

Appendix | Community Participation Plan 2023

Snowy Monaro Community Participation Plan



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1 Snowy Monaro Community Participation Plan

Community participation and stakeholder engagement are vital for successful planning outcomes. Snowy Monaro Regional Council have developed this multi-faceted framework to engage with the community. This Community Participation Plan has been prepared in line with the Environment Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment Guidelines. This plan outlines the legislative requirements and Council's policy for community participation in the planning system including but not limited to:

- Development Applications
- Planning Proposals and Plan Making
- Development Control Plan Amendments
- Nominated Integrated Development
- Designated Development

Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, Local Government and State and Commonwealth Government agencies.

Objectives

- To provide opportunity for those potentially impacted by development to comment on possible impacts
- To provide clarity and consistency in the notification process
- To specify development/s considered 'advertised development' for the purposes of the Act
- To outline circumstances in which direct notification and/or advertising will be undertaken

1.1 What is a Community Participation Plan?

Community participation plans were included in the *Environmental Planning and Assessment Act 1979* in 2018. Community participation plans are designed to make participation in the planning system clearer for communities. It achieves this by setting out when and how you can participate in the planning system.

Community participation plans are outlined in Division 2.6 of the *Environmental Planning and Assessment Act 1979* and must contain, as a minimum, those items stated in Part 1 of Schedule 1 in the *Environmental Planning and Assessment Act 1979*.

Table 1 and 2 below outlines the legislative requirements for public notification of documents and Table 3 below outlines Council's policy on notification for all other planning related matters.

1.2 Community Participation Plan Principles

The following community participation principles guide Council's approach to community consultation and engagement:

- The community has a right to be informed about planning matters that affect it
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account)
- Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development

The community participation plan principles are core to the public engagement approaches undertaken by Council in relation to planning matters. These principles guide Snowy Monaro Region communities' participation in the planning System.

2 Legislative and Policy Requirements for Public Exhibition

Objectives

- To provide opportunity for those potentially impacted by development to comment on possible impacts
- To provide clarity and consistency in the notification process
- To specify development/s considered 'advertised development' for the purposes of the Act
- To outline circumstances in which direct notification and/or advertising will be undertaken

2.1 Prescriptive requirements

Application

This chapter applies to all development applications which pertain to lands in the Snowy Monaro region. Note that development applications do not necessarily include new building works.

This chapter does not apply to development which is exempt or complying development.

Council imposes a fee upon applicants for costs incurred in providing notice to the community. Fees are specified in Council's Fees and Charges.

2.2 Provision of a public notification period

Where notification is required, Council provides a period of notification of fourteen (14) calendar days unless another period is outlined in tables 1, 2 or 3.

Tables 1, 2 and 3 detail the minimum notification requirements for different types of development applications. Notice as prescribed by tables 1, 2 and 3 is provided during the notification period. Ordinarily, notice is only provided for development types featured in the tables.

At the commencement of the notification period, direct notice of development applications is sent to applicable property owners (as noted in tables 1, 2 and 3). This is described in Section 5.2.3.

During the period of public notification the development application and accompanying documents will be available for inspection at Council's main and branch offices during normal business hours.

The period **between 20 December and 10 January (inclusive) is excluded** from the calculation of a period of public exhibition.

Community members may make submissions during the public notification period as described at Section 5.2.7 onwards.

In certain circumstances Council may waive notification requirements. These circumstances include where there is no discernible impact from the development and where notifying the public would be futile.

2.3 Means of direct notification and who will be notified

Direct notice of development applications is sent as a mailed letter to applicable property owners (as noted in tables 1 and 2) as listed in Council's records.

For a property with multiple owners, written notice to one owner is considered notice to all owners (as per clause 88(2)(c) of the Regulations). Council notifies all owners if aware of their address details in association with the property.

If land is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1986*, written notice to the owners' corporation is considered written notice to the owners of each lot within that strata scheme.

If land is a lot within the meaning of the *Strata Schemes (Leasehold Development) Act 1986*, written notice to the lessor under the Leasehold Strata Scheme concerned and to the owners' corporation is considered written notice to owners or occupiers of each lot within that Scheme.

