



Submissions and Public Notifications

What is public notification?

The process of public notification allows the community the opportunity to view the development application material relating to a proposed development, to consider the likely impacts the proposal may have on them, and to provide any comments about the proposal to Council, prior to Council determining the application.

Development applications categorised as impact assessable development are legislatively required by the *Planning Act 2016* to be publicly notified. The applicant must, as a minimum, do the following:

- Provide a notice in:
 - a local newspaper; or
 - either an online local newspaper or on the assessment manager's (Council's) website, where there is no hard copy newspaper; or
 - a state newspaper.
- Place a sign on each road frontage of the property; and
- Notify neighbours on directly adjoining properties in writing of the development application. This does not include properties on the opposite side of the street.

What is a submission?

Public notification encourages community input by allowing members of the public to submit a written comment about a proposed development. Submissions must directly relate to planning matters associated with the development. A decrease in property values of properties surrounding the proposed development is not a planning matter that Council can consider.

A submission may either object to all or part of the development, and/or support all or part of the development.

Who can make a submission?

Any person, other than the applicant or a referral agency, may make a submission about a development application that is subject to public notification. If the submission is properly made, submitters have appeal rights under Schedule 1 of the *Planning Act 2016*.

When can I make a submission?

Any public notification material for the development application will state the period within which properly made submissions will be accepted by Council.

What happens to my submission?

Council, as assessment manager, considers all properly made (and usually the contents of not properly made submissions) prior to making the final decision on whether to approve or refuse the development application.

What if my submission is not properly made?

Council may, at its sole discretion, choose to accept a not properly made submission. If Council decides to accept the not properly made submission, the submitter still does not have appeal rights.

What effect does my submission have?

Matters raised in a properly made submission may be addressed by the applicant prior to the development application being decided and may lead to a change in the development application to address matters raised in a properly made submission. Major changes that address a matter raised in a submission may require the development assessment process to restart and may require public notification to be repeated.

What makes a submission properly made?

For a submission to be considered by Council and grant appeal rights under Schedule 1 of the *Planning Act 2016*, the submission must be properly made in accordance with Schedule 2 of the *Planning Act 2016*.

To be considered properly made, a submission must:

- Be made in writing, either electronically or in hard copy
- Be signed by each person who made the submission (the submission-makers)
- Be received by Council during the formal public notification period (this will be stated in any public notification material)
- State the name and residential or business address of all submission-makers

Information Sheet

Submissions and Public Notification

- State what aspects of the proposed development you support or oppose, as well as the facts and circumstances relied on to support the submission
- State a postal or electronic address for service relating to the submission for each of the submission-makers
- Be submitted to the assessment manager (Banana Shire Council) when relating to a development application

Note: Your submission will be available for public viewing. Submissions for an impact assessable development application are not confidential. The Planning Act 2016 requires that Council publish all submissions on its website. This includes the individual's details contained in the submission (e.g. name, postal address, email address etc). All submissions are published, irrespective of whether they are 'properly made'.

How can you contact us?

-  online, visit www.banana.qld.gov.au click on 'Contact us'
-  email enquiries@banana.qld.gov.au
-  telephone (07) 4992 9500
-  mail, post to Banana Shire Council
PO Box 412, Biloela Qld 4715

Can I change or withdraw my submission?

Yes, submitters can amend or withdraw their submission by giving written notice to Council. Any submission that is properly made or has otherwise been accepted by Council can be amended, so long as the amended submission is received before 5pm on the final day that submissions must be received by Council.

Submissions can be withdrawn at any time before Council has decided the development application.

Will I be informed of the final decision?

Yes, anyone who has submitted a properly made submission will be provided with a copy of the decision notice. Any member of the public who has made a 'properly made' submission may appeal Council's decision to the Planning and Environment Court if they are dissatisfied with it.

How do I lodge an appeal?

A submitter can only lodge an appeal within the submitter appeal period. A submitter has 20 business days from the day they receive the decision notice from Council to appeal its decision. Submitters should seek their own legal advice in relation to their appeal rights.

Need further information?

For further specific information on public notification, please contact Council's Development and Regulatory Services section on 07 4992 9500.

Disclaimer

This is for information only and has been prepared by Banana Shire Council to help people gain an understanding of the requirements the applicant must comply with for valid public notification and the requirements of making a properly made submission. This is not legal advice and is not designed to advise anyone about their rights under the Planning Act 2016. People should seek their own town planning and legal advice in relation to the impacts of any proposed development and their rights under the Planning Act 2016.