

Ordinary Meeting

Meeting Date: Tuesday, 21 January, 2025

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

Index

14. Reports

CL25.16	Proposed Exhibition - Draft Community Participation Plan (CPP)	
Attachment 1	DRAFT - Community Participation Plan.....	2

Shoalhaven
City Council

Community Participation Plan

2025

CL25.16 - Attachment 1



Acknowledgement of Country

Walawaani (welcome),

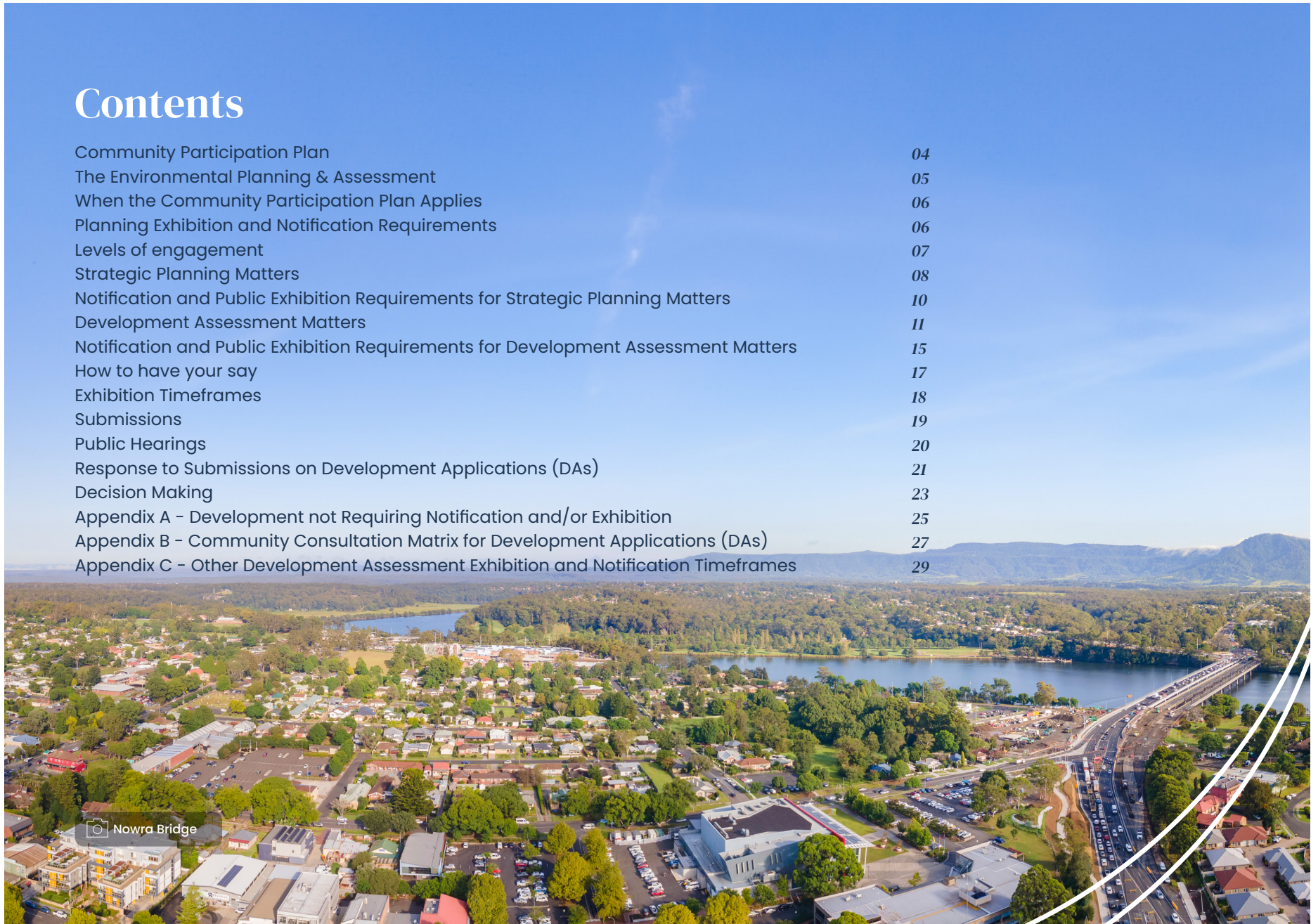
Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

This acknowledgment includes Dhurga language. We recognise and understand that there are many diverse languages spoken within the Shoalhaven.

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Community Participation Plan

The Shoalhaven Community Participation Plan (CPP) outlines how Council will engage with the Shoalhaven community on matters relating to planning and development. The CPP also explains how we report and inform our community about planning and development decisions. The CPP applies the principles and approach of Council's broader Community Engagement Strategy (CES).

The Environmental Planning and Assessment (EP&A) Act 1979 requires all planning authorities, including local Councils, to prepare a CPP to outline how and when the community will be engaged on planning functions, such as policy making, strategic planning and development assessment. The Environmental Planning and Assessment (EP&A) Act 1979 also sets minimum notification requirements for planning-related projects.



The Environmental Planning & Assessment (EP&A) Act 1979 – Principles of community *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.

Community participation plan 2025





When the Community Participation Plan *applies*

This CPP applies to the Shoalhaven Local Government Area (LGA) and planning functions under the Environmental Planning and Assessment (EP&A) Act 1979. It has been developed in accordance with the requirements of the Environmental Planning and Assessment (EP&A) Act 1979 and the Local Government Act 1993, and specifically applies to:

- Plan making and Strategic Planning, including the preparation of Local Strategic Planning Statements (LSPS), amendments to the Shoalhaven Local Environmental Plan (LEP), Shoalhaven Development Control Plan (DCP), Contributions Plans for local infrastructure and other technical studies, strategies and policies.
- Development applications (DAs).

For planning and development matters where Council **is not** the determining authority, the relevant authority's CPP applies. This may include assessments and determinations made by the NSW Government or other authorities. This CPP also **does not** apply to functions of Council that are not related to planning and development matters, or to exempt and complying development.

