

Submission Policy

1 Purpose

Coffs Harbour City Council welcomes submissions from members of the community and industry stakeholders as this feedback is critical in Council's achievement of informed and transparent decision making. This policy has been prepared to assist those in making a submission and to ensure that Council's consideration of submissions is fair and consistent.

2 Policy

2.1 Submission Process

Public participation in the decision making process in New South Wales is a major focus of the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979*. These Acts require Council to be open, accountable and approachable.

2.1.1 Statutory Processes

The *Local Government Act 1993* identifies certain matters or proposals which Council is required to place on public exhibition, such as a community strategic plan, delivery program and operational plan.

The *Environmental Planning and Assessment Act 1979* and *Regulation* identify certain types of development which are required to be publicly notified such as designated development, state significant development and other advertised development.

Public participation in the assessment of development applications within the Coffs Harbour Local Government Area (LGA) is further prescribed by *Coffs Harbour Development Control Plan 2015*. Development is either prescribed in this Plan as advertised development or notified development.

The NSW legislation also prescribes formal notification processes as part of the preparation of road naming, local environmental plans, development control plans, developer contribution plans and plans of management.

2.1.2 Non-statutory Processes

Council regularly engages with the public on a number of non-statutory matters or proposals such as growth strategies, town centre master plans, public realm improvements, open space strategies and sports facility plans.

2.2 Making a Submission

Any organisation or member of the public can make a submission on a matter or proposal which is on public exhibition. Submissions are one of the key ways in which the community can engage in local decision making processes. Calls for submissions are a key opportunity for communities and stakeholders to make their voices heard.

2.3 Content – Electronic Submissions

In order for Council to consider electronic submissions (email, website or online engagement platforms) for a matter or proposal that has been placed on public exhibition, each submission must:

- contain legitimate contact details (name, email, phone number and address);
- be received by Council during the submission period;

- c) be correctly or 'properly' made to include:
- application number or proposal title; and
 - reasons for the submission.

Submissions which do not satisfy the above criteria may not be considered in the determination of the matter or proposal.

2.4 Content – Written Submissions

In order for Council to consider a written submission for a matter or proposal that has been placed on public exhibition, each submission must:

- a) include the signature of each person making the submission;
- b) be received by Council during the submission period;
- c) be correctly or 'properly' made to include:
- application number or proposal title;
 - name and address of the submitter;
 - reply email if possible; and
 - reasons for the submission.

Submissions which do not satisfy the above criteria may not be considered in the determination of the matter or proposal.

2.5 Content – General

An effective submission should:

- a) introduce the individual or group;
- b) outline concerns/issues;
- c) make recommendations and clear statements;
- d) use evidence to support arguments;
- e) identify any good aspects of the matter or proposal;
- f) be clear and concise; and
- g) not contain emotive, abusive or disrespectful language.

2.6 Types of Submissions

2.6.1 Electronic submissions

Online - Council Website

Submissions may be lodged online through Council's [website](#). This is Council's preferred method for the lodgement of submissions as it is more efficient for the customer and Council. Where submissions are lodged online, an automated acknowledgement is sent to the submitter.

Online – Engagement Platforms

Council may at its discretion utilise online engagement platforms as part of public exhibition processes to capture formal submissions. Where such platforms are utilised to capture formal submissions, a statement to this effect is to be provided on the relevant public notice for this matter or proposal. Where submissions are lodged by endorsed online engagement platforms, an acknowledgement is sent to the submitter where a reply email is provided.



Email

Submissions may be made by email to Council's corporate email address: coffs.council@chcc.nsw.gov.au. Where submissions are lodged by email, an acknowledgement is emailed to the submitter.

Letters

Written submissions may be lodged:

- in person at Council's Customer Service Centre; or
- by post to Locked Bag 155 Coffs Harbour NSW 2450.

Where submissions lodged in person or post contain a reply email, an acknowledgement will be sent by email. Where submissions do not contain a reply email, an acknowledgement will be sent by post only for statutory notification processes.

For non-statutory matters or proposals an acknowledgement is only sent where a reply email is provided. In this regard, such matters are reported to Council for determination during which time the submitter is able to review a summary of submissions and how the issues raised in their submission have been addressed.

Joint Submissions (including e-petitions)

Joint submissions (including e-petitions) may be made by two or more members of the public. Joint submissions are required to clearly identify the contact person for the submission and who the submission is representing.

