

Our Reference: MCUI/2021/6070
Contact Officer: Sophie Spencer
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ACKNOWLEDGEMENT OF RECEIPT OF A SUBMISSION

Nola Lorraine Passmore
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KEARNEYS SPRING QLD 4350

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21 March 2022

Dear Madam

Development Application for: Material Change of Use - Impact - Preliminary Approval for a Variation Request
Property Location: 99-117 Hayden Street East, KEARNEYS SPRING QLD 4350
Property Description: Lot 12 SP187254, Emt B RP216771

Council has received your properly made submission in relation to the abovementioned development application.

Council's officers are currently assessing the application which **may** be referred to a Council meeting for consideration or determination respectively. If the application is to be referred to a meeting you will receive further correspondence advising the date and time the application will be considered.

Should you require any further information, please contact Council's Senior Planner, Sophie Spencer on the above telephone number.

Yours faithfully



Krys den Hertog
Acting Principal Planner, Development Services

What is public notification?

The process of Public Notification allows the community the opportunity to view the development application 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 local 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.

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 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. As long as the submission is properly made, submitters have appeal rights under schedule 1 of the *Planning Act 2016*.

What if my submission is not properly made?

Council may at its sole discretion choose to accept a not properly made submission.

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 accepted submissions prior to making the final decision on whether to approve or refuse the development application.

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 the assessment manager 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
- 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 (Toowoomba Regional Council) when relating to a development application; or the responsible entity when relating to a change application

Your submission will be available for public viewing.

Can I change or withdraw my submission?

Yes, submitters can amend or withdraw their submission by giving 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 the stated day (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 if they are dissatisfied with it.

How do I lodge an appeal?

To lodge an appeal, a notice of appeal form must be completed and lodged with the accompanying fee to the [Planning and Environment Court](#). A

submitter can only lodge an appeal within the submitter appeal period. Council will advise submitters in writing when their appeal period begins and ends. 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 Technical Advice Officers on 131 TRC (872) or visit your nearest Customer Service Centre.

Disclaimer

The information contained in this sheet is a guide only.

This information has been prepared by Toowoomba Regional Council to help people gain an understanding of the Toowoomba Regional Planning Scheme. Please consult the Toowoomba Regional Planning Scheme for detailed information including maps (zones, local plans, overlays and priority infrastructure plan), provisions and policies. The content of this information sheet is not intended to replace the provisions of the Toowoomba Regional Planning Scheme.