In all instances detailed in the preceding two paragraphs, Council reserves the right to give individual notice to owners within strata schemes.

2.4 Additional provision of public notice

Council reserves the right to distribute or otherwise provide notice to the community additional to requirements outlined in sections above and in tables 1, 2 and 3. Additional

notification occurs at discretion of Council officers having regard to potential impacts of proposed development. Costs of additional notification are borne by the applicant.

3 Legislative requirements to provide public notice

Notification requirements for some types of development are legislated by the State of New South Wales. Council must follow the requirements of NSW legislation. These types of development are listed in Table 1 and Table 2. Further detail is contained within the legislation and any relevant environmental planning instruments.

Table 1: New South Wales legislative requirements for notification (Plan Making)

Type of development	Minimum notification requirement	Advertise in newspaper	Additional comments
Legislative Requirements			
Draft Community Participation Plan	Any public authority with a potential interest	Yes	Minimum advertising period of 28 days
Draft Regional and District Plans	Any public authority with a potential interest	Yes	Minimum advertising period of 28 days
Draft Local Strategic Planning Statements	Any public authority with a potential interest	Yes	Minimum advertising period of 28 days
Planning Proposals for Local Environmental Plans subject to a gateway determination	Adjoining owners Any public authority with a potential interest	Yes	Minimum advertising period of 28 days or a) if a different period of public exhibition is specified in the gateway determination for the proposal — the period so specified, or b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal — no public exhibition

Type of development	Minimum notification requirement	Advertise in newspaper	Additional comments
Draft Development Control Plans	Any public authority with a potential interest	Yes	Minimum advertising period of 28 days
Draft Contribution Plans	Any public authority with a potential interest	Yes	Minimum advertising period of 28 days

Table 2: New South Wales legislative requirements for notification (Development Assessment)

Type of development	Minimum notification requirement	Advertise in newspaper	Additional comments
Legislative Requirements			
'Nominated integrated development': any development requiring approval under the <i>Heritage Act 1977</i> , <i>Water Management Act 2000</i> or <i>Protection of the Environment Operations Act 1997</i>	Adjoining owners Any public authority with a potential interest	Yes	Minimum advertising period 28 days Advertise in local newspaper.
Designated Development	Adjoining owners Any public authority with a potential interest	Yes	Minimum advertising period of 28 days (Schedule 1 of the EP&A Act) Signage to be provided on site For other requirements see clauses 56-60 of Regulations Advertise in local newspaper

Type of development	Minimum notification requirement	Advertise in newspaper	Additional comments
Council-related development application	28 day notification Adjoining and opposite owners	Yes	Council-related development application means a development application, for which a council is the consent authority, that is— <ul style="list-style-type: none"> a) made by or on behalf of the council, or b) for development on land— <ul style="list-style-type: none"> i. of which the council is an owner, a lessee or a licensee, or ii. otherwise vested in or under the control of the council.'
State Significant Development	Minimum advertising period of 28 days (Schedule 1 of the EP&A Act) Consent Authority advertising requirements as per the NSW Government Department of Planning Community Participation Plan For other requirements see clauses 56-60 of Regulations		
Environment Impact Statement obtained under Division 5.1 or Environmental Impact Statement for State Significant Infrastructure under Division 5.2	Minimum advertising period of 28 days (Schedule 1 of the EP&A Act) Consent Authority advertising requirements as per the NSW Government Department of Planning Community Participation Plan		

4 Council-adopted requirements to provide public notice

Table 3: Snowy Monaro Regional Council adopted requirements for notification

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Subdivision				
All types of subdivision less than 20 lots not including boundary adjustments	14 days	Adjoining and opposite owners	No	Nil
All types of subdivision 20 lots or more	28 days	Adjoining and opposite owners (28 day notification) Council will notify owners adjacent to road routes expected to service the site	Yes	
Residential Accommodation				
Dwelling houses less than 2 storeys	Nil	Nil	No	No notification required. Unless determined otherwise by assessing officer

