

Community Engagement and Participation Plan 2024-2028



Acknowledgement of Country

Muswellbrook Shire Council would like to respectfully acknowledge the local Aboriginal People who are the Traditional Owners and Custodians of the land.



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From the Mayor

The Community Vision, in our Muswellbrook Shire 2022-2032 Community Strategic Plan, highlights the importance of community engagement to create an inclusive, vibrant, and sustainable future.

It emphasises that genuine engagement with our community should be at the heart of everything we do. Our community is diverse, with different views on issues like mining and energy generation, population growth and levels of service. Yet, we also share common values, such as wanting the best outcomes for our community that will improve wellbeing, economic growth, social equality, sustainability and cultural vibrancy.

This Community Engagement Strategy outlines the framework for ongoing and meaningful engagement with all members of our community. It provides the flexibility to achieve the best outcomes during some of the most significant changes the Shire will experience, and it will help guide how we plan and carry out our engagement to ensure the community's voice is heard and at the forefront of everything we do.



From the General Manager

Community engagement and collaboration is essential to ensuring that Council's Plan reflects the vision and priorities of our community. We know that strong, positive community engagement is a powerful contributor to support the effective, efficient, and relevant management of our assets, facilities, services, and events.

Council is committed to inviting and seeking out the opinions and desires of all members of our community, and we are always working to improve the methods by which we engage and collaborate, thereby removing potential barriers to full participation, including, but not limited to, age, literacy, gender, language, ability, and access to technology.



Introduction

This Community Engagement and Participation Plan 2024-2028 outlines how different groups in our community can be involved in the long-term planning and decision-making of Council. It explains when, how, and why each group will have the chance to provide input, guided by the following social justice principles:

- **Equity:** Everyone in the community has fair access to services and opportunities to improve their lives
- **Access:** Efforts are made to include people who are harder to reach or who are vulnerable
- **Participation:** Everyone is encouraged to have their voices heard and to understand how decisions are made
- **Rights:** People of all backgrounds and abilities have the chance to take part in community life

These principles will help Council plan and develop important projects, including the Community Strategic Plan and other key Council documents, plans, policies, and programs.

Council's main goals for engaging the community are:

- To increase awareness about Council projects, programs and services
- To improve satisfaction with Council services, facilities, and events
- To help the community better understand how and why decisions are made

This Plan is created in line with Section 402 of the Local Government Act 1993, which encourages a community-centred approach to decision-making. It shows our commitment to providing everyone in Muswellbrook Shire with an equal opportunity to shape the future of our community that we can be proud of now and in the years to come.



What is Community Engagement?

Community engagement is about involving people in the decisions that affect their lives. It is an ongoing process that encourages open discussions and shared responsibilities in decision-making.

Community engagement is about:

- **Collaboration:** It fosters better problem-solving, leading to balanced and informed decisions that result in positive outcomes
- **Transparency:** It supports transparency, builds trust in the decision-making process, and helps people understand how and why decisions are made

Council believes that everyone in Muswellbrook Shire has the right to be informed and to have a say on projects that matter to them or could affect their daily lives. Engaging with the community helps Council better understand local views, leading to more informed decisions. This approach results in improved services, greater community ownership and pride of outcomes, as well as a stronger connection between people and their community.

We believe that whenever Council is planning or deciding something, the community should have the opportunity to participate meaningfully. The level of involvement may vary depending on the project and its potential impact.

