

Part 9
Public
Consultation

9.1

Application

9.1 Application

This Part sets out Council's requirements for public consultation involving Council Strategic Planning Documents (CSPDs) and Development Applications (DAs).

9.2 Background

Public consultation is an essential component of the plan making and development process. This Part aims to ensure that public participation is facilitated in an orderly and transparent manner within the City of Campbelltown when dealing with CSPDs and DAs.

This Part provides guidance for the following matters:

- i) what type of development will be notified and/or exhibited;
- ii) how public consultation will be carried out;
- iii) what information will be notified and/or exhibited;
- iv) who will be notified;
- v) how the community will be consulted;
- vi) opportunities for community submissions;
- vii) time of the consultation period;
- viii) who to contact for further information;
- ix) what type of development will be referred to a Council meeting for determination;
and
- x) how the community can be involved in the decision making process.

CSPD: Council Strategic Planning Document

CLEP: Campbelltown Local Environmental Plan 2015

DA: Development Application

DCP: Development Control Plan

S94 Plan: Sections 94 Plan

S94A Plan: Section 94 A Plan

POM: Plan of Management

9.3 Public Consultation of Draft CSPDs

9.3

Public Consultation of Draft CSPDs

Objectives:

- Ensure that the community is adequately consulted in respect of draft CSPDs.
- Provide an opportunity to persons who may be affected by a draft CSPD to make comments to Council for consideration, prior to the matter being determined.
- Facilitate Community involvement and support of Council's policy directions.

9.3.1 Statutory Requirements for Draft CSPDs

a) Statutory requirements for the public consultation of draft CSPDs are prescribed in the *EP&A Act*, the *EP&A Reg* and the *LG Act* as follows:

i) For Local Environmental Plans (LEPs)

The requirements for the public consultation of a draft LEP are set out in Part 3, Division 4 of the *EP&A Act*.

ii) For Development Control Plans (DCPs)

The requirements for the public exhibition of a draft DCP are set out in Part 3, Division 2 of the *EP&A Reg*.

iii) For Section 94 Plans, Planning Agreements and Section 94A Plans

The requirements for the public exhibition of a draft Section 94 Plan, draft Planning Agreements and draft Section 94A Levy Plans are set out in Part 4 of the *EP&A Reg*.

iv) Plans of Management

The requirement for public consultation of a draft PoM is articulated in Sections 38 & 39 of the *LG Act*.

9.3.2 Public Exhibition of draft CSPDs

a) Council shall give a written notice of a public exhibition of a draft CSPD by a one or more of the following means:

9.3

Public Consultation of Draft CSPDs

- i) an advertisement placed in a local newspaper;
 - ii) on the web-site of Campbelltown City Council at www.campbelltown.nsw.gov.au;
 - iii) in writing to adjoining landowners, unless Council's officers are of the opinion that the number of landowners makes it impractical to notify them.
- b) The written notice of the public exhibition for draft CSPD shall contain the following details:
- i) the purpose of the draft CSPD;
 - ii) where relevant, the land affected by the draft CSPD;
 - iii) the commencement date of the public exhibition;
 - iv) the closing date of the public exhibition;
 - v) how long is the period of the public exhibition
 - vi) where the draft CSPD can be viewed;
 - vii) who to contact for further information; and
 - viii) the address of Council for the receipt of submissions;
- c) Submissions shall be made in writing and;
- i) sent to:

The General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

or
 - ii) e-mailed to:

council@campbelltown.nsw.gov.au
- d) Council shall place a draft CSPD on public exhibition:
- i) at Campbelltown Civic Centre;
 - ii) at HJ Daley Library Campbelltown;
 - iii) at the nearest library to which the draft

9.3

Public Consultation of Draft CSPDs

CSPD applies; and

- iv) at Council's web site.
- e) All written submissions shall be acknowledged by Council in writing within 14 days of the closing date of the public exhibition period.
- f) The public exhibition period of draft CSPDs that are endorsed by Council for public exhibition at a December meeting shall be extended by an additional 14 days or as seen appropriate by Council.
- g) The notification period of development applications that are lodged with Council between the first week of December to third week of January shall be extended by two (2) to six (6) weeks or as seen appropriate by the Director Planning and Environment.