Petitions (written)

The following guidelines apply in relation to the format of written petitions:

- A written petition must;
 - be polite;
 - be legible, being either clearly written, typed or printed and correctly addressed;
 - state the reasons for the petition and request some action or remedy;
 - contain the request for a remedy at the top of each page of the petition;
 - contain at least one signature;
 - contain the names and addresses of the petitioners and their signatures;
 - be an original document;
 - show the date each petitioner signed the petition; and
 - state the person to whom and the address at which Council's response to the petition can be sent.

The requirement that a written petition document be original means that if the same petition is to be presented to another body in addition to Council, then two petitions must be prepared, rather than simply photocopying the petition.

- A written petition must not:
 - have any crossing out or erased passages in the reasons for the petition or the request for action;

- contain signatures copied or pasted onto the petition;
- have other documents attached to the petition;
- contain irrelevant statements; or
- be defamatory.

Pro-forma Submissions

'Form' or pre-prepared letters must:

- be polite;
- be legible, being either clearly written, typed or printed and correctly addressed;
- contain the name and address of the submitter and their signature;
- be an original document; and
- show the date the submitter signed the letter.

'Form' or pre-prepared letters must not:

- contain any signature copied or pasted onto the letter; or
- be defamatory.

2.7 Submission Period

The submission period serves two purposes, firstly to identify the period during which the matter or proposal is placed on public exhibition and secondly, to identify the period during which the public may make submission to Council with respect to the matter or proposal (i.e. they are simultaneous). For statutory notification processes the minimum submission period is almost always specified in the relevant legislation and can range from fourteen days to forty two days.

Council's exhibition / submission period for non-statutory notification processes is a minimum of 28 days. However the submission period may vary depending on the nature of the matter or proposal (i.e. submission periods over the Christmas / New Year period are ordinarily extended).

2.8 Late Submissions

Submissions are to be made within the submission period to ensure that they are taken into account by Council prior to any decision or determination being made on the matter or proposal.

Council may at its discretion extend the submission period. In this regard, the submission period is taken to be extended universally for all persons and not differentially for one or some persons.

For statutory notification processes under the *Environmental Planning and Assessment Act 1979*, the making of a late submission (even if considered by the Consent Authority) affords no rights under section 98 of this Act to commence an objector appeal.

For non-statutory notification processes late submissions will only be considered in extenuating circumstances. In this regard, adequate justification is to be provided to the relevant responsible officer for consideration.

2.9 Consideration of Submissions

Submissions are forwarded to relevant staff for review, and formally reported to Council or other relevant determining authorities, to assist in the consideration of the issues. Each submission is considered on its merits. Submissions cannot solely determine the outcome of an issue as Council must take into account a range of matters in making its decision. No subjective weighting is given to

any submission due to its origin or any other factor to elevate its importance above any other submission.

The number of submissions made objecting to a proposal and those made in support will not determine the outcomes of any proposal.

The following principles apply to the consideration of submissions by Council to ensure consistency and equity when reporting on the submissions received:

- a) Submissions will be treated the same regardless of the lodgement channel.
- b) A submission lodged by an individual is considered as one submission.
- c) A submission lodged by an individual (or group) through multiple lodgement channels is considered as one submission.
- d) Joint submissions (including e-petitions) will be noted as one submission, but reported as being representative of a collective position.
- e) Petitions are considered as one submission.
- f) Form letters and emails submitted in bulk are considered as one submission, similar to a petition.
- g) Form letters are considered as individual submissions if they are lodged as an original copy (i.e. not a photo copy) by the submitter whose signature appears on the letter and the submission contains legitimate contact details (submitters name, phone number, address or email).
- h) Submissions lodged on behalf of other people must contain consent to the lodgement of the submission by the third party.
- i) Anonymous submissions are not accepted by Council.

2.10 Submissions Received in Confidence (Whether Fully or In Part)

Submission writers may advise in writing when lodging their submission that they require all or any part of their submission to be treated confidentially. Council determines requests for access to confidential submissions in accordance with the *Government Information (Public Access) Act 2009* (NSW) (the GIPA Act).

Council is required under the GIPA Act and the *Regulation* made under that Act (the GIPA Regulation) to make certain information available on Council's website and also for inspection and copying at Council's offices. However, as public submissions may be of a personal or sensitive nature, it would be contrary to the public interest for such information to be disclosed on Council's website where it could be viewed by anyone in the world with access to the internet and downloaded into other formats.

For this reason, Council will not place public submissions received on Council's website but may make them available for public viewing or copying at Council's offices as required (where confidentiality has not been claimed by the submission writer).