Legislative Requirements

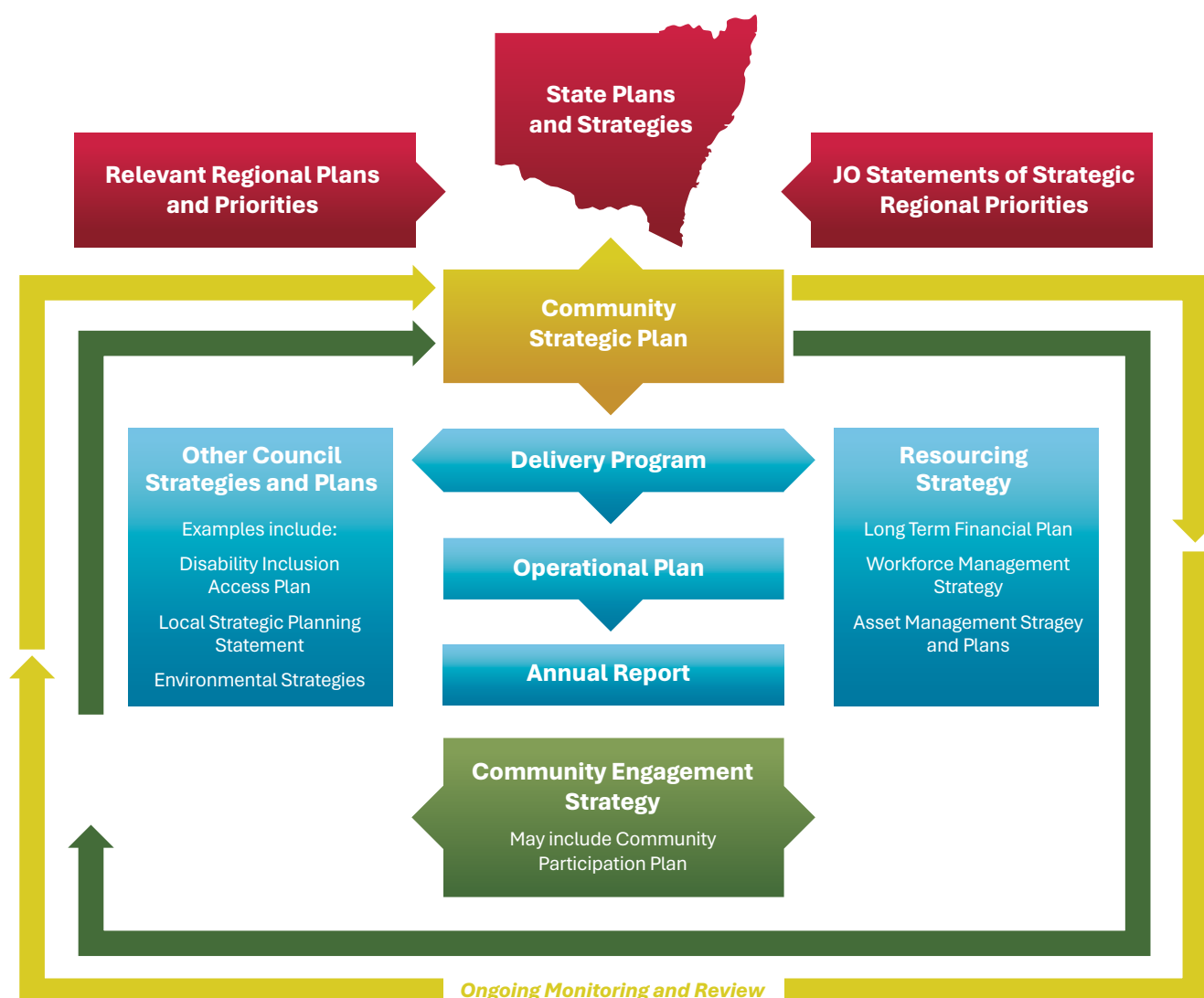
Council must follow the following pieces of legislation that outline when we need to consult with the community:

1. **Section 402(4) of the Local Government Act 1993:** This requires Council to create and follow a Community Engagement Strategy. This strategy is used when developing plans, policies, and programs, and when determining activities that go beyond routine administrative tasks.
2. **Section 2.23 of the Environmental Planning and Assessment Act 1979:** This requires councils to explain how and when they will engage the community in planning matters, such as policy-making and assessments.

The Community Engagement and Participation Plan 2024-2028 follows the NSW Government's Integrated Planning and Reporting Framework (2009). It ensures the community's needs are reflected in Council's plans, aligning with regional and state priorities. The plan connects to other documents for consistent planning across local councils in NSW. One key part is the Disability Inclusion Action Plan, which focuses on making the community more inclusive by improving access to services and ensuring participation for people with disabilities.

The Integrated Planning & Reporting (IP&R) framework was established in 2009 by the New South Wales Government.

The legislation requires all Councils to have the following plans developed in consultation with the community.



What Do We Mean by Community?

Our community includes the many different individuals, groups and organisations that have a vested interest in our Shire, including:

- People that live or own a property here
- Local Aboriginal communities and Agencies
- People who work or study here including short-term contractors
- Visitors and Tourism Groups
- Business and Industry
- Community, Sporting and Environmental groups
- Community Agencies that provide services (including homeless support) to and/or advocate for people in the local area
- Developers and Investors
- Elected Councillors
- Council Committee Representatives and Council Staff
- Neighbouring Councils and Regional bodies
- Government Agencies
- Local Members of Parliament (State and Federal)
- Media
- Schools and Education Providers
- Children and Young People
- Seniors and Older People
- People with Disability
- Cultural Groups



What Engagement looks like in Muswellbrook Shire

The level of community engagement used by Council will depend on the size and importance of the plan, policy, or program being proposed. For example, when developing the Community Strategic Plan, Council will include activities that aim to involve the whole community. However, for something like upgrading a local sporting field, engagement will likely focus on people who live within a few kilometres of the site and the groups who use the field.

