

Community Participation Plan

*Having your say on
planning matters*

February 2020





Overview

Introduction

This Plan has been prepared to satisfy the requirements of Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). In particular, Section 2.23 of the EPA&A Act, states:

- (1) *'A planning authority ... is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions'.*

What does this mean?

In addition to our other engagement processes in our wider Community Engagement Plan, we have an ongoing commitment to our community specifically in relation to planning matters:

- Our community has a right to be informed about planning matters that affect them
- We encourage effective and on-going partnerships with our community and provide meaningful opportunities for community participation in planning
- The information we use will be in plain language and easily accessible
- We will use new technologies including online opportunities for engagement and notification where available and appropriate
- We will engage with our community early in the strategic planning process
- We will be inclusive and ensure that the views gathered are representative of the affected community
- Our planning decisions will be made in an open and transparent manner, and our community provided with reasons for decisions made

Purpose

The purpose of this Plan is to clearly explain how and when we will undertake community engagement in relation to planning matters such as:

- **Development Consent functions**, for example assessment and determination of development applications, including revised plans, modifications and review of applications - **refer Table 1**.
- **Strategic Planning functions**, for example exhibition of draft strategic plans including a Local Strategic Planning Statement, Planning Proposal, Local Environmental Plan (LEP) and Development Control Plan (DCP) - **refer Table 2**. In this document 'draft strategic plans' relate to planning and land use.

Limitations of the Community Participation Plan

Our Community Participation Plan is relevant to planning matters only. Community engagement for other Council services, functions and infrastructure is guided by our wider Community Engagement Plan.

Community Participation in Planning Functions

Notification

Table 1 outlines community participation in relation to Development Consent functions.

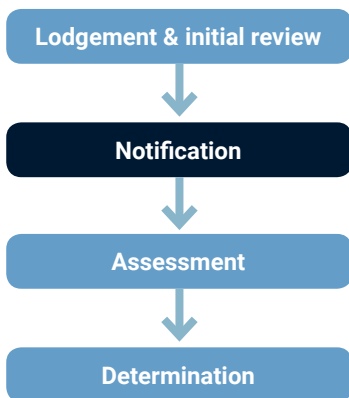
Table 2 outlines community participation in relation to key Strategic Planning functions.

These planning functions are generally notified in the following ways:

1. Written notices to:
 - adjoining property owners
 - any other property owners that council considers may be affected
 - any relevant public authorities
2. Advertisement in a local newspaper
3. Council's website (Application Tracker or 'Have your Say' pages)

Development Consent – Typical Process Outline

Notification occurs early in the assessment process so that any submissions can be considered in the assessment phase.



Exhibition Timeframes

Tables 1 and 2 include minimum notification requirements, unless otherwise specified by this Plan.

Timeframes are in calendar days and include weekends. If the exhibition period is due to close on a weekend or a public holiday, we will extend the exhibition to finish on the first available working day. The period between 20 December and 10 January (inclusive) is also excluded from the calculation of a period of public exhibition (as per Schedule 1 of the EP&A Act).

For major development applications that may have a significant impact or be of particular community interest, exhibition timeframes may be extended at our discretion.

On request from a potential submitter, we may extend the timeframe during which submissions can be made. Such extensions will be at our discretion and will only be considered where appropriate justification can be provided.

Amended or modified applications and reviews of determinations that are minor in nature, or result in a reduction in the environmental impacts, are not required to be re-advertised or re-notified.

When an application is withdrawn and another application made, the new application will be advertised or notified as if the previous application had not been made.

Table 1 – Development Consent functions

Development applications lodged with Council will be notified in accordance with the table below. There are certain circumstances where notification is exempt (refer next page).