Planning Exhibition and Notification *requirements*

For the purposes of this CPP, the following descriptions apply:

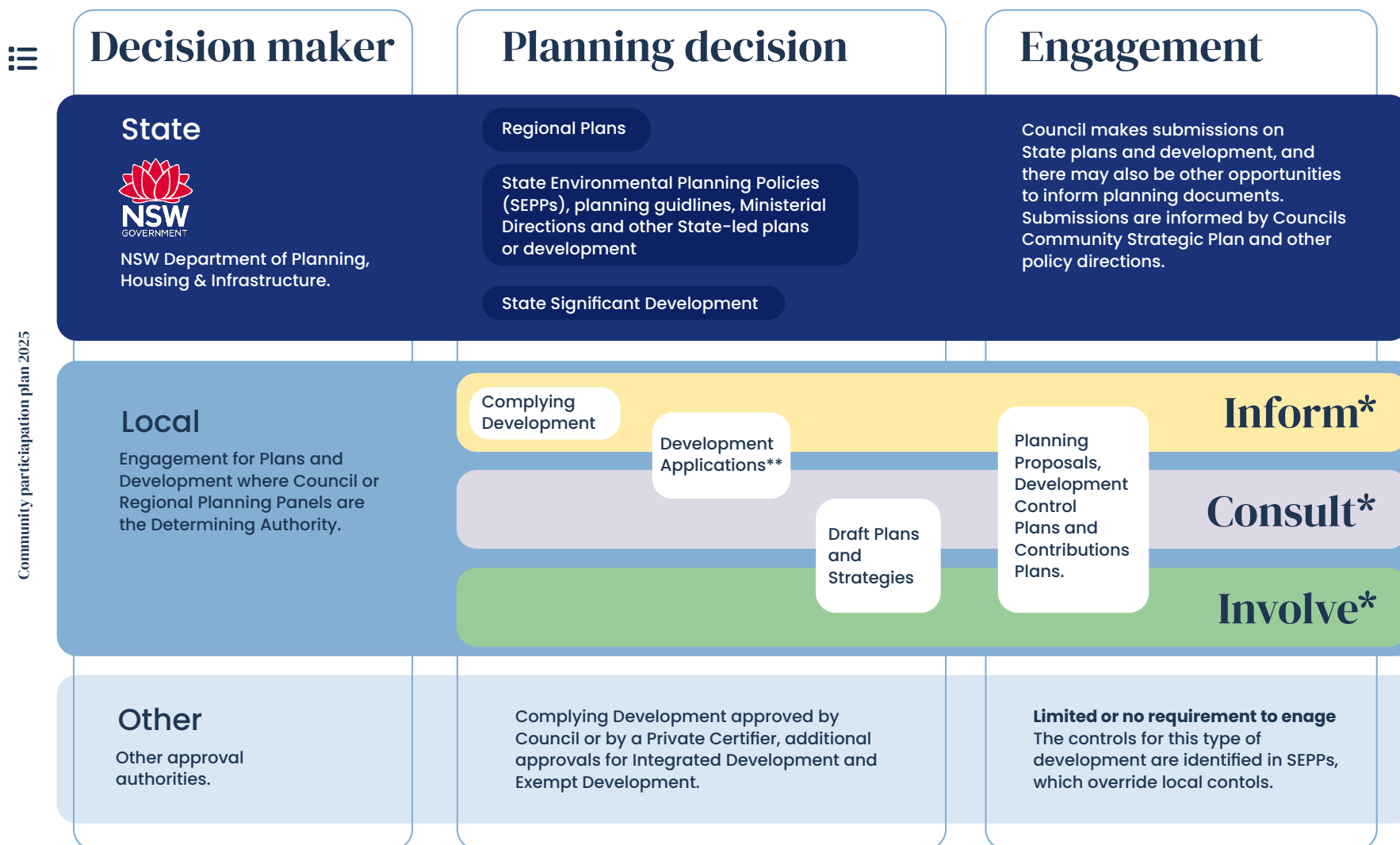
- "Public Exhibition" means Council will formally exhibit draft plans, strategies, or development related matters and provide the community with the opportunity to view and comment.
- "Notification" means Council will send written notification to owners of land and relevant stakeholders that are potentially impacted by a planning or development related matter. For development applications (DAs), the level of notification, and the distance to which the notification applies, will vary depending on the type and scale of the development proposed, as detailed in Appendix B.

There are both mandatory and non-mandatory requirements that apply to public engagement and exhibition of a planning document or development application (DA).

1. The mandatory requirements legally safeguard the community's right to comment on planning that affects them.
2. The non-mandatory requirements reflect best practice in ensuring that the intention to actively involve the community in planning is honoured (for example, it may be worthwhile for Council to extend the notification distribution and/or exhibition timelines for projects of a sensitive or controversial nature to make sure everyone has a chance to be heard).

Public exhibition of draft planning documents requires a Council resolution before being released for comment.

The following graphic provides an overview of the levels of engagement that Council can provide for different types of planning and development matters. Council may consider more or less engagement as necessary, depending on the nature of the project or development.



* These terms are from the IAP2 Participation Spectrum of the Community Engagement Strategy. The level of engagement will vary to suit each plan or development and the level of community interest.

** For some development types, notification or engagement may not be required. More information on these development types is provided in Appendix A.



Strategic planning *matters*

Table 1: Consultation timeframes for Strategic Planning matters

Planning document	Purpose of document	Minimum consultation/ exhibition period
Draft Community Participation Plans (CPP)	The CPP is designed to make participation in planning matters clearer for the community. It does this by setting out in one place how and when the community can participate in the planning system, Council functions, and different types of proposals	28 days
Draft Local Strategic Planning Statement (LSPS)	The LSPS is the key strategic document that identifies Shoalhaven's land use planning challenges and opportunities. It sets out the related work that Council needs to do to identify and meet needs of the community over the next 15-20 years.	
Draft strategic land use studies or strategies	Documents that investigate the challenges and opportunities of managing various land uses and set long-term land use planning outcomes for a range of land use planning matters. This may include: <ul style="list-style-type: none"> • Housing Strategies • Employment Land Strategies • Rural Land Strategies • Settlement Strategies / Structure Plans • Affordable Housing Strategies 	
Technical studies, policies and guidelines	Provides the technical evidence base or policy direction to be implemented in the Local Strategic Planning Statement (LSPS), Local Environmental Plan (LEP) or Development Control Plan (DCP)	