Council uses the International Association for Public Participation (IAP2) Spectrum to help decide the best type of engagement. This framework helps determine how much influence the community’s feedback will have on the final decision.

Muswellbrook Shire Council understands that community engagement should:

- Have a clear purpose, goals, and approach
- Be easy for the community to access and take part in
- Be clear and straightforward
- Build trust and understanding
- Be meaningful, genuine, and provide value
- Be regularly evaluated and improved

Community engagement is a shared responsibility—everyone has a role in the decision-making process that shapes our community. Both the Council and the community have important roles in starting, leading, taking part in, and carrying out engagement activities.

Increasing impact on the decision					
PUBLIC PARTICIPATION GOAL	Inform	Consult	Involve	Collaborate	Empower
	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.



Community engagement is a shared responsibility—everyone has a role in the decision-making process that shapes our community.

Roles	Responsibilities
Mayor	<ul style="list-style-type: none">• Acts as the spokesperson for the Council to encourage engagement on important strategic plans, including the development of the Community Strategic Plan• Works with the General Manager to ensure there are sufficient opportunities and methods for engagement between the Council and the local community• Promotes partnerships between the Council and our community
Councillors	<ul style="list-style-type: none">• Champion the commitment and principles of engagement by providing leadership, setting an example of best practices, and making decisions that align with these principles• Promote engagement by supporting and participating in engagement activities alongside Council staff and encouraging residents to get involved during interactions with the community
General Manager and Executive Leadership Team	<ul style="list-style-type: none">• Promote a culture of best practice engagement by leading with strong examples, following the right processes, and implementing this strategy• Act as spokespersons to encourage community engagement• Take part in developing documents related to community engagement• Ensure the community receives clear information so they can take part in the engagement process in a meaningful way
Council Staff	<ul style="list-style-type: none">• Work with and support the General Manager in creating the Community Engagement Strategy and plans to engage the community• Carry out the Community Engagement Strategy and provide the General Manager with timely advice on community feedback and opinions

Inclusive Engagement

Council recognises that some groups in our community may face challenges in participating in engagement activities. These groups are often harder to reach and less likely to get involved. We will consider barriers such as language, physical ability, access to technology, social isolation, and time when planning engagement activities to ensure that participation is easy and comfortable for everyone.

Successful engagement relies on careful preparation and thorough planning, where we:

- Create an environment of honest and timely communication when engaging with the community about projects and activities
- Commit to clear processes and allocate the necessary resources to help with better planning and decision-making
- Ensure our processes are inclusive, reaching out to everyone in the community, including those who are hardest to engage
- Respect the feedback we receive from the community
- Act in the best interests of the entire community
- Keep the community informed about progress and outcomes
- People with disabilities in the hard-to-reach groups

Some of the harder-to-reach groups identified in the Plan include:

- Youth and older people
- Aboriginal and Torres Strait Islander communities
- Children and families
- People experiencing homelessness
- People with mental health issues
- LGBTIQA+ communities
- People who are socially isolated
- People who do not speak English as a first language

Council recognises the barriers to engagement and is committed to making opportunities accessible and inclusive by:

- Offering a variety of engagement methods to suit different needs
- Using clear, easy-to-understand language and avoiding technical jargon
- Designing age-appropriate activities for different groups
- Providing enough information to support active public participation
- Using both technology and traditional methods to reach a wider audience
- Promoting engagement opportunities through multiple channels
- Providing information in various accessible formats
- Ensuring venues are accessible to everyone
- Exploring options for staggered or combined engagement to avoid overwhelming the community
- Clearly explaining how community feedback will influence decisions and why those decisions are made.
- Targeting specific groups, such as young people, families, and minority groups, with tailored engagement
- Staggering engagement activities to avoid “saturation” and ensure meaningful participation
- Broadly promoting engagement to give all community members the chance to take part
- Reporting back to participants and the broader community on the outcomes and results of engagement activities