Application	Days	Written notice to property owners	Local newspaper	Council website (Application Tracker)
Development Application (DA)	7	Yes	Yes	Yes
Development Application (DA) – heritage item or heritage conservation area	14	Yes	Yes	Yes
Amended DA (Revised plans) – where additional environmental impacts	7	Yes and to any objectors of the original DA	No	Yes
Modification of Consent – minor Applications for Section 4.55(1) or (1A) modifications (of the EP&A Act) will not be notified. These are to correct a minor error, misdescription or miscalculation, or for modification of a consent involving minimal environmental impact.	-	No	No	Yes
Modification of Consent – other As defined by Section 4.55 (2) of the EP&A Act	7	Yes and to any objectors of the original DA	Yes	Yes
Review of determinations of decision As per Section 8.2 of the EP&A Act	7	Yes and to any objectors of the original DA	Yes	Yes
Designated Development Designated Developments are higher impact developments that are detailed in Schedule 3 of the EP&A Regulation 2000 and includes activities such as chemical storage facilities, electricity generating stations, extractive industries, intensive livestock agriculture, mines and waste management facilities. These developments need to be supported by an Environmental Impact Statement.	30	Yes	Yes	Yes
Integrated Development Integrated development requires approval to be obtained from other public authorities before consent can be granted by Council. Integrated development can only be obtained through seeking development consent and one or more of the approvals listed in Section 4.46 of the EP&A Act.	30	Yes	Yes	Yes
Advertised Development Advertised development means development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan. Development classified as 'Advertised' are: <ul style="list-style-type: none"> • Caravan Parks • Extractive Industries • Intensive Agriculture • Intensive Livestock Keeping • Manufactured Home Estates 	30	Yes	Yes	Yes
Draft Planning Agreements Planning Agreements may be entered into between Council and a developer. The Planning Agreement allows contributions for land dedication, recreation, community and transport facilities in lieu of development contributions under Section 7.11 of the EP&A Act.	28	Yes	Yes	Yes

Exemptions

The following types of applications are exempt from exhibition and notification requirements:

- Applications lodged under Section 68 of the *Local Government Act 1993*
- Construction Certificate applications
- Exempt and complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and Schedules 2 and 3 of the Albury LEP
- Modifications of development consent under Section 4.55 (1) & (1A) of the EP&A Act
- Internal building works or minor modifications to approved developments which do not alter the height, external configuration or siting of the previously approved development
- Applications for the strata subdivision or community title subdivision of existing dual occupancies, multi dwelling housing or residential flat buildings, or those for which development consent has been previously granted
- Single storey dwelling houses, alterations and additions to single storey dwelling houses (excluding and private swimming pools located in the rear yard that are no greater than 1m above existing ground level and which comply with the setback requirements in Table 1.1. This exemption does not apply to heritage items and buildings located within heritage conservation areas.

Despite the above exemptions, following an inspection of the site and surrounds, and consideration of the proposed development, we may, at our discretion, notify the owner of adjoining land or any other land.

Table 1.1

Zone	Setback Requirements			
	Front	Side	Rear	Corner site (secondary street)
R1 & R3	4m	0.9m	2m	2m
R2 & R5	10m	5m	5m	5m
RU1, RU2, RU4, E2 & E3	20m	10m	10m	10m

Table 2 – Strategic Planning functions

The table below outlines the minimum public exhibition requirements relating to the listed draft strategic plans.

Other consultation methods may be used earlier in the strategic planning process for further community participation. The extent and methods of early engagement will align with our wider Community Engagement Plan and depend upon the complexity of these plans and potential impact.