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Dwelling houses 2 storeys or more	Zone RU 1-4 – Nil Zone C 1-4 – Nil Zone R5 – Nil for lots over 1 hectare in size All other zones – 14 days (including zone R5 for lots below 1 hectare in size)	Adjoining and opposite owners No notification requirement for rural areas ('RU' zones 1-4), C zones or R5 lots over 1 hectare.	No	No notification requirement for rural areas ('RU' zones 1-4), C zones or R5 lots over 1 hectare. Unless determined otherwise by assessing officer
Dual occupancy or secondary dwellings	Zone RU 1-4 - Nil All other zones - 14 days	Adjoining and opposite owners	No	No notification requirement for rural areas ('RU' zones 1-4)
Alterations and additions for new habitable storey	Zone RU 1-4 – Nil Zone C 1-4 – Nil Zone R5 – Nil for lots over 1 hectare in size All other zones – 14 days (including zone R5 for lots below 1 hectare in size)	Adjoining and opposite owners	No	No notification requirement for rural areas ('RU' zones 1-4), C zones or R5 lots over 1 hectare
Residential flat buildings, multi-dwelling housing (inc. seniors /disability housing), boarding house, hostel, group home, Shop top housing	14 days	Adjoining and opposite owners	At Council officers' discretion	Nil
Commercial and Industrial Development (including extractive industries and rural industries)				

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Tourist and visitor accommodation, eco-tourist facilities	14 days	Adjoining and opposite owners as per comments to right	At Council officers' discretion	Illumination and Temporary signage shall be notified. (TfNSW if relevant and adjoining/opposite land owners)
Commercial development, public use facilities, venues, crowd-attracting uses, recreation facilities	14 days	Adjoining and opposite owners. Council may broaden notification subject to circumstances of the site and intensity of use anticipated	At Council officers' discretion	
Industrial development, storage, transport depots	14 days	Adjoining and opposite owners Council may notify owners adjacent to road routes expected to service the site, when site is outside employment 'E' zones.	When located outside 'Industrial' zones	Public authorities will be notified as deemed necessary by Council
Extractive industries, rural industries and intensive agricultural developments	14 days	All properties within 500m of the development site. Council may broaden notification subject to circumstances of the site	Yes	Public Authorities will be notified as deemed necessary by Council

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Alterations and Additions to Commercial development, public use facilities, venues, crowd-attracting uses, recreation facilities	Nil notification where development does not result in an increase to GFA. 14 days in all other instances	At Council officers' discretion	At Council officers' discretion	Nil notification where development does not result in an increase to GFA.
Miscellaneous				
Development seeking to vary a development standard via Clause 4.6 of an LEP	14 days	Adjoining and opposite owners	At Council officers' discretion	
Signage	Nil Illuminated temporary signage shall be notified for 14 days	At Council officers' discretion	At Council officers' discretion	Illuminated temporary signage shall be notified for 14 days (adjoining and opposite owners and TfNSW if necessary)

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Works of any category impacting LEP heritage items or impacting a heritage conservation area	14 days	Adjoining and opposite owners This may be expanded or reduced at Council officers' discretion	At Council officers' discretion	<p>Works should be notified if substantially altering the appearance or themes of a heritage item, as viewed from public roads or neighbouring property</p> <p>Apply these rules in addition to another category of works in this table</p> <p>Only work to heritage items triggers this section. Development proposed as a conservation incentive is notified according to the relevant category in this table</p>

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
Change of Use	At Council officers' discretion – Please see additional comments column	Adjoining and opposite owners	At Council officers' discretion	Residential change-of-use notified only when intensity of use proposed is greater than a single dwelling Other change-of-use notified in accordance with applicable category for that new use in this table
Electricity generating works	14 days Nil in 'Industrial' or 'Rural' zones if capacity is less than 100kw	Adjoining and opposite owners Council may broaden notification subject to circumstances of the site.	No	For any electricity generating works, only notify in 'I' zones and 'RU' zones 1-4 if capacity is equal to or greater than 100kw
Restricted premises, sex services premises	14 days	Adjoining and opposite owners	Yes	Nil
Home Occupation (sex services)	14 days	Adjoining and opposite owners	No	Nil
Division 8.2 Reviews	As per original application	As per original application	As per original application	As per original application
Section 4.55 Modifications:				
(s4.55(1))	Nil	Nil	No	Nil

