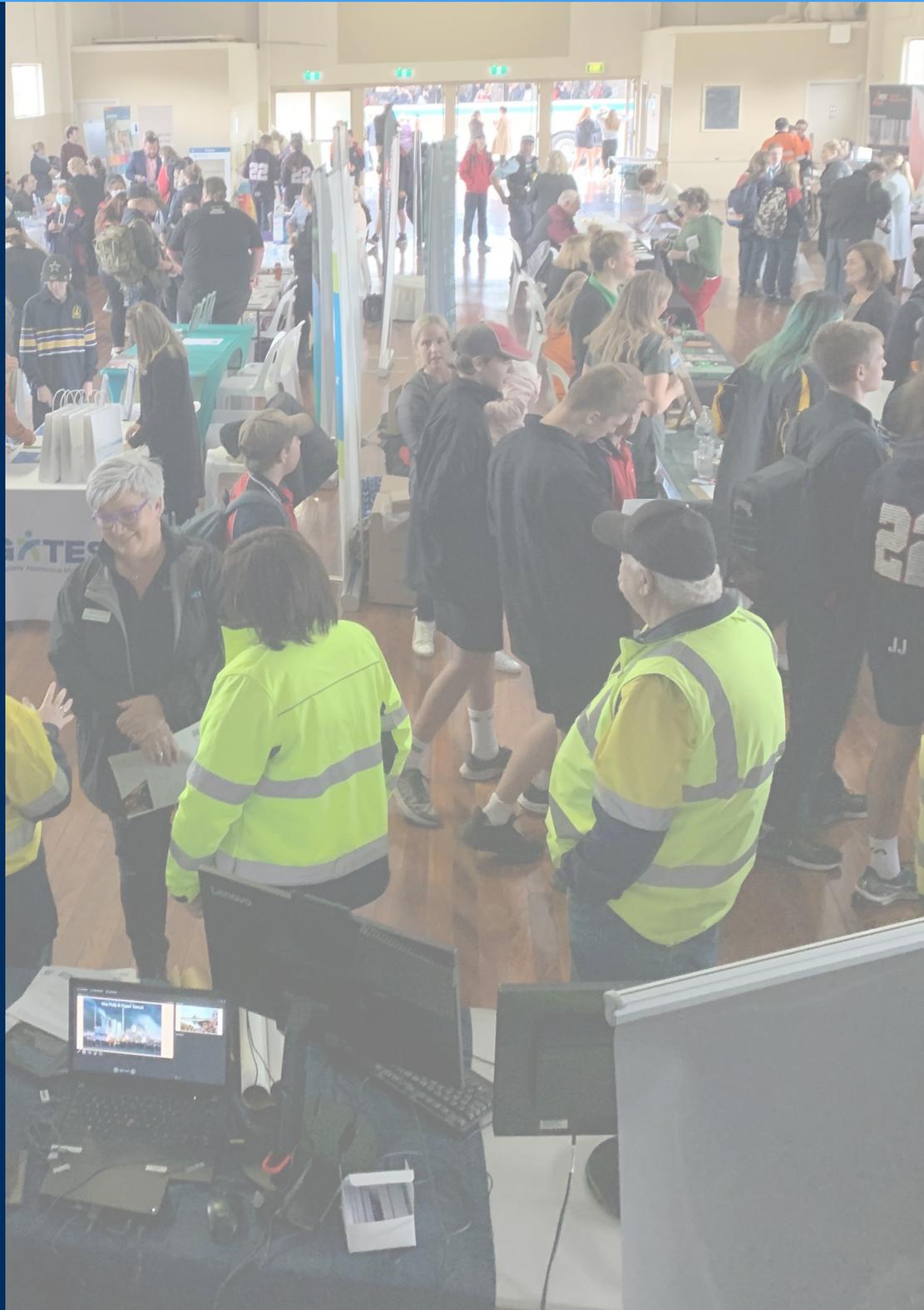


COMMUNITY PARTICIPATION PLAN

AUGUST 2022



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Community Participation in the Snowy Valleys Planning System

Planning is the process of shaping our environment and region. It is about using what we know about the past and present to guide decisions about how we use our resources to shape our future and the lives of future generations.