Community participation plan 2025

Planning document	Purpose of document	Minimum consultation/ exhibition period
Planning Proposals to amend Shoalhaven Local Environmental Plan (LEP) 2014	Shoalhaven LEP 2014 sets the overarching land use controls for Shoalhaven. Planning Proposals can: <ul style="list-style-type: none"> • Amend land use planning controls • Reclassify Council-owned land • Make administrative changes to Shoalhaven LEP 2014. 	28 days, or as specified in the Gateway Determination
Draft Shoalhaven Development Control Plan (DCP) 2014	Shoalhaven DCP 2014 provides details, consideration and guidance for the assessment of development proposals.	28 days
Draft Contributions Plans	The Contributions Plan sets the amount and reasoning for local infrastructure contributions levied against developers to service new developments.	
Draft Voluntary Planning Agreement (VPA)	A VPA is an arrangement between a developer(s) and Council where the developer seeks to deliver a material public benefit (usually a monetary contribution or physical infrastructure). A VPA can be offered in connection with a planning proposal, development application (DA), modification of a development consent, or an application for complying development.	
Draft Works in Kind Agreement (WIKI)	A WIKI is a voluntary arrangement between a developer(s) and Council, where the developer undertakes works, or part of the works, included in a contribution plan or to satisfy a condition imposed on a development consent or complying development certificate.	
Plans for urban renewal areas and masterplans	Plans for defined precincts that set a vision and overall plan to guide future development and positive outcomes for the community.	42 days
Re-exhibition of any matter referred to above		As per the original exhibition period



Notification and Public Exhibition requirements for *strategic planning matters*

The level of engagement on a draft strategic planning document will vary according to the nature and scale of the document. At a minimum, Council will:

- Provide written notice to affected landowners.
- Publish a Public Notice on Council's website.
- Provide written notice to relevant Community Consultative Bodies (CCBs) and Local Aboriginal Land Councils (LALCs).

Additional activities may include:

- Notification to peak representative bodies, Government Agencies and other key stakeholders.
- Online exhibition via Council's website and/or dedicated project webpage using the Get Involved platform.
- Media Release.
- Social media presence.
- Community information sessions.
- Report and/or presentation to relevant Community Consultative Bodies (CCBs), Committees of Council and/or peak representative bodies.

Where a draft proposal or strategy is likely to affect the broader community, additional residents and stakeholders may also be notified. Notification will be based on the data in Council's records at the time of notification. Changes to land ownership will not trigger renotification or re-exhibition. This shall be a due diligence requirement for an incoming purchaser.

Council will recognise community views and concerns and ensure that these are reflected as inputs into Council's final decision.

Council will ensure that reasons for decisions are provided in the Council Report or through the NSW Planning Portal, where relevant.



Development Assessment *matters*

All property owners who, in the opinion of Council, may be affected by a development proposal shall be notified in writing, in accordance with Appendix B – Community Consultation Matrix, or as considered appropriate by Council. In certain circumstances, Council may use its discretion to notify beyond the nominated buffer zones, or to notify relevant Community Consultative Bodies (CCBs). There may also be other times that an application may be notified and exhibited, as detailed in Appendix C.

The extent of the notification process will be determined by a number of factors, including, but not limited to:

- The siting of the development and its proximity to boundaries.
- The design of the development, and in particular its height, bulk and scale and its relationship to the character of existing development in the vicinity and the streetscape.
- The use of proposed development and potential impacts on neighbouring properties, including overshadowing and amenity impacts.
- The views to and from adjoining land, and affecting view corridors.
- The potential impact of drainage of the site.
- Any relevant matter for consideration under Section 4.15 of the Environmental Planning and Assessment (EP&A) Act 1979.
- The known level of community interest in a proposed development, at the discretion of Council.

Exempt and complying developments, and other development/activities considered minor in nature, are unlikely to adversely affect other property owners and will not be notified (see Appendix A).

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An overview of the minimum exhibition and notification timeframes for different development types is provided in Table 2. These timeframes may be extended beyond the minimum timeframes stated, at the discretion of Council.

Table 2: Consultation timeframes for Development Matters

Development type	What it is	Minimum consultation/exhibition period
Exempt and Complying Development	<p>Development that does not require the lodgement, assessment and determination of a development application (DA) by Council. Development of this nature can either be done without an assessment or approval process (as exempt development) or through a fast-track assessment process (as complying development).</p> <p>Further information on exempt or complying development is outlined at https://www.planning.nsw.gov.au/assess-and-regulate/development-assessment/planning-approval-pathways/complying-development.</p> <p>For development that qualifies as complying development, approval can be sought through Council or a suitably accredited Private Certifier.</p>	The period (if any) is determined by the person or body responsible for publicly exhibiting the application or matter.
Local Development Applications (DAs)	For development under Council's local planning controls including, but not limited to new dwellings and commercial, retail or industrial sites	14 days (can be reduced to 7 days in exceptional circumstances at the discretion of Council).
Regional Development Applications (DAs)	<p>Development referred to in the Environmental Planning and Assessment (EP&A) Act 1979, Environmental Planning and Assessment (EP&A) Regulation, and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.</p> <p>Notes:</p> <ul style="list-style-type: none"> Regional development applications (DAs) are lodged, notified, and assessed by Council. Council's Section 4.15 assessment report will be forwarded to the NSW Southern Regional Planning Panel (SRPP) for consideration. A decision on the application will be made by the Southern Regional Planning Panel (SRPP). Council will then issue the consent or refusal and further notify the applicant and those who had made submissions of the Southern Regional Planning Panel's (SRPP) determination. 	30 days