Type of development	Minimum Notification Period	Minimum notification requirement	Advertise in newspaper	Additional comments
(s4.55(1A))	Nil – Unless determined otherwise by Council officer	At Council officer's discretion - Adjoining and opposite owners and any objector to the development.	No	Minimum notification period of 14 days Notification period may be waived for minor modifications with no resulting change to impacts
(s4.55(2))	14 days	Adjoining and opposite owners and any objector to the development	Same as original application	Notification for a period not exceeding 14 days but otherwise in the same manner as the original application.
(s4.56)	As per original application	As per original application	As per original application	As per Clause 119 of the EP & A Regulation
Other Items				
One off events	14 days	At Council officers' discretion	At Council officers' discretion	
Any other development not listed above, which in the opinion of Council may have adverse or detrimental impacts.	14 days	At Council officers' discretion	At Council officers' discretion	

Note: Where development falls into multiple categories, the greater notification requirement is fulfilled. Council may also broaden notification beyond adjacent and opposite owners where the pattern of lots near the development is unusual.

Where items are 'at Council officers' discretion', adverse or detrimental impacts will be considered during the assessment of the development application.

Some proposed developments are amended by applicants prior to determination. Council will provide renewed notice of amended proposals where potential impacts of the development are significantly altered. Those notified of the original proposal or who made a submission will be notified of the amended proposal in those cases.

Written objections made to original development proposals will still be considered by Council in determination of amended development applications. If objections are withdrawn following amendment and re-notification these are not considered by Council in its final determination.

Development identified by Table 2 as requiring advertising in the newspaper is considered to be 'other advertised development' for the purposes of the Environmental Planning and Assessment Regulations 2000.

5 Submissions

Submissions regarding development applications may be made by any person. To have received formal written notification is not a condition of submission.

Submissions are required in writing. All submissions must be received by Council by close of business on the final day of the notification period. Extensions are granted at the discretion of Council officers. Potential late submitters should contact Council to confirm the granting of such extensions.

Emailed submissions are preferred for reasons of promptness. Emailed submissions must include signature(s) of submitter(s). When emailing submissions, such emails must include the relevant DA number in the subject of the email and must be sent to records@snowymonaro.nsw.gov.au for formal registration.

Signed submissions can be sent by mail or hand delivered to Council offices. Council will accept postal correspondence marked on the day of closure of the notification period. Original facsimile/s will be required not more than seven (7) days from the final day of the notification period.

Submissions must clearly state the relevant development application number and the name and address of the person making the submission if this is an objection; the grounds of objection are required to be specified.

Submitters should provide Council an email address to receive notice of Council meetings where the application may be considered. Council will formally acknowledge any submissions received.

Please note: comments made via Social Media are **not** considered a submission.

5.1 Political donations

When making a written submission to Council objecting to or in support of a development application the person who makes the written submission is required to disclose any reportable political donations and gifts made by the person making the submission or any associate of that person within the period commencing 2 years before the submission is made and ending when the application is determined. This includes:

- a) all reportable political donations made to any local Councillor of that Council (a reportable political donation made to a 'local Councillor' includes a reference to a donation made at the time the person was a candidate for election to the Council). Reportable political donations include those of or above \$1,000; and
- b) all gifts made to any local Councillor or employee of that Council.

If you think that the above may apply to you Council urges you to read and complete the 'Political Donations Disclosure Statement' and return it with your submission. Please note that failure to disclose this information or make a false disclosure is an offence. This form is available from Council's website or offices.

5.2 Late Submissions

Council **does not guarantee** submissions received following closure of the notification/advertising periods, without an extension having been granted, will be considered in determination of the applications.

5.3 Submissions are Public Documents

If an application is to be determined by Council at a Council meeting any submission made will be reproduced in the business paper for that meeting which is a public document. Council endeavours not to publicly disclose any personal information contained in attached submissions.

Interested persons may view or obtain submissions made in respect of development applications. There is no entitlement to view or obtain personal information contained in any submission. Such permission is obtained through a formal process designed for this purpose.

6 Other Community Participation Requirements

- A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason

- Timeframes are in calendar days and include weekends
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day