To deliver a strategic and engaging planning system that reflects what our community wants, we need the community to participate. We want this participation to be easy and meaningful as possible and we want the community to be involved in planning decisions from the beginning and throughout the process.

This Community Participation Plans sets out in a clear, transparent and easily understood way exactly when, where and how you can have a say in what's happening around you.

Our plan is our commitment to you that your voice will be heard and will help shapes your neighbourhood.

Community Participation Objectives

Community participation in planning creates a shared sense of purpose and direction that manages growth while protecting the natural environment and promoting sustainable management of built and cultural heritage.

Community participation does not guarantee consensus. However, with meaningful participation stakeholders can acknowledge a fair process and understand how community views and concerns are considered.

The objectives set the approach for community participation. Each objective contains actions promoting best practice in individual proposals and strategies.

OBJECTIVES	ACTIONS
Open and Inclusive	<ul style="list-style-type: none">• Keep the community informed• promote participation• seek community input• Build strong partnerships with the community.• Incorporate culturally appropriate practices when engaging diverse communities

OBJECTIVES	ACTIONS
Easy to Access	<ul style="list-style-type: none"> • Conduct community engagement opportunities in a safe environment • Outline in advance when and how the community can participate • Use best practice community participation techniques • Make relevant information available in plain English and translate information when engaging diverse communities, aged and people living with disabilities • Incorporate visual representations to clearly illustrate possible impacts of a proposal • Ensure information is accessible for groups who find it difficult to participate in usual community participation activities • Stage events at convenient times and locations
Relevant	<ul style="list-style-type: none"> • Establish what is up for discussion • Ensure as many community members as possible can participate • Recognise previous community input on the project and similar issues • Tailor activities to the - Context and Scale • Adjust activities in response to community interest and participation preferences
Timely	<ul style="list-style-type: none"> • Start community participation as early as possible • Provide regular project updates to the community • Ensure that the community has reasonable time to provide input • Facilitate ongoing discourse with local community networks • Consider holidays and other community events when setting dates for the engagement initiatives

OBJECTIVES	ACTIONS
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Meaningful	<ul style="list-style-type: none"> • Always explain at the end of projects how the community views were considered when reaching decisions • Be clear about what aspects of the project, proposal or plan the community can inform • Have planners and decision makers engage directly with the community • Ensure responses to community input are relevant • Give genuine and proper consideration to community input • Keep accurate records of community input and participation activities • Integrate community input into the evaluation process • Comply with statutory obligations, protect privacy and respect confidentiality
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Snowy Valleys Commitment to Community Participation

We are committed to providing best practice engagement based on our aims for engagement, and be guided by the International Association for Public Participation (IAP2)

Council’s commitment will ensure:

- Communities will be engaged around decisions that are yet to be made
- Engagement activities will build trust and understanding
- Engagement activities will have a clear purpose, objectives and approach
- Activities will be timely, appropriate and not raise unrealistic expectations

Snowy Valleys’ Engagement Aims

Through this plan Council aim to ensure our community knows when and how they can provide feedback on planning decisions that could affect their future. Council aim to:

- Be proactive and innovative in our approach to overcome barriers to participation
- Strengthen partnerships between Council, the local community and stakeholders
- Draw on the experience and knowledge of older generations
- Provide a consistent and balanced approach to ensure all engagement activities are focused and effective

- Make use of contemporary and traditional engagement tools and social media to reach the broad community
- Create opportunities to engage with the harder to reach including young, elderly and families
- Deliver engagement activities at various locations throughout the LGA

Community Engagement – Ways to participate

The Council actively seeks community views and tailor engagement programs to capture harder to reach audience including the young, people living with disabilities, the elderly and those living in rural areas. Aboriginal and Torres Strait Islanders and linguistically diverse people engagement will be guided through Councils *Aboriginal Cultural Protocols and Practices* as well as our *Disability Inclusion Plan*.

Ways in which the community can participate, keep up to date and attend events can be as simple as:

- Reading mail outs, public notices and advertisements
- Following the Councils Social media channels
- Regularly checking the Councils website for updates on plans and project
- Open days
- Public meetings
- Information sessions.