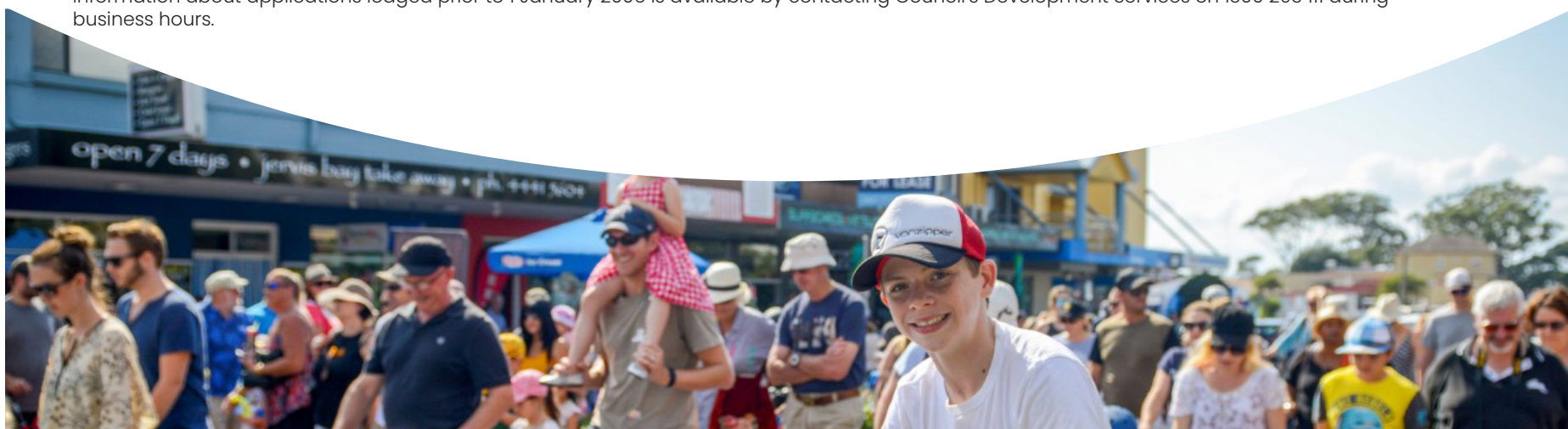
Community participation plan 2025		Development type	What it is	Minimum consultation/exhibition period
		Integrated Development	Development requiring approval under another Act or Regulation, in addition to the Environmental Planning and Assessment (EP&A) Act 1979	30 days
		Nominated Integrated Development	Requires an additional approval under the following legislation: <ul style="list-style-type: none"> • Heritage Act 1977 • Water Management Act 2000, or • Protection of the Environment Operations Act 1997 	30 days
		Designated Development	For development likely to have a higher impact, or that is located in or near environmentally sensitive areas	30 days
		Environmental Impact Statements (EIS) obtained under Division 5.1 of the Environmental Planning and Assessment (EP&A) Act 1979	Supports certain development applications (DAs) by identifying and responding to any environmental impacts of the development.	28 days Council is not required to make available for public inspection any part of an EIS whose publication would, in the opinion of Council, be contrary to the public interest because of its confidential nature or for any other reason.
		Development proposed to Impact Threatened Species	Development to which section 7.7(2) of the Biodiversity Conservation Act 2016 or section 221ZW of the Fisheries Management Act 1994 applies.	28 days
		Category 1 Remediation works	Remediation works requiring consent are governed by State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 (Chapter 4).	28 days
		Re-exhibition of amended applications	For amendments made to development applications (DAs) under assessment, prior to determination.	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter.
		Modification of development consents that are required to be notified and/or publicly exhibited	Modification of a development consent must take place in accordance with the Environmental Planning & Assessment Regulations 2021 and/or at the discretion of Council.	14 days, or in accordance with the notification and/or exhibition requirements of the original application.

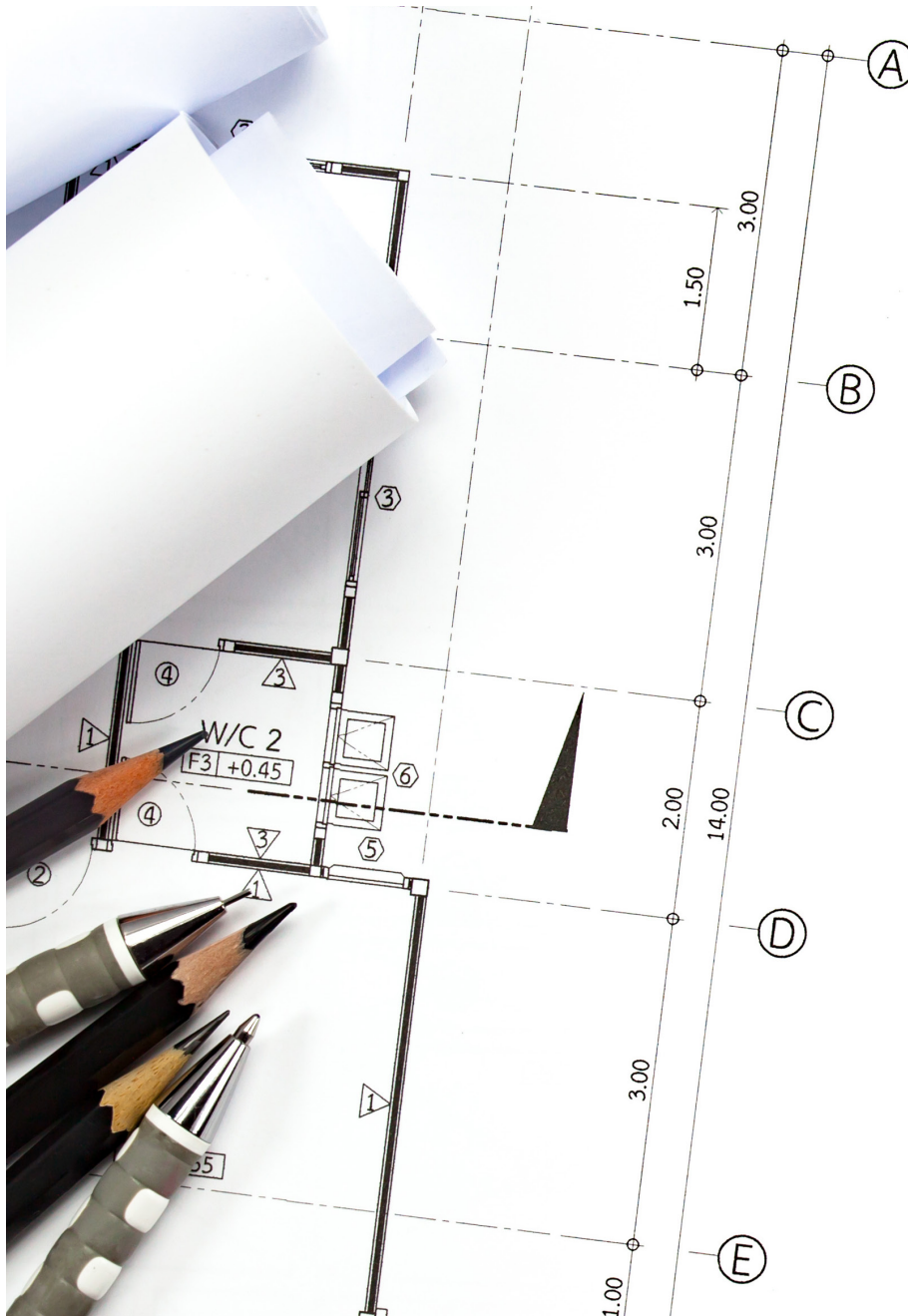
Development type	What it is	Minimum consultation/exhibition period
Council-related Development Applications (DAs)	<p>Development applications (DAs) for which Council is the consent authority that are:</p> <ul style="list-style-type: none"> Made by or on behalf of the Council For development on public land, other than a public road within the meaning of the Local Government Act 1993: <ul style="list-style-type: none"> Of which Council is an owner, lessee or licensee, or Otherwise vested in or under the control of the Council. <p>Notes:</p> <ul style="list-style-type: none"> Council development applications (DAs) must be accompanied by a statement explaining how Council will manage potential conflicts of interest, or if there is no management strategy, a statement to that effect. Council development applications (DAs) must not be determined unless Council has an adopted conflict of interest policy and that council had regard to that policy. 	28 days