A summary of submissions received by Council may be included in Council's Business Papers which are available to the general public on Council's website. A summary of submissions would not include any content that would identify submission writers.

Councillors may review public submissions on matters subject to a Council resolution or otherwise related to their duties as Councillors.

The GIPA Act or the GIPA Regulation does not affect Council's responsibilities under other laws. In addition, Council may be obliged to release information as required by court order.



2.11 Disclosures and Political Donations and Gifts

A person who makes a public submission objecting to, or supporting a planning application or any development that would be authorised by the granting of the application, must make a disclosure of any reportable political donation or gift having regard to the relevant provisions of Section 147 (4) and (5) of the *Environmental Planning and Assessment Act 1979*.

A person who makes a relevant public submission in relation to a planning application lodged with the Council must make a disclosure of any reportable political donation or gift made in the previous two years until the date the matter is determined, to anyone by that person or any associate of that person including:

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

A reportable political donation made to a local councillor includes any donation made at the time a person was a candidate for election of the Council.

Disclosure forms are available from Council's Customer Services Section or may be downloaded from Council's website at www.coffsharbour.nsw.gov.au.

Disclosures of the political donations and gifts are made publicly available on the *NSW Electoral Commission* website. A link to the *NSW Electoral Commission* website is also made available on Council's website (refer to the table on *Publicly Available Information*).

2.12 Copyright

It is the responsibility of the submission writer to obtain permission from the person entitled to copyright in respect of any information attached or contained in their submission that copyright applies in order that Council :

- a) may copy and issue copies of the information and to reproduce and publish the information as it considers appropriate; and
- b) is indemnified against any claim or action in respect of breach of copyright relating to Council copying, issuing copies reproducing or publishing the information.

2.13 Privacy Policy

All personal information is managed in accordance with the *Privacy and Personal Information Protection Act 1998* (NSW) (the PPIP Act).

Personal information is any information from which an individual's identity is apparent or can be reasonably ascertained. It may include an individual's name, email or postal address, contact numbers and other identifiable information, as well as their opinions and ideas.

Public submissions are voluntary and enable Council to consider comments on the matter for which they are invited.

The intended recipients of the personal information are Councillors, members of staff of Council, administrators of Council, members of Council committees, delegates of Council, contractors engaged by Council (including legal advisers, consultants and external experts).

Other persons may also access public submissions received and these requests would be processed under the GIPA Act to ensure that the public interest is taken into account.

Council is required to use personal information submitted by members of the public for the purpose for which it was collected or for such exceptions specified under the PPIP Act. Anyone may access or amend their personal information at any time by contacting Council.

3 Definitions

Form letter or pre-prepared letter means a submission that is based on a standard template, contains the same information and is used by others in making a submission on the same matter or proposal.

Letter means a written submission lodged in person or by post.

Joint submission means a submission made by two or more members of the public (e.g. by forming a community group and appointing a spokesperson).

Public Exhibition means a matter or proposal which Council is seeking formal feedback from the public as expressly stated in a public notice.

Electronic submission means a submission lodged online through Council's corporate website, corporate email account or Council's approved online engagement platforms.

Petition means a formal written request, typically one signed by many people, appealing to Council as a submission during a public submission period.

Public notice means a notice providing information for the public in relation to a matter or proposal on 'public exhibition' by publishing a notice such as on Council's website, in a newspaper or by placing a notice on the land or by giving notice to specific landowners.

Online engagement submission means a submission provided through an online engagement platform which has expressly been specified in the relevant public notice as an endorsed method for submission lodgement.

Submission means the act of providing comment on a matter or proposal that is on 'public exhibition' within the specified submission period.

A submission can be made:

- in support;
- in opposition;
- in support in some parts and in opposition in other parts; or
- neither in support or in opposition but comprising neutral information for consideration.

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with this policy.
General Manger	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy.
Directors	All Directorates	To communicate, implement and comply with this policy.
All Council Officials	Council	To abide by and comply with this policy when considering formal submissions made on a matter or proposal on which has been placed on public exhibition.

5 References (laws, standards and other Council documents)

- *Environmental Planning and Assessment Act 1979*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Local Government Act 1993*
- *Privacy and Personal Information Protection Act 1998*

6 Details of Approval and revision

- **Approval date: 8/06/2017**
- **Responsible Section: Customer Resolution**
- **Superseded policies/procedures:** How to Make a Submission Information Sheet
- **Next review date: 8/06/2021**

Table of amendments

Amendment	Authoriser	Approval ref	Date