Public Exhibition of our Planning Documents

The role of exhibitions in the planning system

Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal or project being considered or assessed. A regular and valuable way for the communities to participate in the planning system is by making a submission on a proposal during an exhibition.

Public Exhibitions

A key technique Council uses to encourage community participation is formal exhibitions. During an exhibition, we make available relevant documents that may include a draft of a policy, plan or proposed development that we are seeking community input on. In conducting an exhibition, we receive submissions in accordance with our *Development Control Plan* and we adhere to our Privacy Policy and defamation and discrimination laws.

In reaching decisions on proposals that have been exhibited, the Council balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, strategic priorities of the Council and the Government, the community's input, land use priorities identified in strategic plans and applicable policies and guidelines.

It should be noted that submissions may be made available to the applicant and the public – this may include publication on council’s website, in accordance with Schedule 1 clause 3 of the *Government Information (Public Access) Regulation 2018*.

Personal information about people who make submissions will not be included, in accordance with Section 4 & 18 of the Privacy and Personal Information Protection Act and Section 14 of the Government Information (Public Access) Act 2009

How to participate in a public exhibition?

Options include:

- Make a formal submission on an exhibition by emailing Council or by writing to the CEO
- Visit Council where they will help you access public exhibition documents. Council employees will also answer any questions that you have or connect you to an appropriate officer who can help you.
- Connect directly with Council employees working on a proposal, policy, plan or project. Contact details are typically available on our website.

Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at Councils discretion, which can be found in the Councils *Community Engagement Strategy*. Details of typical and minimum mandatory and typical timeframes are provided below.

Mandatory Minimum Public Exhibition Timeframes in the EP&A Act

The statutory public exhibition timeframe requirements in Table 1 as per Schedule 1 to the EP&A Act.

The only mandatory requirements in this CPP are those set out in Table 1 Table 2

Table 1

Planning Framework

Planning Function	Exhibition timeframe
Draft Community Participation Plan	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateways determination which may determine, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plan	28 days
Draft contribution plans	28 days

Strategic Planning

Planning Function	Exhibition timeframe
Draft regional strategic plans	45 days

Assessments

Planning function	Exhibition timeframe
Application for development consent in the case of where Council has identified that the development requires notification (other than for complying development certificate, for designated development or for State significant development)*	14 days*
Application for development consent for designated development	28 days
Application for development consent for State Significant Development	28 days
Environmental impact statement for State Significant Infrastructure under Division 5.2	28 days
Application for modification of development consent required to be publicly exhibited by the regulations	14 days

*Additional provisions for exhibition

As a guide, Council officers may give notice of an application to affected land owners where, in its opinion, the land may be detrimentally affected by:

- Loss of views
- Overshadowing / Solar Access
- Privacy
- Amenity Impacts including noise, dust, odour, light.
- Traffic generation including access and egress
- Interfacing activities with sensitive developments (ie Industrial and Commercial Activities with residential)

Schedule 1:

Council may undertake notification of the proposed development:

- 1 Residential Applications (including Dwelling houses and Ancillary Structures) where a variation to Council's adopted Development Control Plan is being proposed (which is greater than 10% for prescriptive controls), e.g. building lines, setbacks and height, excluding controls relating to cut and fill where in the opinion of the assessing officer is likely to have a uncontrolled or unmanageable impact on the adjoining properties .
2. In circumstances where it is proposed to be more than one dwelling on the site (for clarity - including Secondary Dwellings, Dual Occupancies and medium density development) in any residential zoning (R1, R2, R3, RU5, R5 under the relevant Local Environmental Plan) .

3. New Commercial and Industrial premises where it is considered by the assessing officer to have a potential adverse impact on adjoining land and where the proposed development is either interfacing by way of being adjoining or adjacent to a Residential Zoning.
4. Proposed subdivision of land (excluding boundary adjustments and strata title subdivision), where in the opinion of the assessing officer that the subdivision is likely to have unmanageable impacts on adjoining or adjacent residents including impacts associated with respect to traffic generation, amenity concerns or impacts on local infrastructure.