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All local development applications (DAs) and regional development applications (DAs) are available for viewing on Council's DA Tracking website at: <https://www3.shoalhaven.nsw.gov.au/masterviewUI/modules/ApplicationMaster/Default.aspx>. Information about regional development applications (DAs) can also be found on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/planningpanels>.

Information about applications lodged prior to 1 January 2006 is available by contacting Council's Development Services on 1300 293 111 during business hours.





Notification and Public Exhibition requirements for *Development Assessment matters*

The level of notification and/or public exhibition requirements on a development application (DA) will vary according to the nature and scale of the development. For proposals that require notification, Council will, at a minimum:

- Provide written notice to landowners in accordance with Appendix B.
- Provide all relevant information on Council's website
- Make all relevant documents publicly available at Council's Administration Building.
- For certain development proposals, Public Notice will also be provided at the affected property.
- Where a proposed development is likely to affect the broader community, additional residents and stakeholders may also be notified.

It is noted that other legislation and/or environmental planning instruments (EPIs) set minimum notification and/or exhibition requirements. Where there is an inconsistency in exhibition timeframes between this CPP and any relevant legislation or environmental planning instrument (EPI), the longer period applies.

Development applications (DAs) will be notified after the registration of the application; however, such notification may be delayed if the application is incomplete, or insufficient supporting information has been provided.

Note: For privacy reasons, copies of residential floor plans or other sensitive uses cannot be made available without the written consent of the landowner or Applicant



Who will be notified

In addition to the mandatory minimum requirements provided in this Plan, Council officers will determine what advertising and notification is appropriate, depending on significance and likely impact of a proposed development. Council may, at its discretion, choose to increase a notification area or use other methods to engage with the community.

Notification will be based on the data in Council's records at the time of notification. Changes to land ownership will not trigger renotification. This shall be a due diligence requirement for an incoming purchaser.

Form of Notice

Development application (DA) notification shall contain:

- An invitation to inspect the application
- The property description or address of the site affected by the application
- A description of the specific development for which approval is being sought
- The application reference number
- The name of the applicant
- Details of where the application can be inspected
- A note explaining that some documents relating to the application will be available on-line via Council's DA Tracking facility, and the progress of the application can be checked via this on-line link
- A statement that any person may make a submission in writing
- A statement that any submissions received will be made publicly available on-line; and
- The time within which written submissions will be received.

A sign may be erected to identify those sites the subject of a development application (DA) and/or tree removal application, if Council considers such a sign to be appropriate having regard to the nature of the application or the location of the site. Such consideration will have regard to Council's obligations under the Environmental Planning & Assessment (EP&A) Act 1979 and the Environmental Planning & Assessment Regulation 2021.

How to have your say

You can share your ideas, concerns or support for a planning or development matter by making a written submission when the matter is on notification or public exhibition.

You may also make a deputation during a Council meeting or a verbal submission at any Public Hearing or Meeting, should any of these be held in relation to the matter.

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Exhibition timeframes

Council will exhibit a draft proposal for the minimum timeframes set out in this CPP and any other relevant legislation or environmental planning instrument (EPI). Where there is an inconsistency in exhibition timeframes between this CPP and any relevant legislation or EPI, the longer period applies. Minimum exhibition periods identified in this CPP are in calendar days and include weekends and public holidays.

Extension of exhibition timeframes

An exhibition period may be extended beyond the minimum timeframes identified in the CPP if:

- The proposed changes may, in Council's opinion, generate adverse impacts, having regard to the environment, scale, and proposed location.
- The exhibition occurs over the Christmas – New Year period. In this instance:
 - o The period between 20 December and 10 January (inclusive) will be excluded from the calculation of a period of public exhibition in accordance with the Environmental Planning and Assessment (EP&A) Act 1979.
 - o For any documents on exhibition between 15 December and 15 January (inclusive), the public exhibition and submission period will be extended to 31 January, at a minimum
- An exhibition period ends on a weekend or public holiday. In this instance, the exhibition will end on the next business day.
- The proposed planning changes are complex or may affect a significant number of properties.
- Council decides to extend the exhibition period to due high levels of community interest.





Submissions

The community and other stakeholders may comment on a draft plan or proposed development by making a written submission when the matter is on public exhibition, or by making a verbal submission at a Public Hearing, if one is to be held. Anyone may make a submission regardless of whether they have received a notification letter.

