



# Byron Shire Council Development Factsheet

## Making a Submission on a Development Application

### Who can make a submission on a development application

Anyone may make a submission on a development application, particularly if you feel that your property or locality may be affected by a proposed development.

### How should a Submission be made?

Submissions must be in writing and should relate directly to what is proposed in the application and its possible impact on surrounding property, the locality or you. Council staff can assist you when viewing the application and can answer questions on specific technical issues. However staff are not in a position to comment on the merits of the proposal at notification stage nor is it appropriate that they assist you in formulating your objection or support.

Council has created a form to provide assistance in lodging a submission with respect to a development application. It is not essential that you use this form. A signed letter is acceptable.

### Who can I talk to about my Submission?

You can contact the assessment officer assigned to the DA.

### How long do I have to make a Submission?

Refer to the Byron Shire News, notification letter or the sign on the property for the exhibition period. The closing date for submissions will be clearly noted. In most cases the notification period is 14 days, however Council's [Development Control Plan No. 17 – Public Exhibition and Notification of Development Applications](#) allows for an extension to the notification period over Christmas and Easter. All submissions must be received by 4.00pm on the last date of the exhibition period.

### Can I make a late Submission?

No

### 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.

### Will my Submission remain confidential?

Submissions will be made public in accordance with Schedule 1 Part 3 Clause 1(a)(vi) of the GIPA Regulations 2009 as applicable including both the substance of the objection and the identity of the objector. For assistance with this please call Council's Records Coordinator on 02 6626 7113.

## Political Donations and Gifts Disclosure Statement

If you are making a submission you may be required to lodge, now or possibly in the future, a "Political Donations and Gifts Disclosure Statement". It is your responsibility to ensure you meet your obligations to disclose reportable political donations and gifts. A failure to meet your obligations is an offence the penalty for which can include significant fines and/or imprisonment. A Guideline providing detailed information on the disclosure obligations is available at <http://www.byron.nsw.gov.au/political-donations> or from Council. Council strongly urges you to read the Guideline and satisfy yourself that you are complying with your disclosure obligations prior to lodging a submission. All Political Donations and Gifts Disclosure Statements will be public documents and all information contained in them will be available to the public and government agencies.

### What happens after I make a Submission?

Council will acknowledge receipt of your submission. Your submission will be considered by Council staff during assessment of the development application and determination process.

If the determination is made by Council staff under delegation, you will be advised of the outcome at the end of the process. If the application is required to go before a Council meeting for determination, you will be advised time and date of the Council meeting, where you may also be able to address the Councillors advising them of your concerns.

You will be able to access a copy of the determination notice on Council's website approximately 1 week following the determination. If approval is granted, the notice sets out conditions imposed by Council in relation to the development. If the application is refused, the notice sets out the reasons for the refusal.

### How is a decision made?

Development Applications must be considered in accordance with the requirements of 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 that have been made in accordance with the Environmental Planning and Assessment Act and Regulation; and
- The public interest.

Copies of Council's local planning instruments and policies may be found on Council's website ([www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)).

### 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 & Gifts' form may be collected from Council offices or downloaded from Council's website. Detailed reportable donation disclosure requirements are outlined within that form.

### Further Information

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