How We Engage

Inform

Channel	Detail
Website, Social Media, and Newsletters	Information will be shared via: <ul style="list-style-type: none">• Council's websites• Social media platforms such as Facebook, Instagram and LinkedIn• Newsletters
Advertisements, Signage, Letters, Postcards/Flyers and Rates Notices	These channels will be used to: <ul style="list-style-type: none">• Invite the community to participate in engagement activities• Notify the community about upcoming projects and works• Inform the community on where to access further information• Explain how and when to provide feedback
Customer Service Centre, Libraries and Visitor Information Centres	Community members can visit the Customer Service Centre and Libraries to: <ul style="list-style-type: none">• Get information about projects open for feedback• Receive assistance with submitting feedback

Consult and Involve

Channel	Detail
Community Meetings and Workshops	Community members can attend to: Provide opportunities for discussion or to gather feedback on aspects of a project or policy etc
Council Meetings	Members of the community can participate in Council's formal meeting process prior to a decision being made, as outlined in Council's Code of Meeting Practice. This can include speaking during Public Participation
Public exhibitions and Submissions	During public exhibition, community members and stakeholders can view and provide feedback on plans, policies or projects
Surveys	Surveys may be used to collect broad feedback from the community rather than on a specific project such as the Community Satisfaction Survey
Drop-in sessions and pop-up stalls	Opportunities for the community to attend a face-to-face session and ask questions or provide feedback

Collaborate and Empower

Channel	Detail
Advisory Committees	Committees made up of various members of our community, stakeholders and Councillors who advises on the priorities and interests of a stakeholder group or subject area
Community and stakeholder reference groups	Groups of community members who meet with staff, Councillors, or others to work through an issue, determine a decision for a project, policy or plan and provide advice on the decision

When We Will and Won't Engage

Council will engage with the community in situations like:

- Setting the strategic direction of the community
- Creating a new project, plan, or initiative
- Developing or changing a policy, strategy, or plan
- Planning major construction projects

The table in the following pages explains how Council will engage with the community on different projects. This helps everyone know what to expect from us.

Planning projects have set timeframes for public exhibition, as listed in the Community Participation Plan in this document.

However, there are times when Council will just inform the community about decisions, including when:

- There's no opportunity for community input
- Public health or safety is at risk

- A decision needs to be made immediately
- The project involves confidential or commercial information
- Council is reviewing internal procedures
- There's an emergency
- There are legal constraints that limit engagement

Council will always follow the Government Information (Public Access) Act 2009, which requires us to:

- Proactively release information on our website and in other accessible formats
- Ensure we protect individual privacy when sharing information

This ensures that the public has access to important information while respecting personal privacy.

Public Exhibition

Public exhibition is the process where draft documents are made available for the community and other interested groups to view and provide feedback before they are finalised.

Before documents are available for public comment, they must first be approved by the Council. Once approved, the community can view the documents and provide feedback within a set time period.

The public exhibition of documents will be communicated to the community in different ways, depending on the project. At a minimum, Council will:

- Provide information on the Council's website and Facebook page
- Notify affected residents and neighbouring properties
- Make information available at the Customer Service Centre, Visitor Information Centre, and Library

The exhibition period will always meet the minimum timeframe, and Council may extend it based on the size and importance of the project. The engagement period is measured in calendar days, including weekends and public holidays, but does not occur during the Christmas/New Year period.

Anyone can submit feedback by post or email. Submissions can support or oppose the project, explain the reasons for a particular view, or offer suggestions or general feedback. Council will acknowledge all submissions in writing and carefully review the issues raised before making a final decision.

Exhibition Periods

Channel	Engagement Level	How we Consult	Purpose	Exhibition Period
<ul style="list-style-type: none"> • Council's Long-Term Plans • Community • Strategic Plan • Delivery Program • Resourcing Strategy • Community Engagement Strategy • Local Strategic Planning Strategies • Master Plans • Management Plans 	Empower	Community Engagement Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future	28 days
Council's Operational Plan, Budget, Fees and Charges	Consult	<ul style="list-style-type: none"> • Website • Social media • Media release • Advertising 	Acknowledge community feedback and ensure it is considered in Council's final decision	28 days
<ul style="list-style-type: none"> • Key Council policies • Code of Meeting Practice • Code of Conduct • Any others as required 	Consult	<ul style="list-style-type: none"> • Website • Social Media • Advertising 	Acknowledge community feedback and ensure it is considered in Council's final decision	28 days or 42 days as legislated or by Council resolution
<ul style="list-style-type: none"> • New Capital Works and Place Making 	Inform / Involve	Community Engagement Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future	28 Days
Maintenance and renewal capital works	Inform	<ul style="list-style-type: none"> • Letter • Social media • Website • Door Knocking affected residents if required 	Communicate updates to keep community informed	We will let you know if works are planned at least 7 days in advance of work or unplanned works with notified by door knocking or Social Media

Community Participation Plan

What is the Community Participation Plan

Community Participation Plans (CPPs) establish how and when planning authorities (including Councils) will engage with the community, in a meaningful way, when performing their planning functions under the Environmental Planning and Assessment Act 1979.

