



Submissions

Who can make a Submission?

Any person who feels that the enjoyment of their property may be affected by a proposed development may lodge a submission.

In making a submission, it is suggested that you take into consideration the following:

- property owners are entitled to lodge applications
- adjoining owners do not have the right to prevent the approval of the application but are entitled to ask that their legitimate interests are considered
- the lodging of a submission or an objection does not guarantee that the application will be refused
- considering a development application, the provisions of the Environmental Planning and Assessment Act, 1979 must be taken into consideration. This Act details those matters to which Council may give consideration in assessing applications.

How do I make a Submission?

All submissions need to be in writing and specify the writer's name, address, day and evening phone number and fax number if available.

The grounds on which you wish to make a submission must be set out clearly and with some justification for the grounds that you nominate.

Please note that your submission may be made public as it may form part of a public report. Personal details will not be made public.

What matters can I raise?

As the application relates to a planning or building matter, submissions must relate to these areas. Matters associated with the design and consequences that flow from the application are also relevant considerations.

Is the number of submissions important?

Generally, the number of submissions does not influence the outcome of a specific application. Often, the impacts of an application are localised and greater importance is given to submissions where impacts can be clearly shown. Staff can determine applications under delegated authority where less than four submissions are received.



What happens if I make a submission?

Your submission will be considered in conjunction with any other submission on the application. These are then addressed collectively.

As the reporting process is open, it is important to note that the submission will be made public and could appear in a document available to the general public.

It is important to note that confidentiality cannot be guaranteed as the Government Information (Public Access) Act, 2009 provides measures for possible access to certain documents.

Political donations of gifts

A political donation or gift includes:

- all reportable political donations made to any local Councillor of that Council
- all gifts made to any local Councillor or employee of that Council. (This includes any donations made at the time the person was a candidate for election to Council).

A written submission made by a person objecting to, or supporting a planning application must declare if that person has made a political donation or given a gift within the past two years. If you have made a donation or gift you need to complete and submit Council's 'Political Donations and Gifts Disclosure Statement' form.

How is a decision made?

A decision is reached using a range of criteria. All development applications (whether for building works, subdivision or development) are assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. (EPA Act).

Council's Local Environmental Plan 2011 (LEP 2011) establishes what uses are allowed in the different zones. The Development Control Plan (DCP) provides specific detail and controls on how a development should occur. These controls can be varied; however, any variations must be justified. It is important to note that state planning legislation and controls override local planning controls through the use of State Environmental Planning Policies (SEPPs).

Who decides?

There are three main levels of decision making. These are:

1. Delegated Authority – specified staff can make decisions on behalf of Council, subject to specific requirements. Staff can determine applications under delegated authority where less than four submissions are received
2. Council – the elected Council considers applications that have local significance or are of particular interest. Applicants and people making submissions on a matter before Council are notified and may request to be heard before Council
3. NSW Government Joint Regional Planning Panels (JRPPS) – consider applications that have regional significance or are of particular interest, including:
 - designated development
 - development with a capital investment value (CIV) over \$20 million

How do I find out what is happening to my submission?

Once we have received your submission, a decision is made on what level of decision making is required. You may be contacted for further information or advised that the application is being referred to Council. In all cases the applicant and each person who makes a submission will be advised of the decision.

Any person may consult with Council's online DA Tracker to monitor the progress of any application. The system will give the public access to the exhibition materials.

Do I have the right to appeal?

There are no rights of appeal for objections to decisions on development or subdivision applications, with the exception of a 'designated development' application. These forms of development include major industries, extractive industries etc.

Need help?

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours, subject to availability. Council staff can only provide general advice and cannot help in the preparation of your application or the supporting documents.

Disclaimer

This fact sheet is a summary of the submissions process. Not every situation can be anticipated and listed. If you wish to find out more about the submission process visit: <http://www.kiama.nsw.gov.au/planning-and-development>

or call or email to make an appointment with Council to discuss.

This document is subject to change without notice.