Modifications, Reviews of determination and changes to plans prior to determination

Notification of amendments to Plans and Documentation (cl.55), Modifications (s.4.55) to Development Consent and Requests for Review (s8.2). The plans for a proposed development may be amended by the applicant prior to its determination under clause 55 of the Environmental Planning and Assessment Regulation 2000 or modified in the case where an application is determined by way of approval. Amended plans can also be considered by Council following a request for review of determination under section 8.2 of the Environmental Planning and Assessment Act 1979.

- a) Amendments: The applicant may submit amended plans in order to address concerns raised by Council or to address concerns raised by an objector in a submission in response to the notification. In these circumstances it is not expected that Council will re-notify the development proposal. Where issues have not been addressed through the submission of amended plans and supporting documentation, or where there is a significant change in the proposed application which will create detrimental or unmanageable impacts, Council's assessing officers may at their discretion re-notify the proposal.
- b) Modifications following determining an application by way of consent: For applications that have been determined by way of approval, a section 4.55 modification application may be submitted to Council for consideration. These applications can be of a minor nature (s4.55(1) and s4.55(1A) of the Environmental Planning and Assessment Act 1979 involving minimal environmental impact or addressing an error or mis-description in an application. More significant modifications will be considered under (s4.55(2)). Council will generally not notify applications made under section 4.55(1) and s4.55(1A), however in the case of a s4.55(2) or a s4.55(AA) modification, if the original development application was previously notified or advertised, any future modification involving environmental impact will be notified or advertised in the same manner.
- c) Review of determination: In the case of where an application has been determined by way of refusal or in the case of an approval where a condition(s) of consent have been imposed, a proponent may request a review of determination under section 8.2 of the Environmental

Planning and Assessment Act 1979. Where a request is made under this section, Council shall notify the section 8.2 application in the same manner as the original development application was notified or advertised.

d) Other amendments: In the case where a development application has been notified in accordance with this Community Participation Plan (CPP) and amendments have been made by the applicant in accordance with the provisions of the Environmental Planning and Assessment Regulation 2021, Council may renotify the application, except, if in the opinion of the assessing officer, any likely environmental impact as a result of the amendments are unlikely to increase as a result of those changes. If in the assessing officers opinion any amendment is likely to increase environmental impacts, the application shall be renotified in the same manner as the earlier notification process in accordance with the provisions of the Community Participation Plan.

Form of notification

Written notice will be forwarded by Council to the registered landowner in Council's records at the time of the notice being generated. The written notice will contain the following information:

- The name of the applicant
- The development application number
- The property address to which the development application relates.
- A description of the proposed development
- Information concerning how to make a submission and the time period on which a submission must be made.
- Information concerning any political donations that are required to be declared
- Information that submissions will be made publicly available (excluding personal information)
- Information directing the notifiable party on where to find plans and documentation on the NSW Planning Portal which may include a QR code.

Exclusion of periods within Notification Periods

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 and associated Regulation 2021, Council will not include any days that occur between the 20th December and the 10th January inclusive in any notification timeframe calculation. Any notification days that occur within this time period will added in addition to the prescribed total notification period in accordance with this Community Participation Plan for development applications.

Development Applications that are likely to be referred to Council (in the case of local development and not state or regionally significant development)

Council assessment staff will refer any application to Council for determination in the case where an application is considered to be a public interest matter. Any notifiable development in accordance with this plan that attracts ten (10) unique submissions (Note: A unique submission means a submission which in substance is unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual or one household could potentially submit multiple submissions.

In the case where a development contravenes a development standard imposed by an environmental planning instrument (EPI such as a State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP) excluding Development Control Plans (DCP) by more than 10% or non numerical development standards. Note: In the case where the Secretary of the NSW Department of Planning Infrastructure and Environment allows concurrence to be assumed by Council staff (or Council's appointed contractors) for contravening development standards, then these applications are not required to be referred to full Council for determination.