Submissions must be made in writing and received by Council by the closing date. Written submissions can be made via:

- Post: The Chief Executive Officer Shoalhaven City Council PO Box 42, Nowra NSW 2541
- Email: council@shoalhaven.nsw.gov.au

In the interest of public transparency, any submission made on a local or regional development application (DA) will be made available in its entirety on Council's DA Tracking website. Submissions may also be made publicly available on the NSW Planning Portal. Submissions on other planning matters may also become public documents and may be viewed by other persons on request.

Submission Requirements for Development Applications (DAs)

Submissions must be lodged online via Council's e-property platform on Council's website.

Submissions should:

- Contain the name and email address of the person making the submission, to allow acknowledgement letters to be sent.
- Contain the development application (DA) number and address of the property that is the subject of the development proposal.
- Detail the submission's purpose and all reasons for the submission.
- Be restricted to environmental and planning matters relating to a development application (DA) and should not contain specific private, defamatory and risk to security information.
- State the reasons for the objection, if a submission is an objection to a development application (DA).

Anonymous submissions will not be accepted.

All persons who lodge a submission are required to declare any relevant political donations and/or gifts in accordance with Section 10.4(5) of the Environmental Planning and Assessment (EP&A) Act 1979.

Petitions and pre-printed form letters, which have been individually signed, will be considered but not formally acknowledged. Please refer to Council's guidance on how to prepare a petition to ensure it can be considered: <https://www.shoalhaven.nsw.gov.au/Council/About-Shoalhaven-City-Council/Petitions>



Submissions and personal information

Government Information (Public Access) Act 2009, Privacy and Personal Information Protection Act 1998 (NSW) and Privacy Commission's Guidelines 2020 apply to any personal information provided in a submission on a planning or development matter. A submitter's name and property address may not be redacted from submissions and may appear on Council's website, unless requested by the submitter and approved by Council.

In accordance with the Environmental Planning & Assessment (EP&A) Act 1979 and related regulations, all submissions received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council staff, planning consultants engaged by Council or member of the public on request. Pursuant to the Government Information (Public Access) Act 2009, Council is obliged to allow inspection of its documents, including submissions received by Council.

Public hearings

An independently chaired Public Hearing will be held in the following circumstances:

- For all planning proposals to reclassify Council-owned land
- At Council's discretion, should a submission be received from the community requesting a Public Hearing in relation to a draft planning proposal.

During a Public Hearing, you may make a verbal submission that will be recorded and reported to the consent authority in a Public Hearing Report, which will then be made publicly available. Should a Public Hearing be held, written notification of the date, time and location of the hearing will be provided to all submitters and also published on Council's website.

Response to submissions on Development Applications (DAs)

Community participation plan 2025



Submitters Briefing

Where Council has received numerous submissions objecting to a development proposal (including regional development applications (DAs)), a Submitters Briefing may be organised and the period for the making of submissions may be extended. Such decision is at the discretion of Director, City Development. The period extended for submissions must have regard to Council's obligation to finalise its assessment of the application.

A Submitters Briefing aims to provide a forum in which community members who have objected or raised concerns about a proposal, the Applicant and their representatives, Councillors and Council staff can meet to review and discuss the proposal. Council and the Applicant may deliver a short presentation on the matter, if required.

A Submitters Briefing is not a Public Meeting. Only those persons who have made submissions, the relevant Community Consultative Body (CCB), the Applicant and Councillors will be notified of the meeting. These meetings may be held via video conferencing or face to face at the discretion of Council.



Public Meetings

Where it is considered that a development proposal will generate significant community interest, Council may arrange a Public Meeting to enable:

- Details of the proposal to be more fully explained;
- Community concerns to be discussed; and
- Conflicts to be identified and possibly resolved.

Public Meetings generally are held following a Council resolution. Such meetings are attended by Councillors, Council staff, the Applicant and any interested parties.

Public Meetings will be notified on Council's website at least seven days prior to the meeting. Any person objecting to the development will be individually invited to attend the Public Meeting, and the relevant Community Consultative Body (CCB) will also be notified. Meetings may be held via video conferencing or face to face at the discretion of Council.

Where there is no Council resolution to hold a Public Meeting, the period extended for submissions must have regard to Council's obligation to finalise its assessment of the application



Mediation

In exceptional circumstances, mediation may be undertaken at the discretion of Council.

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Administrative Requirements for Submitters Briefings and Public Meetings

Generally, for administrative purposes, a minimum of three weeks is required to organise a Submitters Briefing or Public Meeting.

The likely need for a Submitters Briefing or Public Meeting may be identified early in the process during pre-lodgement discussions or during the preliminary stages of development assessment. However, it is not always possible to identify the need for such meetings until the exhibition period has closed. Those matters which may influence the decision to convene a meeting are:

- Significant local response to the proposal
- The scale of the proposal
- Whether or not the proposal is consistent with surrounding development
- The environmental significance attributed to the site and its surrounds
- History of resident concerns regarding development issues in the locality.

Only one Submitters Briefing **or** one Public Meeting may be convened per application, if required. Council may convene a Submitters Briefing if considered appropriate. Public Meetings may be convened by the Mayor on behalf of Council.

Subject to the availability of the Mayor and Councillors, Submitters Briefings and Public Meetings will be arranged at a convenient time and location for the community and the Applicant. Video conferencing may also be available.



Deputations on Regional Development Applications (DAs)

Any deputation to Council on a regional development application (DA) will be a separate process to the assessment of the application under the Environmental Planning and Assessment (EP&A) Act 1979.

For certain matters, the Southern Regional Planning Panel (SRPP) may hold Public Meetings, which can be held in person, by video link or other electronic means.

Any person (individual or on behalf of a group) who made a submission during the public exhibition period may request to address the Southern Regional Planning Panel (SRPP), the independent body that determines regional development applications (DAs), during a Public Meeting. Requests can be made to the Southern Regional Planning Panel (SRPP) Secretariat prior to any meeting. Further information is available on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/planningpanels>

Decision making

If this CPP requires a draft plan or development application (DA) to be publicly exhibited, a decision on the matter will not be made until after the conclusion of the exhibition period.

