

## Who can make a submission?

Any person who feels that their property or locality may be adversely impacted by a proposed development may make a written submission in response to a development application or DA. In making a submission, it is recommended that you consider the following:

1. An application to develop a parcel of land may be made by the landowner(s) or anyone obtaining consent from the landowner(s).
2. Council is obliged to consider DAs within a legal framework established by the Environmental Planning and Assessment Act 1979 and related documents including the Tamworth Regional Local Environmental Plan 2010 and Tamworth Regional Development Control Plan 2010.
3. Although Council may write to adjoining and adjacent neighbours inviting their comments, anyone can make a submission on any DA, whether they received a letter or not.
4. Matters raised in submissions should be planning-related, such as the potential impact of the proposed development in terms of scale, privacy, access, noise, dust etc.
5. Council may either approve (with or without conditions) or refuse a DA. If an application is refused, the applicant can appeal the decision to the Land and Environment Court.

The lodging of a submission does not mean that Council will refuse the application.

## How do I make a submission?

To make a submission on a proposal, you may email or send a written submission to Council. All submissions must specify the name(s) of the writer(s) and respective address, telephone and fax number if available.

If the submission is an objection, the reasons for your objection must be clearly explained in the submission. It is important that submissions only contain information relevant to the proposal. Petitions may also be used for submissions provided they satisfy the same guidelines mentioned above. Council will acknowledge in writing the receipt of all submissions and the nominated contact for the petition.

## Does the number of submissions that Council receives determine the outcome of the application?

Generally, the number of submissions received in response to a DA does not have a bearing on the outcome of the application. The matters raised in the submissions and the potential impacts of the development are of primary importance.

## What happens if I make a submission?

Council must consider all matters which have been raised within any submission before making a decision regarding a development application. You may request that your name and address not be disclosed, however, it is important to note that confidentiality cannot be guaranteed as the Government Information (Public Access)

Act 2009, Local Government Act 1993 and Environmental Planning and Assessment Act 1979 all provide measures for possible access to certain documents by the applicant and members of the public.

## How is a decision made?

Development Applications must be considered in accordance with the Environmental Planning and Assessment Act 1979 and the planning instruments and policies of Council. In determining a DA, Council considers the following matters:

- Provisions of the relevant planning instruments and policies;
- Likely impacts of the proposed development;
- Suitability of the site for the proposal;
- All submissions regarding the proposal; and
- The public interest.

## Who discloses a political donation or gift?

Any person who makes a submission regarding a development application to Council is required to disclose all reportable political donations made to any local councillor or any gifts made to any local councillor or employee of that council. This applies to the period commencing two years before the application is made and ending when the application is determined.

A Disclosure Statement of Political Donations and Gifts form may be collected from Council offices or downloaded from Council's website. Detailed reportable donation disclosure requirements are outlined within that form.

## Who decides?

Council receives a large number of DAs each year. The majority of these applications are for relatively minor works such as alterations and additions to dwelling houses and are dealt with by officers under the delegated authority of the Council.

Applications with submissions may be determined by the Manager Development and Approvals or the Director Planning and Community Services where the objections have been considered and addressed through modification to the proposal or conditions of consent. Submissions relevant to the application are carefully considered before such a decision is made. The application may either be approved or refused. A letter is sent to all those who made a submission explaining the reasons for either decision.

If a proposal is contentious or the objections cannot be satisfied by conditions of consent, the application is determined by the elected Council. If the application is determined by the Council, all persons who prepared a submission will be contacted with details of the meeting date and time. Council meets on the second and fourth Tuesday of each month. The public is welcome to attend these meetings which are held in the Council Chambers on Level 4, Ray Walsh House, Peel Street, Tamworth.

## How do I find out what is happening with my submission and the assessment of the application?

You may phone Council's Development and Approvals Division on (02) 6767 5552 for information regarding the progress of your submission.