Dispute resolution

Council will mediate as an approach to dispute resolution in relation to development applications or in certain circumstances make a referral of the applicant and any submitter to the New South Wales Community Justice Centre (CJC) for formal mediation. Where Council undertakes mediation between the parties, mediation will be carried out under the supervision of Council officers or their delegates'

Additional Mandatory Public Exhibition Requirements

Table 2 sets out additional minimum mandatory public exhibition timeframes in the EP&A Act, EP&A regulations and SEPPs. These are different periods of public exhibition specified for the purposes of clause 7(a) in schedule 1 to the EA&P Act.

Table 2

Other mandatory

Planning Function	Exhibition timeframe
Application for nominated integrated development and threatened species development	28 days
Application for a review under section 8.3 of the Act	A period not exceeding 14 days but otherwise in the same manner as the original application for modification was notified or advertised
<p>Clause 27 of the SEPP (Kosciuszko) National Park - Alpine Resorts) 2007 requires development applications for the following types of development within the area subject to the SEPP to be advertised:</p> <ul style="list-style-type: none"> (a) The erection of a building with a footprint of more than 1000 square meters (b) The erection of a new ski-lift line or the extension of an existing ski-lift line. (c) Damage to any plant that is part of: <ul style="list-style-type: none"> (i) An endangered ecological community or a vulnerable ecological community, or (ii) Feldmark, shore alpine herbfield or snowpatch on land identified as containing such a plant community in any figure (other than figures 1 and 11) in Kosciuszko Resorts Vegetation Assessment (d) The disturbance of any wetland forming part of an endangered ecological community or a vulnerable ecological community. 	28 days

Non – Mandatory Public Exhibition Timeframes

Non-mandatory	
Planning function	Exhibition timeframe
Draft legislation, regulation, policies and guidelines	28 days unless decided otherwise due to the urgency, scale and nature of the proposal
Plans for urban renewal areas	6 weeks unless decided otherwise due to the urgency, scale and nature of the proposal
State Environmental planning policies	Discretionary based on the urgency, scale and nature of the proposal
Re-exhibition of any emended application or matter	Discretionary based on the urgency, scale and nature of the proposal
Application for modification of development content not required to be publicly exhibited by the regulations	Discretionary based on the urgency, scale and nature of the proposal

In addition to the above, the Council may exhibit other proposals in line with community participation objectives. For these functions, there may also be occasions where a government priority or administrative requirement demands immediate action and the usual community participation process will not be followed.

Key Points to Note about Public Exhibitions

Some of our functions and proposals do not have minimum exhibition timeframes. As a matter of course in line with our community participation objectives, Council will typically exhibit documents related to the exercise of these functions and proposals for the timeframes described in our *Community Engagement Strategy*.

There may be other proposals not subject to the mandatory exhibition timeframes for which Council have the option to exhibit for at least 28 days and engage with the community in line with community participation objectives. Additionally, there may be some occasions where a Council priority or

administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process.

Associated Council Documents

Community Engagement Strategy SVC-RP-STY-003-01

Community Engagement Policy SVC-EXE-PO-017-01

Development Control Plan SVC-CorpPlan-Pln-013-01

Disability Inclusion Plan SVC-CorpPlan-Pln-001-01

Aboriginal Cultural Protocols and Practices SVC-ComDev-PO-033-01

History

Date	Action	Name	Policy Number	Resolution Date	Resolution Number
4/2/2020	New	Community Participation Plan	SVC-CorpPln-014-01		
16/4/2020	Adopted by Council	Community Participation Plan	SVC-CorpPlan-Pln-014-01	16 April 2020	M79.20
18/8/2022	Adopted by Council	Community Participation Plan	SVC-CorpPlan-Pln-014-02	30 August 2022	M238/22

Acknowledgement

Sections of this document have been adapted from the NSW Government Community Participation Plan and the Coolamon Shire Council Community Participation Plan.



COMMUNITY PARTICIPATION PLAN

April 2020

P: 1300 ASK SVC (1300 275 782)

Tumut Office
76 Capper Street
Tumut NSW 2720

Tumbarumba Office
Bridge Street
Tumbarumba NSW 2653

E: info@svc.nsw.gov.au www.svc.nsw.gov.au