Draft Strategic Plan	Days	Written notices	Local newspaper	Council website
Draft Community Participation Plan (this plan)	28	Not applicable	Yes	Yes
Draft Local Strategic Planning Statement The Local Strategic Planning Statement sets the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future.	28	Not applicable	Yes	Yes
Planning proposals for Local Environmental Plan (LEP) subject to a Gateway Determination Planning proposals can be prepared to: <ul style="list-style-type: none"> rezone land to change the uses allowed on the land revise other provisions that influence development outcomes administrative amendments to the Albury LEP (e.g. addition of heritage items, changes to permitted land uses in certain zones, updates to clauses and maps) 	28*	Yes, if relevant to a specific site	Yes	Yes
Draft Development Control Plans (DCP) The Albury DCP provides detailed planning and design guidelines, which are considered in the assessment of development applications.	28	Yes, if relevant to a specific site	Yes	Yes
Draft Contribution Plans Plans that levy new development for facilities such as transport, community and recreational facilities required to service new development.	28	Yes, if relevant to a specific site	Yes	Yes
Reclassification of land Land in Council ownership must be classified for either community or operational use under the Local Government Act 1993. Community land is for land designated for community use such as community halls, libraries and recreational facilities. Operational land serves a commercial or operational function such as offices, work depots or land that is being retained for strategic reasons. When land comes into community ownership, such as new sportsgrounds, they need to be classified correctly. In addition, Council sometimes reclassifies land that it no longer requires for community use to allow leasing or sale of land.	28	Yes	Yes	Yes
Local Approvals Policy (only where significant changes or new uses added) The Local Approvals Policy identifies low impact activities that can be undertaken without approval from Council, such as community events, footway dining and mobile vending provided they meet certain criteria.	14	Yes, if relevant to a specific site	Yes	Yes
Other planning strategies, structure plans or master plans that may result in changes to LEP and DCP through implementation	28	Yes, if relevant to a specific site	Yes	Yes

*or as specified by the Gateway Determination which may find, due to the minor nature of the proposal, that no public exhibition is required

Submissions

Anyone is entitled to make a submission which may object to, or support, a development application or draft strategic plan.

Submissions must be made in writing and delivered to Council either personally, by post, email or via our website on Application Tracker.

Each submission should:

- Clearly identify the development application (application number or street address) or draft strategic plan to which the submission relates.
- State the grounds of any support or objection (including any supporting rationale or material).
- Include the name, address and contact details of the person making the submission.

Submissions that do not comply with the above items may still be considered at our discretion.

Consideration of late submissions will be at our discretion.

In accordance with Section 10.4 of the EP&A Act, any person or organisation who has made a submission and who has made a reportable political donation or gift to a Councillor or employee of the Council must make a Political Donations Disclosure Statement. Disclosure Statements are available from our website.

Acknowledging Submissions

If you make a submission, you will receive acknowledgement of your submission. Where a submission is lodged online via Application Tracker, an automated acknowledgement response will be sent.

Petitions

If a petition is received, all petitioners (where clear email or postal addresses are provided) will receive acknowledgement of the petition and notification of decisions as per that of written submissions.

Disclosure of Submissions

Your submission is not confidential.

Where the development application or draft strategic plan is reported to Council, the issues raised in that submission may also be summarised and/or the entire submission (as submitted) may be included amongst the report attachments.

You may request to suppress some personal details of a submission such as name, telephone number or postal address from public inspection, if you consider that your, or your family's safety or well-being may be affected if the information is not suppressed. Any such request will be considered and determined in accordance with the *Privacy and Personal Information Protection Act 1998*.

Submissions may also be accessed by the public, through Council's Public Information Officer under the *Freedom of Information Act 1982* and the *Government Information (Public Access) Act 2009*, or alternatively may be provided to an applicant upon request (with personal details removed) as a means of resolving a particular issue that has been raised in a submission.

Anonymous Submissions

Anonymous submissions will not be considered by the Council.

Decisions

Development Applications

Once a development application has been determined, we will notify the decision in the following ways:

1. All individuals and organisations that made a written submission will be notified in writing.
2. A list of applications approved will be published in the local newspaper in accordance with Section 4.59 of the EP&A Act.
3. The following information will be provided on our website via Application Tracker consistent with the mandatory requirements of Schedule 1 of the EP&A Act:
 - The decision
 - The date of the decision
 - The reasons for the decision
 - How the community views were taken into account in making the decision

The decision and the date will be provided in the form of the Notice of Determination, and the reasons for the decision and consideration of community views will be contained within the Assessment Report.

Draft Strategic Plans

Notice of decisions or approval relating to draft strategic plans will follow the requirements of the EP&A Act and Regulations.