9.3.3 Draft CSPDs and Council Meetings

- a) One week prior to the Planning and Environment Committee meeting, the applicant and any person who made a written submission to a draft CSPD shall be invited to attend and address Council's Planning and Environment Committee meeting; and
- b) Any person who made a written submission to Council on a draft CSPD shall be advised of Council's decision.

9.4

Public Consultation of Development Applications

9.4 Public Consultation of Development Applications

Objectives:

- Ensure that public participation is facilitated in an orderly and transparent manner when dealing with development applications and related matters.
- Outline procedures for the notification and advertisement of development applications, applications to modify development consents and the review of development consents.
- Identify development applications that will be notified and/or advertised and those persons who will be notified.

9.4.1 Public Notification of DAs

9.4.1.1 Publicly Notified Development Applications

- a) The following types of development applications shall be publicly notified if the proposed development is located in or adjoins residential, rural or environmental protection zoned land:
- i) dwellings and additions more than one storey in height;
 - ii) secondary dwellings;
 - iii) swimming pools;
 - iv) Dual occupancies;
 - v) semi-detached dwellings;
 - vi) attached dwellings;
 - vii) multi dwelling housing;
 - viii) Torrens title residential subdivision involving more than five (5) allotments;
 - ix) boarding houses;
 - x) home industry;
 - xi) home occupation (sex services);
 - xii) home business;
 - xiii) child care centres;
 - xiv) places of public worships;
 - xv) educational establishments;
 - xvi) community facilities;

9.4

Public Consultation of Development Applications

- xvii) health services facilities (hospitals, medical centres and health consulting rooms);
 - xviii) commercial and industrial developments that in the opinion of Council could have major impacts on adjoining properties;
 - xix) any non-residential development in a residential zone;
 - xx) all development on Council land that in the opinion of Council could have major impacts on adjoining private properties; and
 - xxi) any other development that in the opinion of Council would have major impacts on adjoining private properties.
- b) Council shall publicly notify all properties located within 100 metres where the proposed development is located within a residential zone and comprises any of the following:
- i) A Boarding house;
 - ii) Attached dwellings;
 - iii) Schools;
 - iv) Centre-based Child Care Facility;
 - v) Multi Dwelling Housing;
 - vi) Places of Public Worship;
 - vii) Respite day care centre;
 - viii) and Group homes.
- c) For the purpose of Clause 9.4.11 b) above, the 100 metres distances are to be measured from the external boundaries of the property the subject of the application.
- d) In addition to the above, Council shall publicly notify any DA which, in the opinion of Council, would be in the public interest.

9.4.1.2 Re-notification of Amended DAs

- a) If in Council's opinion any amendments

9.4 Public Consultation of Development Applications

to the proposed development would have a greater impact upon an adjoining property, the DA shall be re-notified

9.4.1.3 Parties to be Notified of DAs

- a) Development applications shall be notified to all:
 - i) adjoining land owners;
 - ii) adjoining properties of lands located outside the boundaries of the Campbelltown Local Government Area; and
 - iii) the relevant neighbouring Council, where in the opinion of Council, adjoining lands within the neighbouring Council are likely to be affected by a development application.

Note: Adjoining properties on neighbouring Councils' land shall be notified by a "mail box" drop notification method, due to potential legal privacy matters for Council.

- b) Where a property is owned by an owner's corporation under the Strata Titles Act, 1973, a Leasehold Strata scheme under the Strata Titles (Leasehold) Act, 1986 or associations under the Community Land Development Act, 1989, notification to the secretary of the owner's corporation is taken to be notification to all owners.

9.4.1.4 Method of Notification

- a) DAs shall be notified in writing via post or email.

9.4.1.5 Period for Notification

- a) The notification period shall be 14 calendar days, unless otherwise prescribed in the *EP&A Act* and *EP&A Reg.*
- b) The notification period of development applications that are lodged with Council between the first week of December to third week of January shall be extended by two (2) to six (6)

weeks or as seen appropriate by the Director Planning and Environment.