This plan has been prepared in accordance with Section 2.23 of the Environmental Planning and Assessment Act 1979 and details how and when Muswellbrook Shire Council will undertake community participation when exercising its relevant planning functions under the Environmental Planning and Assessment Act 1979.

Schedule 1 of the Environmental Planning and Assessment Act 1979 establishes minimum public exhibition timeframes to guide the preparation of CPPs. It also provides minimum requirements related to public consultation and the making of a CPP.

Objectives of the Community Participation Plan

- Increase understanding between Council and the community
- Ensure that Council services are provided in a way that is consistent with the community's values and priorities
- Improve the decision-making capacity of Council
- Increase accountability and transparency to the community for Council decisions
- Encourage and provide opportunities for the community to participate in the decision-making process



Notification for Development Related Matters

The table below sets out the minimum community consultation Council will carry out in performing its planning function related to the progression of the planning projects, documents and applications listed.

Type of Matter	How we Consult	Purpose	Consultation Period
Community Participation Plan	<ul style="list-style-type: none"> Website Social Media post 	Provide the community with meaningful opportunity for participation in plan making and keep community informed	28 days
Planning Strategies, structure Plans or master plans that may result in changes to the Muswellbrook Local Environmental Plan or Development Control Plan through implementation Examples include: Local Strategic Planning Statement, Muswellbrook Housing Strategy, Muswellbrook Employment Lands Strategy, Muswellbrook Flood Risk Management Plan	<ul style="list-style-type: none"> Website Social Media post Media Public drop-in sessions Direct notices to industry stakeholders (at the discretion of Council Officers, Council may issue written notices to stakeholders and professionals performing planning and regulatory functions in the locality) Letter Notices to affected properties (at the discretion of Council Officers, Council may issue written notices to the owners of properties potentially impacted by the proposal. This type of notification will only be undertaken in limited circumstances where Council perceives this type of notification to be in the interest of ensuring collaborative consultation and the project primary relates to a limited or targeted area) 	Directly reflect community concerns and aspiration in the finalised plan	45 days
Draft Development Control Plans and guidelines Development Control Plan (DCPs) and guidelines provide controls to guide new development, which are considered in the assessment of development applications	<ul style="list-style-type: none"> Website Social media If the Development Control Plan amendment is site-specific (for example, area plans which only apply to certain sites in the LGA) Council may notify landowners and adjoining landowners. Amendments or general amendments that do not affect a specific site will not be notified by letter Direct notices to industry stakeholders (at the discretion of Council Officers, Council may issue written notices to stakeholders and professionals performing planning and regulatory functions in the locality) 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 Days

Type of Matter	How we Consult	Purpose	Consultation Period
Draft Contribution Plans A plan that through a developer contribution levies new development for a contribution toward facilities such as transport, community and recreational facilities required to service new development	<ul style="list-style-type: none"> Website Social Media 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 days
Draft Planning Agreements Planning agreements 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 the EP&A Act	<ul style="list-style-type: none"> Website Social media Where possible Planning agreements will be exhibited alongside an associated development application or planning proposal 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 Days
Planning Proposals or local environmental plans, subject to a gateway determination Planning proposal can be prepared to: <ul style="list-style-type: none"> Rezone land to change the uses allowed on the land Make administrative amendments to the Muswellbrook Local Environmental Plan 2009 (for example, addition of heritage items, changes to permitted land uses in certain zones, update to clauses and maps) 	<ul style="list-style-type: none"> Website Social media Letter Notices to adjoining land owners (site specific rezoning and additional use proposals to be notified to adjoining land owners – proposals applying more generally to LEP provisions or larger areas of the Shire may not be notified to landowners unless otherwise specified by a Gateway Determination) Any other method specified by the Gateway Determination 	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days (or as specified by the Gateway Determination)
Council Staff	Inform / Involve	Community Engagement and Participation Plan to promote a range of opportunities for the community to share their views and feedback	Identifies the community's priorities and aspirations for the future
Development Applications Application for development consent (other than for complying development certificate, designated development or State Significant development) Examples include: Development applications for some residential, commercial, retail and industrial development)	<ul style="list-style-type: none"> Publication of Plans online at Council's website and/or NSW Planning Portal website. Social Media Letter Notices to adjoining properties <p>See the heading Development Applications not requiring notifications for information on the types of development not requiring notification. Types of development specified in that Section do not require any consultation and notification under this part.</p>	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days

