be publicly notified for a set period of time, called the 'public notification period'.

The community is made aware of the opportunity to comment during this period via a sign on the land, a notice in a local newspaper or on the local government's website, or a letter from the applicant, if you are an adjoining neighbour.

Some local governments also maintain a register of development applications on public notification.



You may make a submission about any impact assessable development application.

If your submission is 'properly made' the assessment manager must accept and consider it in deciding the development application.

By making a 'properly made' submission, you have the right to appeal the assessment manager's decision if you are not happy with the outcome.

If a submission is not properly made, the assessment manager may still choose to accept and consider it as part of their assessment of the development application, but you will not have the right to appeal the decision.

Example public notice

PROPOSED DEVELOPMENT HAVE YOUR SAY

**MULTIPLE DWELLING (6 UNITS), INDOOR SPORT & RECREATION,
SHOP, THEATRE**

1 Jell Street & 555 Kristy Street; 2780 Kate Avenue & 799 Shano-Smith Boulevard, Hollytown 4008

Lot 1 on RP12345, Lot 2 on RP22222, Lot 3 on RP44444, Lot 4 on RP55555, Lot 5 on RP66666, Lot 6 on RP77777

Approval sought: Development permit - Material Change Use

Application reference: MC10020012345

Make a submission 23 October to 25 November 2020

Lot site and boundary map on file at the Council

Building height (maximum) 12m

Setback (minimum) 1m

Electrical (3 phase supply)

For further information and to view a copy of the application, contact:

- New World City Council
- www.nwc.qld.gov.au
- (07) 2454 5678

Submissions can be made to:

- New World City Council
- 111 Holly Square, 4008, QLD
- main@nwc.qld.gov.au

To be eligible for appeal rights under the Planning Act 2016 submissions must be received within the period to make a submission stated above.

Public notification requirements in accordance with the Planning Act 2016.

Key things to remember in preparing a submission

Generally



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 development proposal.

Focus on how well you believe the development proposal meets the planning scheme's intentions.

The *Planning Act 2016* does not allow consideration of personal circumstances (for example a concern that the development proposal will devalue a property). Matters raised should relate to what is in the public interest.

To be properly made



Ensure it is valid

The submission must be:

- in writing
- state the name and address of each person who made the submission
- signed by each person who made the submission.

A submission may be written by an individual, be a proforma letter, or be a petition. In all cases the above information must still be included to ensure the submission is 'properly made'.

For submissions signed by more than one person, such as a petition, one contact email or address for the primary submitter must be identified - this will be the person who correspondence is directed to.



Ensure it is made in time

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