1. All individuals and organisations that made a written submission will be notified in writing of when the matter will be considered by Council and how to access the Planner's report that includes:
 - a summary of issues raised in the submissions
 - consideration and response to these issues
 - any changes (if any) that have been made to the draft plan as a result

2. Notice of decision relating to a Development Control Plan, Contributions Plan or other similar Council policy will be advertised in a local newspaper within 28 days after the decision is made. Notice of a decision not to proceed must include the council's reasons for the decision. The plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.
3. Following consideration by Council, commencement of an environmental planning instrument such as a Local Environment Plan will be notified via publication on the NSW legislation website.

Inspection of Plans

Development Applications

The relevant plans and documents submitted to us may be viewed via Application Tracker on our website www.alburycity.nsw.gov.au/applicationtracker

Alternatively, upon request, plans may be inspected at our Council Offices during normal office hours.

Draft Strategic Plans

The relevant plans and documents relating to draft strategic plans may be viewed on our Public Exhibition website www.alburycity.nsw.gov.au/have-your-say

Alternatively, the relevant plans and documents may be inspected at the Council Offices, Library Museum or Lavington Library (and any other public place we may deem necessary) during normal office hours.

Written notices

Written notices are sent to adjoining property owners and any other property owners that we consider may be affected.

'Adjoining property' is land which shares a common boundary to the development site or is separated from it only by a pathway, driveway or similar thoroughfare (excluding a watercourse, public reserve or other significant feature) and includes land directly opposite it.

Determining other properties which may be affected

In determining whom we should notify beyond adjoining property owners, consideration will be given to the following matters:

- views, landmarks and sight lines to and from the land
- overshadowing
- privacy
- noise or any other kinds of emissions
- existing and proposed ground levels
- stormwater drainage
- intensity of development (e.g. increases in operating hours, production levels and traffic volumes)
- heritage significance of any building work, tree or place
- visual quality and consistency of the works in relation to the streetscape and character of the locality
- scale or bulk of the proposal, in relation to adjoining buildings in the immediate locality
- siting of the proposal in regards to site boundaries.
- light spillage or reflection, created by the development.
- means of access, and transportation both to and from the site
- impacts of the proposed rezoning, reclassification or change in planning controls on any affected property owners
- any other matter that we deem relevant

Content of written notices – development applications

Written notices relating to development applications are to contain:

- address to which the application relates (e.g. street address, land title particulars and/or common name of the site)
- development application reference number
- description of the proposed development
- name of the applicant and Council
- date of the notification letter
- invitation to view the plans (where and when)
- time period within which submissions are to be made
- advice noting the right to lodge a submission in relation to the application
- advice noting that the contents of a submission are not confidential under the *Freedom of Information Act 1982* and the *Government Information (Public Access) Act 2009*

Content of written notices – draft strategic plans

Written notices relating to draft strategic plans may be sent to adjoining or affected property owners (where relevant and practicable). These are to contain:

- name of the draft strategic plan and number (if applicable)
- description of the intent and effect of the draft strategic plan
- indication of the land which is affected by the plan (if relevant to a specific site)
- invitation to view the draft strategic plans
- advice noting the right to lodge a submission
- name and address of Council for the receipt of submissions
- time period within which submissions are to be made

Where a draft strategic plan does not relate to specific site but has a city-wide or suburb-wide application, we will undertake the public exhibition process in accordance with an endorsed Community Engagement Plan to help convey public information.

Notifying owners

An 'owner' is the person identified through our finance and property system at the time of notification.

Multiple owners – If a property is owned by more than one person, a written notice to one owner is taken to be a written notice to all owners of that land.

Strata title properties – A written notice to the owners corporation (as defined by the *Strata Schemes Development Act 2015*), is taken to be a written notice to the owner of each lot within the strata scheme.

Community title properties – A written notice to the association (as defined by the *Community Land Development Act 1989*) is taken to be a written notice to the owner of each lot within the development.

Adjoining owner the same as the Application – A written notice will not be sent to an owner of an adjoining or any other property, if that owner is the person, or one of the persons, who made the development application.

Notification of Public Authorities

We will refer relevant development applications and draft strategic plans to public authorities where the concurrence or approval of that authority is required under the EP&A Act or EP&A Regulation, or where it is determined that a public authority may have an interest.



**For further information
contact:**

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