9.4.1.6 Public Notification Letter

- a) Notification letters shall include the following information:
- i) the address of the development site;
 - ii) a description of the proposal;
 - iii) where and when the plans can be inspected;
 - iv) the time/period within which written submissions will be received by Council; and
 - v) A4 plans of the proposed development (where applicable);

Note: Council may also publicly notify building certificates for illegally constructed buildings/structures in accordance with 9.4.1 where it is considered to be in the public interest.

9.4.2 Public Notification and Exhibition of DAs

9.4.2.1 Publicly Notified and Exhibited Development

- a) The following development applications shall be publicly notified and exhibited:
- i) residential flat buildings;
 - ii) mixed use development greater than 2 storeys in height;
 - iii) residential master plans (staged DA) involving more than 100 allotments;
 - iv) commercial and industrial developments that in the opinion of Council would have major impacts on adjoining properties;
 - v) designated development;
 - vi) new licensed premises or existing licensed premises extending trading hours (excluding restaurants/cafes);
 - vii) non low impact communication

9.4

Public Consultation of Development Applications



Figure 9.4.1 - An example of a development that would be publicly exhibited.

Note:

For the purpose of this part, licensed premises are premises licensed under the Liquor Act 2007.

9.4 Public Consultation of Development Applications

facilities under the *Commonwealth Telecommunications Act, 1997*;

- viii) sex services premises (brothels);
 - ix) home occupation (sex services);
 - x) restricted premises;
 - xi) sex services premises;
 - xii) home occupation (sex services);
 - xiii) any development on Council land that in the opinion of Council could have major impacts on adjoining private properties;
 - xiv) demolition of a heritage item;
 - xv) any external works to a heritage item unless Council is satisfied that the proposed works are minor and will not have an adverse impact on the heritage significance of the item;
 - xvi) any other development that in the opinion of Council could have major impacts on adjoining private properties.
- b) In addition to the above, Council shall publicly notify and exhibit any DA which in the opinion of Council is also in the public interest.

9.4.2.2 Re-exhibition of Amended DAs

- a) If in Council's opinion any amendments to the proposed development would have a greater impact upon an adjoining property, the DA shall be re-exhibited.

9.4.2.3 Public Exhibition Notice

- a) Council shall place DAs on public exhibition:
 - i) in a public notice in a locally circulated newspaper;
 - ii) at Campbelltown Civic Centre;
 - iii) at HJ Daley Library Campbelltown;
 - iv) at the nearest library of the proposed DA; and
 - v) at Council's web site.

Campbelltown LGA Branch Libraries are :

- HJ Daley Library
- Eagle Vale Branch Library
- Glenquarie Branch
- Greg Percival Library Ingleburn

9.4 Public Consultation of Development Applications

- b) The public notice of a DA shall contain the following details:
- i) the description of the land (including the address) on which the development is proposed to be carried out;
 - ii) the name of the applicant and the name of the consent authority;
 - iii) a description of the proposed development;
 - iv) the time/period within which written submissions will be received by Council;
 - v) where the DA can be viewed; and
 - vi) who to contact for further information.
- c) Information submitted to Council as part of the DA shall be made available for the public to view including:
- i) all plans (excluding floor plans);
 - ii) the DA application form;
 - iii) the Statement of Environmental Effects; and
 - iv) any other supplementary material.

Note:

Floor Plans will not be included as part of the notification package.

9.4.2.4 Period for Public Exhibition

- a) The public exhibition period shall be 14 calendar days, unless otherwise prescribed in the *EP&A Act* and *EP&A Reg.*
- b) The public exhibition period of development applications that are lodged with Council between the first week of December to third week of January shall be extended by two (2) to six (6) weeks or as seen appropriate by the Director Planning and Environment.

9.4.3 Development Proposal Notice at the Development Site

- a) Within 14 days of the lodgement of a DA, the applicant shall place a sign(s) titled "Development Proposal" on the

9.4

Public Consultation of Development Applications

primary frontage of the development site.

Note: The 'development proposal' sign shall be supplied by Council following lodgement of the DA.