Type of Matter	How we Consult	Purpose	Consultation Period
Development Applications that are ‘Designated Development’ or ‘Nominated Integrated’ Development <ul style="list-style-type: none"> • See Schedule 3 of the EP&A 2021 Regulations for details of ‘designated development’ • See Section 8A of EP&A Act 1979 for details of development that comprises ‘nominated integrated’ development. Types of development include integrated development under Heritage Act 1977, Water Management Act 2000, Protection of the Environment Operations Act 1997 and threatened species development • Category 1 Remediation work under SEPP (Resilience and Hazards) 2021 is subject to notification under this criteria 	<ul style="list-style-type: none"> • Website • Social media • Letter Notices to adjoining properties • Site notice 	Acknowledge concerns and provide feedback on how public input influenced the decision	28 days
Council Related Development Development lodged by or on behalf of Council, Councillors and Senior Staff	<ul style="list-style-type: none"> • Notification generally involves: • Website • Social media • Letter Notices to adjoining properties Refer to Council’s Development Conflict of Interest Management Policy for any additional requirements	Provide the highest level of transparency in the processing of development by Council, Councillors and key Council personal. Acknowledge community concerns and provide feedback on how public input influenced the decision	28 days (unless otherwise specified in the Development Conflict of Interest Management Policy)
Modification of Development Consent Modifications where notification required Refer to the Modifications to Development Consent sub-headings under the ‘Development Applications Not Requiring Notification’ heading for information on Modification applications requiring and not requiring notification	<ul style="list-style-type: none"> • Website • Social media • Letter Notices to adjoining properties 	Acknowledge concerns and provide feedback on how public input influenced the decision	14 days
Section 8.2 Reviews An application to review the determination of a development application under Division 8.2 of the EP&A Act	The manner which the initial development application was notified	Acknowledge concerns and provide feedback on how public input influenced the decision	The period for which the initial development application was notified

***Notes –**

*Development Applications or planning matters requiring Advertisement – at Council’s discretion and in addition to measures specified in the table, advertisements may be placed in newspapers and/or through such other mechanisms as may be appropriate, to ensure the public is reasonably aware of the proposal.

*Amendments to Development Applications – subject to the review of the Assessment Officer, Development Applications which are amended through the assessment of the development application and prior to its determination will generally be re-notified for a period of 14 days where the amendments are considered to materially increase or create new potential impacts to neighbouring properties which were not included when the proposal was initially notified.

*Legislative requirements – in the event of any inconsistency between the notification requirements of this plan and any provision set out under the Environmental Planning and Assessment Act 1979 or the Environmental Planning and Assessment Regulation 2021, the provisions of that legislation shall prevail over this plan.

*Exempt and Complying Development – development that is exempt or complying development is not subject to any notification provisions under this plan.

*Review of Environmental Factors (REF) for Council projects – see Council’s Conflict of Interest Policy related to any consultative actions for Council projects carried out under a REF.





Development Applications Not Requiring Notification

Development Applications

All development applications submitted to Council will be subject to a Preliminary Review by Council's Development Control Unit or Senior Staff members.

Part of this process is a review of whether the development application requires public notification.

Minor development applications and development applications not likely to adversely impact the amenity of adjoining land will not require community consultation under this plan.

The table below sets out the type of applications that are generally considered minor applications not requiring community consultation.