Council will review all submissions, and consider the issues raised within them, prior to making a decision on a draft plan or development application (DA). All matters raised in the submissions will be addressed and reported to Council for consideration.

Submitters will be notified when the matter is going to be reported to Council. Council meetings are generally held in the Council Chambers at Council's Nowra Administration Building. Members of the public are welcome to attend, or watch the meetings via live stream at:

<https://www.shoalhaven.nsw.gov.au/Council/Council-meetings/Stream-a-Council-meeting>

Members of the public can present directly to Council by registering to make a deputation at a Council meeting where the planning or development matter is being reported. Applications to make a deputation can be made by completing the following form on

Council's website: <https://www.shoalhaven.nsw.gov.au/Services/Deputations>, or contacting Council's Governance Team on 1300 293 111.





Decisions on development *matters*

Southern Regional Planning Panel

The Southern Regional Planning Panel (SRPP) makes decisions in our community as required by the Environmental Planning and Assessment (EP&A) Act 1979 and the Directions from the NSW Planning Minister.

Regional development applications (DAs) will be notified and exhibited for a minimum of 30 days, except where state legislation requires a longer notification period. When Council notifies and exhibits a development application (DA) that is to be determined by the Southern Regional Planning Panel (SRPP), advice will be provided in any notification and exhibition material for the application. However, this may not always be the case as it can change during the assessment process.

The elected Council may also consider submissions relating to regional development applications (DAs) in a separate committee process and may wish to separately provide a report to the Southern Regional Planning Panel (SRPP) (separate from the Section 4.15 assessment reporting).

Elected Council

If a development application (DA) is listed for consideration, or “called in” by the elected Council due to high levels of community interest, notification of the Council meeting will be provided to the applicant and all persons who made a submission on the application. As reports to Council are sometimes prepared at short notice, notification may be made by letter, email or telephone according to the circumstances of the case.

When notification of development decisions is required

Council will notify the community of its decision on a development for the following:

- The determination of an application for development consent.
- The determination of an application for the modification of a development consent that was publicly exhibited.
- The granting of an approval, or the decision to carry out development, where an environmental impact statement was publicly exhibited under Division 5.1 of the Environmental Planning and Assessment (EP&A) Act 1979.

This notification will appear on Council’s DA Tracking website:

<https://www3.shoalhaven.nsw.gov.au/masterviewUl/modules/ApplicationMaster/default.aspx?page=search>.

Such notification will include:

- The decision,
- The date of the decision,
- The reasons for the decision (having regard to any statutory requirements applying to the decision), and
- How community views were taken into account in making the decision.

Council will also notify those people who made a submission on a development application (DA) of their decision on the matter.



Appendix A - Development not requiring notification and/or exhibition

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Development	Requirement	
<p>Dwelling houses (including additions and ancillary structures)</p> <ul style="list-style-type: none"> Detached single storey dwelling house. Does not include second-hand dwellings, additional/secondary dwellings, managers' residences. Single storey additions/alterations to detached dwellings approved by Council. Single storey carports, garages and pergolas associated with a detached dwelling house approved by Council. Development ancillary or incidental to a detached dwelling house e.g., an outbuilding with a maximum area or 40m² or 5m in height. <p>Dual occupancy ancillary structures</p> <ul style="list-style-type: none"> Single storey carports, garages and pergolas associated with a dual occupancy (attached or detached) approved by Council. 	Zone	Side/Rear Boundary Setback
	The setback from any side or rear boundary of the external wall of any structure is equal to, or greater than, the following: Refer also to Notes 1 and 2 below table.	
	RU1 Primary Production	20m
	RU2 Rural Landscape	20m
	RU4 Primary Production Small Lots	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
	RU5 Village	900mm
	R1 General Residential	900mm
	R2 Low Density Residential	Lot size up to 1999m ² = 900mm Lot size between 2000m ² -3999m ² = 5m Lot size 4000m ² or greater = 7.5m
	R3 Medium Density Residential	900mm
	R5 Large Lot Residential	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
	SP3 Tourist	Lot size up to 1999m ² = 900mm Lot size between 2000m ² -3999m ² = 5m Lot size 4000m ² or greater = 7.5m
	C2 Environmental Conservation	20m
	C3 Environmental Management	20m
	C4 Environmental Living	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
Development	Requirements	
Swimming Pools and Outdoor Spa Baths	<ul style="list-style-type: none"> On lots over 2000m² if the pool or outdoor spa bath (with minimum 10m side and rear boundary setback), will be ordinarily ancillary to a dwelling occupied for private use only. 	

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Demolition (excluding Heritage Listed buildings)	<ul style="list-style-type: none"> Garages, carports, and outbuildings constructed after 1990. Garages, carports, and outbuildings constructed before 1990 provided asbestos is not one of the construction materials.
Industrial uses <ul style="list-style-type: none"> Minor additions in keeping with surrounding developments and the local environment Change of use First occupation 	<ul style="list-style-type: none"> Existing approved use. Light Industry to Light Industry. No significant effect on the surrounding owners or the community.
Commercial Uses <ul style="list-style-type: none"> Minor additions in keeping with surround developments and the local environment Change of use First occupation 	<ul style="list-style-type: none"> Existing approved use. No significant effect on the surrounding owners or the community.
Internal Alterations	<ul style="list-style-type: none"> Internal alterations that will not have any impact beyond the property boundary.
Tree Removal Permit Applications	<ul style="list-style-type: none"> All applications other than those for any tree or stand of trees likely to have direct impact on amenity of adjoining residents.
Subdivision (unless Integrated Development) <ul style="list-style-type: none"> Minor boundary adjustments Strata subdivisions Community title subdivisions 2-lot subdivision for existing dual occupancy developments 	<ul style="list-style-type: none"> Not requiring physical works; and Notification has already been undertaken at the development application (DA) stage.
Advertising Signs	<ul style="list-style-type: none"> Applications which comply with Chapter G22: Advertising Signs and Structures of Shoalhaven DCP 2014.
Amendments to Development Application (DA) prior to determination	<ul style="list-style-type: none"> Requested by Council following preliminary assessment Requested by State Government Agencies, e.g., Rural Fire Service (RFS) following preliminary assessment. Made in response to submissions, objecting to the proposal, received. Which are the result of conditions imposed on an application previously notified.
Construction Certificate, Occupation Certificate and Compliance Certificate Applications	<ul style="list-style-type: none"> Made under Part 6 of the Environmental Planning and Assessment (EP&A) Act 1979.
Exempt and Complying Developments	<ul style="list-style-type: none"> As prescribed in SEPP (Exempt and Complying Development Codes) 2008, Part 3 and Schedule 2 of Shoalhaven Local Environmental Plan (LEP) 2014 and as set out in Shoalhaven Development Control Plan (DCP) 2014.