- b) The sign(s) shall contain the following information:
 - i) the DA number;
 - ii) a site plan;
 - iii) elevation plans (if applicable); and
 - iv) a brief description of the development.
- c) The development proposal sign shall remain on the subject site until Council's determination of the DA.

9.4.4 Public Submissions

- a) Public submissions are required to be made in writing and provide:
 - i) the name, address and contact number of the person/s who made a submission;
 - ii) a reference to the subject DA; and
 - iii) reasons for objecting to, or supporting the DA.

Note: Public submissions are not confidential, and may be accessed by any person under the Government Information (Public Access) Act 2009.

Note: Council shall only acknowledge receipt of public submissions where a person has provided a name and contact details.

Note: Any person is entitled to make a public submission to a DA whether or not a notification letter was forwarded to that person.

- b) Where a submission is a petition, the following information is requested:
 - i) the name and address of the person who coordinated the petition; and
 - ii) the name and address of each person

9.4

Public Consultation of Development Applications

who signed the petition.

Note: In the event that Council receives a petition Council shall acknowledge receipt of the submission from the identifiable person coordinating the petition.

c) Written submissions shall be;

i) posted to:

The General Manager
Campbelltown City Council
PO Box 57 Campbelltown NSW 2560

or

ii) e-mailed to:

council@campbelltown.nsw.gov.au

d) All submissions are required to be received by the closing date, unless by prior arrangement with the responsible Council officer.

Note: There is no guarantee that submissions received after the closing date of the public exhibition will be considered by Council as part of its assessment of the DA.

e) Council shall acknowledge all written submissions within 14 days of the closing date of the public consultation period.

Note: All submissions received within the public consultation period will be taken into consideration during the assessment of the DA.

Note: The DA will not be determined prior to the closing date of the public consultation period.

f) Except as otherwise provided by Section 9.5, any person who made a written submission to a DA will be advised of Council's decision.

9.5

Development Applications & Council Meetings

9.5 Development Applications and Council Meetings

Objective:

- Ensure that DAs which have significant community/public interest are referred to a Council meeting for consideration.
- Ensure that interested persons are provided with the opportunity to address Council's Planning and Environment Committee.

9.5.1 DAs Referred to a Council Meeting

- a) The following DAs shall be referred to Council's Planning and Environment Committee Meeting and Council's Ordinary Meeting for consideration:
- i) new licensed premises or existing licensed premises under the Liquor Act 2007 extending trading hours (excluding restaurants/cafes);
 - ii) non low impact communication facilities under the *Commonwealth Telecommunications Act, 1997*;
 - iii) significant works to a heritage item;
 - iv) sex services premises;
 - v) sex industry premises;
 - vi) home occupation (sex services);
 - vii) any DA that has received a significant number of public submissions;
 - viii) any DA that seeks a significant departure from a CSPD; and
 - ix) any DA that, in Council's opinion, is in the public interest to be determined at Council's Ordinary Meeting.
- b) One week prior to the meeting, the applicant and any person who made a written submission shall be:
- i) invited to attend and address Council's Planning and Environment Committee meeting; and
 - ii) invited to attend Council's Ordinary meeting;

Note:

Licensed premises changing locations within the same commercial building will not be submitted to Council's meetings.

Note:

Licensed Premises are premises licensed under the Liquor Act 2007.

9.5

Development Applications & Council Meetings

- c) All public submissions shall be addressed within the Council officer's report.
- d) Any person who made a written submission to a DA shall be advised of Council's decision.

Note: In the event of a petition, Council shall invite the identifiable person coordinating the petition.

Note: Any person who seeks to address Council's Planning and Environment Committee is required to contact Council's Planning and Environment Division, at least 24 hours prior to the meeting to register details.

Note: Subject to the discretion of the Chairperson of Council's Planning and Environment Committee, an applicant and any other person will be given approximately 5 minutes to address the Committee

Note: The Council officer's report will be publicly available at 4:00pm on the Friday prior to the Planning and Environment Committee Meeting via Council's web site or by contacting Council's Corporate Strategy & Support Section.

This page is intentionally left blank.