Proposal

Low scale development that is ancillary to residential accommodation (with the exception of external alterations related to heritage items)

Note: Low-scale development includes such things as carports, detached garages, internal alterations, outbuilding, pergola, shed and swimming pool development and the like

Single storey dwelling houses on residential zoned land – including modest alterations and additions to dwelling houses (excluding land located within a heritage conservation area or which relates to a heritage item)

Dwelling houses on Rural or Environmental land where the dwelling is a replacement dwelling or a dwelling on a Lot created by subdivision approved by Council after 17 April 2009

Alterations and additions to dwellings on rural or environmental zoned land

Alterations or additions to a commercial or industrial building provided that the site is not adjacent to a residential use

Change of use of buildings in Employment Zoned land

Except where the new use involves:

- A sex service premises
- Restricted premises
- Crematoria
- The carrying out of a new/additional industrial activity at a premises that has the potential to have an off-site impact and/or adjoins residential zoned land

Strata subdivisions

Internal building work to buildings, where there is no change to the external configuration of the building

Demolition works (other than demolition works involving a heritage item or heritage conservation area)



Notwithstanding the Proposal table(see previous page), Council at its discretion may decide to notify any development that is a type listed in the table above as a development that may impact on adjoining land.

In considering whether the notification of a type of development otherwise specified in the table above, Council Officers undertaking the Preliminary Review of the proposal may have regard to matters such as:

- The relationship between the proposed development and the Muswellbrook Local Environmental Plan 2009 (MLEP)
- A non-compliance with a development control within the Muswellbrook Development Control Plan
- Whether building works are proposed to, or in the vicinity of, an item of environmental heritage
- Whether external building works are proposed within a Heritage Conservation Area
- Whether the land subject to the development application is located within the Flood Planning Area
- Any technical study or report submitted or required to be submitted in relation to the development application
- Proposed trading hours
- Potential traffic generation and/or traffic and vehicle access considerations
- Relationship of any cut and fill with existing contours and adjoining land
- Stormwater management
- Any land use constraints applying to the land
- Any related Council Policy or Procedure informing Council Officers undertaking this function

Modifications to a Development Consent

After a development consent has been issued, the applicant, or anyone entitled to act on the applicant's behalf, can apply to Muswellbrook Shire Council, or the approval authority, for approval to modify that development consent.

In general, notification will occur in the same manner as the original development application.

However, Council may decide that further notification in relation to a proposed amendment is not required if it does not result in a greater environmental impact and the assessing officer is of the opinion that the amended application differs only in minor respects from the original application.

Circumstances where Council would not require the notification of a modification application include:

- Where the modification is a Section 4.55(1) modification to correct a minor misdescription or error
- Modifications to an approved development that did not require notification when initially lodged
- Minor modifications attached to a development staging plan, or administrative requirements related to the carrying out of the development
- Section 4.55(1A) modifications where the amendment proposed would not result in any greater environmental impact

Submissions to Development Plans and Applications

Minimum information required in submissions

To ensure that submissions on plans or applications are assigned to the appropriate Council file and that the matters raised by submissions are given due consideration, it is important that submissions contain the following minimum information:

- The name and address of the person(s) making the submission
- An email address of the person making the submission (where an email address is not provided, Council Officers will not be able to provide a timely notice of any Council Meeting where the matter is to be considered and determined)
- The Council file reference as identified on the exhibition notice
- A statement on whether the person(s) lodging the submission supports or objects to the planning matter or application
- Contain clear reasons for the objection or support of the planning matter or application

Submissions must relate to the plan or application that is being notified or exhibited and should not contain defamatory comments.

Submissions must reach Muswellbrook Shire Council no later than close of business on the last day of the respective notification or exhibition period.

Consideration of late submissions

Submissions that have been received within the exhibition period for a plan or application shall be taken into consideration in the review of the respective plan or application. At its discretion, Council may consider late submissions in circumstances where such consideration will not generate additional delays in the finalisation of the respective plan or application.

General Information Related to exhibition and making of submissions

- During a public exhibition period where a planning matter or development application is notified online at Council's website, documents that may be reasonably necessary to inform an interested person in reviewing the matter are to be made publicly available at the related website link

While a link that provides a pathway to access the documents will be published on Council's website, for some matters this link may take the user to the NSW Planning Portal which provides a service pathway for the relevant documents to be published and accessed

- Letter Notices issued to adjoining or potentially affected property owners related to a planning matter or development application will include suitable information to identify the proposal and any related land, notification dates, information related to the making of a submission and information as to where the full sets of plans and documentation may be viewed

Where the notice relates to a development application Council Officers may include a set of notification plans (site, elevation plans and/or other plans that Council Officers consider to assist in providing a general overview of the proposed development)

Complete sets of plans and technical reports accompanying a planning matter or development application will not typically be circulated as part of a letter notice. The letter notice will contain information as to how these documents may be viewed by an interested person

