



# Commenting on DA's

## Commenting on DA's

You have received a notification letter with details of a development application submitted to Council. You have 7 days within which to look at the plans for the proposed development and make a written submission to Council. We have developed this easy-to-follow guide to help you with the submission process.

### Need help with the plans and documents?

Staff are available to help you interpret plans, drawings and any other documents accompanying the application. The staff cannot make any value judgements on the proposal and any technical enquiries can be answered by the Planning and Development staff.

### How to make a submission

- Your submission must be in writing and be addressed to the Council and be lodged within 7 days.
- Quote the Development Application number and the address of the subject property at the beginning of your submission. This information is on your notification letter.
- Clearly state the reasons why you object to, or support, the proposed development. Your objections may relate to such issues as overshadowing, loss of privacy, loss of views or the scale and bulk of the proposed development.
- The staff may need you to clarify the matters you have raised in your submission, so please include your daytime telephone contact number.
- Make any positive suggestions as to how the proposed development can be improved.
- Conclude your submission with a handwritten signature.

You may post, fax or personally deliver your submission to the Council. Our address and facsimile details are on

the back page of this brochure. If you send your submission through the mail, make sure you allow sufficient time for delivery by 4.30 pm on the closing date for submissions, as late submissions may not be considered.

### What happens when I make a submission?

We acknowledge your submission in writing. However, it may be some weeks before your submission is dealt with. Initially, the submissions are reviewed by staff from our Planning & Development Department. The Officer evaluates the submissions. If the Officer agrees with your objections, he or she may contact the person proposing the development and request amendments to the plans before the matter goes any further.

The Officer will prepare a report, which will include summaries of all submissions and the officer's own assessment. An application may be considered and determined by Council staff, or the Council. The names and addresses of all those making submissions are included in the report when it is determined by the Council. When an application is referred to the Council, the officer's report is publicly available at the Council meeting.

You may attend the Council meeting and you may be invited to speak by the Chairperson if required.

## **What is the difference between the Staff and Council determination?**

Staff have delegation of authority to determine approvals for routine development. Where the impacts can be resolved or are insignificant the consent may be granted. There is no third party rights of appeal to these decisions. A staff Officer may invite you to a meeting between the applicant in an endeavour to mediate an outcome acceptable to both parties.

Where staff seek to refuse or recognise there are significant impacts, the application will be referred to a Council meeting for determination. Other developments that Council views may have potential conflicts and impacts are usually determined at a monthly public council meeting. These types of developments are subdivisions, residential flats, commercial, industrial and heritage precinct buildings.

Any submissions are publicly tabled and may be examined by the Council or the applicant. There is no parliamentary privilege at the Council meeting and the libel and defamation laws could be invoked. Be appropriate with your submissions or issues and not become embroiled in grievances, grudges or personal observations.

The Staff or Mayor may invite you to raise your concerns or issues. There is usually no third party right of appeal to the Council decision unless it is "designated development".

If you or your representative wish to attend a Council meeting you may be permitted to address the meeting by prior arrangement.

Your address will be limited to ten minutes and the applicant or their representative will be provided a right of reply.

If you are unable to attend the meeting, your concerns will be fully considered before the application is determined.

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## **Will I be informed of the Council's decision?**

An applicant who is not satisfied with the Council's decision may appeal to the Land and Environment Court. People who submit an objection do not have a right of appeal.

## **Petitions**

We urge anyone organising a petition regarding a development application or important community issue to include their name and contact details of the organisation (if any) they represent. This contact information will enable us to send a response to the person or organisation circulating the petition. Our response can then be distributed to the signatories by the petition organiser.

If you require any advice or assistance during the submission process, please contact Council's Planning & Development Department on 6924 8100 between 9am and 5pm weekdays.

### **Junee Shire Council**

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