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Note 1: In the case of battle-axe allotments, the building meets the boundary setback requirements in relation to all boundaries (excluding the access handle).

Note 2: An allotment may be affected by a restriction-as-to-user under Section 88B of the Conveyancing Act 1919 which defines a building envelope.



Appendix B - Community Consultation Matrix for Development Applications (DAs)

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Level of Community Consultation	Methods of Consultation	Issues to Consider when Determining Levels of Consultation	Examples – Depending on Particular Circumstances some Discretion will be used
Level 1: Neighbour notification within buffer of 25m in urban areas and 100m in rural areas to the development site.	Written notification to all property owners affected within buffer area.	Development: <ul style="list-style-type: none"> • is of small to moderate scale • may impact on views or amenity of residents in the neighbourhood • may impact on the character of the neighbourhood; and • raises environmental issues. 	<ul style="list-style-type: none"> • ancillary residential development such as garages, carports, additions to existing dwelling-houses and swimming pools • additions to existing commercial or industrial premises • two-storey dwelling-houses • two-lot subdivisions other than the subdivision of existing dual occupancy developments • Bed & breakfast accommodation in an existing dwelling-house • dual occupancy development • development accessed by a right-of-carriageway • new retail, commercial and industrial activities • home activities with potential for external impacts; and • purpose-built bed & breakfast accommodation.
Level 2: Neighbour notification within buffer of 60m in urban areas and 200m in rural areas to the development site.	Written notification to all property owners affected within buffer area.	Development: <ul style="list-style-type: none"> • is of moderate scale and significance • may impact on views or amenity of residents in the local area • may have impacts concerning the local community; and • raises significant environmental issues. 	<ul style="list-style-type: none"> • tourist development • medium density development up to and including 10 units • subdivisions of 3-10 lots • childcare centres; and • commercial and industrial proposals.

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Level of Community Consultation	Methods of Consultation	Issues to Consider when Determining Levels of Consultation	Examples – Depending on Particular Circumstances some Discretion will be used
Level 3: Neighbour notification within buffer of 120m in urban areas and 500m in rural areas to the development site.	<p>Written notification to:</p> <ul style="list-style-type: none"> All property owners affected within buffer area. Relevant CCBs and Chambers of Commerce notified. <p>Exhibition – Council Website.</p>	<p>Development:</p> <ul style="list-style-type: none"> is major raises major environmental issues; and may raise concerns for nearby residents, the wider community, and visitors to the area. 	<ul style="list-style-type: none"> shopping centres medium density development in excess of 10 units subdivisions in excess of 10 lots icon sites major industrial developments major community projects, e.g., cultural centres; public swimming pools, sports facilities/ complexes any development of public open space in Council ownership or Crown Land where Council is Trust Manager large retail; and any development involving the sale of liquor or adult goods or services.

Note 1: Heritage Items – Partial or total demolition

An application for partial or total demolition of a building which is listed as an item of environmental heritage in Shoalhaven Local Environmental Plan (LEP) 2014 must be exhibited and notified for the number of days in relation to the Level of community consultation required in the above table (minimum period of 21 days).

Note 2: Applications which include a clause 4.6 Variation Request

Any development application (DA) that includes a 'request for variation' under CI 4.6 of the relevant planning instrument must be notified for a minimum of 21 days or the minimum specified for the development type in the above table.

Note 3: Regional Development Applications

Regional development applications (DAs) will be notified and exhibited for a minimum period of thirty (30) days, except where state legislation requires a longer notification period. When we notify and exhibit an application for development which is to be determined by the Southern Regional Planning Panel (SRPP), we will let you know in our notification and exhibition material. However, this might not always be the case as it can change during the assessment process.

Note 4: Council Development Applications (DAs)

Council development applications (DAs) will be notified and exhibited for a minimum of 28 days.

Appendix C - Other development assessment exhibition and notification timeframes

Type of application for development	Number of days for exhibition or notification
Application for modification of development consent under section 4.55(1) of the Act to correct a minor error, misdescription or miscalculation	Not required
Application for modification of development consent under section 4.55(1A) of the Act involving minimal environmental impact will not be notified.	<p>Not required for applications including the following:</p> <ul style="list-style-type: none"> - Minor modifications that do not materially change the external appearance of the development and will have no adverse impact on the amenity of adjoining properties. - Applications for deletion of conditions where the modification relates only to conditions of development consent; the grounds for modification are that the condition is unreasonable and/or inappropriate in the circumstances; the application is the first one made in relation to the development; and the application is received within 12 months of the endorsement date of the development consent. - Applications for an extension of time for an Advertising Sign. - Applications for an extension of time for a Home Activity, where there is no history of complaints in relation to that activity. - Applications for an extension of time for a Market, where there is no history of complaints in relation to that market. <p>All other section 4.55(1A) applications will follow the minimum days and method specific in Appendix B for the types of applications listed, except as provided by the Environmental Planning and Assessment (EP&A) Act 1979 and Environmental Planning and Assessment (EP&A) Regulation 2021.</p>

<p>☰</p> <p>All other modification of development proposals (section 4.55(2) and section 4.56 of the Act)</p>	<p>Notice of the proposed modification will be notified and/or exhibited in the same manner as the original development application (DA) was notified or exhibited (other than where the original consent was for Designated Development, State Significant Advertised Development, Integrated Development and any other advertised development where Council is not the consent authority, with the exception of the Land and Environment Court).</p> <p>Note: Any person that made a submission on the original application will be notified for modification of development consent under section 4.56 of the Act.</p>
<p>Application for review of determination</p>	<p>The same manner as the original development application (DA) was notified or exhibited.</p>





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