- For planning matters and development applications notified by social media, a Notice related to the matter will be published online through Council's core social media profile (currently the 'Muswellbrook Shire Council' Facebook page – though subject to change at the direction of Council Communications Team). The Notice will include a description to identify the proposal, notification dates, information related to the making of submissions and information related to where full sets of plans and documents may be viewed. Where allowed for by the social media platform the Notice will include a link to the location of the documents may be viewed online



- Comments made to a social media post online or in shared versions of the post will not be taken under consideration as submissions to the related matter
- Council Development Assessment Officers will endeavour to make themselves available to interested members of the public to discuss the development assessment process or provide information on a development application on public notification. Any persons interested in seeking further information on a development application, the process for making a submission or the development assessment process is invited to contact Council's Planning Section on 6549 3700
- Multiple submissions from one household will be considered as one objection
- A petition will be considered as one objection, notwithstanding the number of individual signatures contained in the petition
- Where the option is available individuals making submissions are encouraged to do so via the NSW Planning Portal. In circumstances where a Planning Portal submission option is not available or the person making the submission is unable to successfully navigate the Portal, Council will accept submissions lodged in letter or email format
- As a general rule Council Development Assessment Officers will not correspond directly with an individual submitter through the assessment process for a development application
- Depending on the nature of a development application, Council Officers may during the assessment process provide an applicant with the content of submissions made and request a response to the submissions received. Where the contents of submissions are provided to an applicant Council Officers will take care to exclude or redact any phone number, address, email address, submitter names, signatures or other personal details from the document provided to the applicant
- Where a matter is reported to a Council Meeting for determination details of the submissions received will typically be included in the Council Report. Council Officers will endeavour to exclude or redact any phone number, address, email address, submitter names, signatures or other personal details from appearing in the Council Business Paper

Determination of Planning Matters where Submissions have been received

- The determination of planning matters are principally informed by the provisions of the Environmental Planning and Assessment Act 1979
- Council has a legislated obligation to consider matters raised by a public submission in their determination of development applications
- The determination of various planning matters, including some development applications will require the matter to be reported to a Council Meeting to determine. Where a submission has been received to a planning matter being reported to the elected Council submissions will be referenced, and the matters they raise considered as part of any related planning report and determination
- Subject the decision-making delegations issued by Council to the General Manager and any related Council Policy, the determination of certain development applications which have received submissions may be undertaken by appropriately delegated Council Officers. Where a development application for which a submission has been received is determined by a Council Officer it remains a legislated requirement for that Council Officers to take into consideration matters raised by the submission in their assessment and determination of the development application. Where a matter is determined under delegated authority copies of the related assessment report and Notice of Determination will be made available to any submitters or interested members of the public on request

A submission has the greatest impact in the planning process.

How We Listen and Respond

Council respects that any person making a submission has invested their time understanding a proposal and in putting forward comments to contribute to best practice decision making.

Considerate of a submitters interest and time investment in informing the determination of a matter Council is committed to the investment of its own resources to ensure the following actions are carried out.

We are committed to:

- The receipt of every submission received is acknowledged through a receipt email issued by the NSW Planning Portal or otherwise in writing
- Where a planning matter or development application which has received submissions is being reported to a Council Meeting to determine individuals who have made a submission in relation to the matter and provided Council with a contact email address will be notified of the Council Meeting date and provided with information for attending and addressing the Council Meeting

Please be aware that Notices of Council Meetings will only be issued once the related Business Paper has been finalised. The target timeline for the finalisation of business papers is 5 days prior to the related Council Meeting. This can mean that Notices of Council Meetings are issued with a short turn around between the Notice and the related Council Meeting

- Following the determination of a planning matter or development application correspondence will be issued to any person who made a submission in relation to the matter advising of the outcome of Council's determination
- Council Business Papers, Meeting Minutes, Development Assessment Reports, Notices of Determination and other public documents related to Council's determination of a planning matter will be made available to submitters or interested members of the public on request following determination

Evaluation and Measurement

Council will assess our community engagement activities based on the following areas ensuring continuous improvement of our approach for future engagement and encouraging greater community participation in Council's decision-making:

- **Process** – How effectively was the engagement designed and carried out?
- **Relevance** – Was the engagement appropriate, and did the community participate?
- **Reach** – Were we inclusive, and did we reach those impacted or interested in the outcome?
- **Outcomes** – Did we meet the objectives of the engagement?

This strategy will be reviewed within three months of local government elections, as part of the broader review of the Community Strategic Plan, or sooner if there are changes to legislation or other requirements.





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