

What do I need to know about making a submission?

Thinking about making a submission?

If you are thinking about making a submission in support of, or in objection to the proposed development and require further advice, please telephone our Duty Officer.

The Duty Officer can be contacted on 4974 2036 between 8:30am and 4:00pm, to answer questions and clarify any matters that may not be clear to you. However, you will need to form your own opinion as to whether to lodge a submission and the reasons for any such submission.

Should you choose to make a submission in objection to the proposed development, the reasons for objection must relate specifically to the current proposal itself and not to existing or historical concerns. Ongoing issues related to fencing, trees, surface water or the like are generally not matters for consideration unless they are a direct consequence of the proposed development.

Is my submission confidential?

Submissions lodged as part of a Development Application are NOT confidential.

Council releases submissions as required under the relevant laws, including privacy laws and the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act).

Council will remove personal information from the submission it provides to the public in accordance with the Information and Privacy Commission's (IPC) guidelines. Council will release your name and property address, and withhold contact numbers, email addresses and other personal information.

How to make a submission

If you decide to make a submission, please follow these simple steps:

1. Make your submission **in writing**.
2. Quote the **Development Application Number** and assessing officers' name at the beginning of your submission. This number appears near the top of the notification letter.
3. **Clearly state** the reasons why you object to or support the proposed development. Important points can be highlighted using dot points and/or headings.
4. **Sign** the submission in your ordinary handwriting.
5. **Include** your name, postal address, email address and daytime telephone number. This will greatly assist the assessment officer should clarification be required regarding any matters raised in your submission.
6. **Send** the submission by post, fax, e-mail (details are given at the bottom of this form) or deliver it personally to Council. If using the post, make sure you allow sufficient time for delivery by 5.00pm on the closing date for submissions.

More information is available on Council's [Website](#) about the appropriate content of submissions.

What happens in response to submissions?

If you make a written submission regarding the proposed development, an acknowledgement letter will be sent to you, advising your submission has been received and will be taken into account when determining the application.

After the application is determined, you will be notified in writing of the outcome, however, Council is not in a position to respond individually to specific concerns raised.

The majority of applications are determined under delegation by Council officers and Councillors themselves do not consider and determine all development applications received.

Applications are referred to Council for determination only where:

- The estimated cost of the proposed development exceeds \$10 million; or
- Twenty five or more written objections have been received from independent parties and the concerns raised are unable to be resolved in discussions between the objector/s and Council staff or be otherwise addressed by means of appropriate conditions of consent; or
- The proposed development involves significant departures from Council's adopted guidelines or policies; or
- Two or more Councillors request in writing that the application be determined by Council.

Political donations and gifts and Disclosure Statements

If you have made, or will be making a political donation of gift, and are making a submission read this, if not proceed to the next question.

[Section 147](#) of the *Environmental Planning and Assessment Act 1979* (the *Act*) requires you to disclose any 'reportable political donations' and 'gifts' made by yourself or any 'associate' within the period commencing two years before the submission is made and ending when the application is determined.

To determine if you need to make a disclosure, Council has prepared a [Political Donations and Gifts Disclosure Statement](#), incorporating explanatory information, which is available on Council's [Website](#) or at Council's Customer Enquiry Counter.

The following information is to be included in the statement:

- a) all reportable political donations made to any local Councillor of Council; and
- b) all gifts made to any local Councillor or employee of that council.

Note: Failure to disclose relevant information, or make a false disclosure statement is an offence under the *Act*. The maximum penalty for the offence is currently \$22,000.

Is my disclosure confidential?

No. Political Donations and Gifts Disclosure Statements are not confidential and will be publicly available for viewing on Council's website.

Public Voice Policy

If the application is referred to Council for consideration, Council's Public Voice Policy also allows an opportunity for parties to directly address Council regarding issues of concern, including the impact of proposed development.

The Policy provides for time to be set aside in regular Council meetings for a Public Voice presentation. However, Public Voice will only be available when the development application is being referred to the Council for determination.

Should you wish to make application under Public Voice Policy, you are invited to contact Council on 4974 2351. Remember you need to lodge your Public Voice application together with your written submission. All such applications must be received within the notification period.

Is there a right of appeal to Councils' decision?

The *Act* does not provide parties who lodge written submissions a right of appeal to the Land and Environment Court on the merits of Council's decision for development other than 'Designated Development'.

Council Policies

Council's Development Control Plans and Policies are available for viewing or purchase at the Customer Enquiry Centre. They can also be viewed and downloaded from Council's [Website](#).

Coming into see us?

Our Customer Enquiry Centre is located on the ground floor of the Newcastle City Administration Centre, 282 King Street, Newcastle, opposite Civic Park. Disabled access is available.