

Community Participation Plan



Unleash the opportunities

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1. Community participation in the planning system

Armidale Regional Council recognises community participation throughout the planning system is not only your right, it also delivers better planning results for the people of the Armidale Region.

Ultimately, Council has a responsibility, along with the NSW Department of Planning, Industry and Environment, to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP & A Act) including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community participation is an overarching term covering how Council will engage with the community in our work under the EP & A Act, including legislative reform, plan making and decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government and State and Commonwealth government agencies.

1.1 What is community engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation to address issues affecting their well-being.

Community engagement allows community members to actively contribute to Council decisions and actions by creating an inclusive environment in which community feedback is embraced, considered and acted upon.



Figure 1 Community Engagement

1.2 Why is community participation important?

- It builds community confidence in the planning system.
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving character.
- It provides access to community knowledge, ideas and expertise.

1.3 What is our Community Participation Plan and why is it important to planning?

Planning is an important function of Council and it plays a part in defining our local communities. Planning influences how people experience the region on a daily basis, whether they be living, working, or visiting the area.

Community participation is an important component of Council’s role in serving the community, particularly with regard to our role as the local planning authority.

The Armidale Regional Council Community Participation Plan (CPP) sets out how and when Council will engage with the community when undertaking its town planning functions under the EP & A Act. It applies to the entire Armidale Regional Local Government Area.

The intent of the CPP is to make it easier for the community to understand how to get involved in planning matters. It provides guidance on how the community can have a say on the different types of planning documents and planning outcomes.

The CPP has been prepared in accordance with Section 2.6 and Schedule 1 of the EP & A Act.

This CPP does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure. Community engagement for these activities are developed considering the requirements of Council's Community Engagement Strategy and Community Strategic Plan.

1.4 Principles of the Community Participation Plan

The EP & A Act guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions. The EP & A Act outlines the principles that underpin Council's CPP. These principles are outlined below:

The community has a right to be informed about planning matters that affect it.

Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

Planning information will be in plain language, easily accessible and in a form that facilitates community participation in planning.

The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Community participation will be inclusive and Council will actively seek views that are representative of the community.

Members of the community who are affected by proposed major developments will be consulted by the proponent before an application for planning approval is made.

Planning decisions will be made in an open and transparent way and the community will 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) will be appropriate having regard to the significance and likely impact of the proposed development.

2. What planning functions does our Community Participation Plan apply to?

Council's planning functions are divided into two key areas of "strategic planning" and "development assessment".

Strategic planning is an essential aspect of Councils work where we set the strategic direction, vision and context for the planning system in the Armidale Regional Local Government Area.

Once the strategic direction has been established, Council makes planning decisions on a range of Development Applications. Development Applications assessed by Council include but are not limited to residential dwellings, unit development, subdivisions, commercial and industrial development, agricultural developments and infrastructure upgrades.

When applying the principles of community participation to the planning system it is critical to consider the scale of the planning matter, the approvals pathway under which it is being assessed and the associated impact.

The NSW State Government, Council and other planning authorities are working to refocus the hierarchy, shifting the focus will help planning authorities to ensure community participation occurs at the appropriate approval pathway.

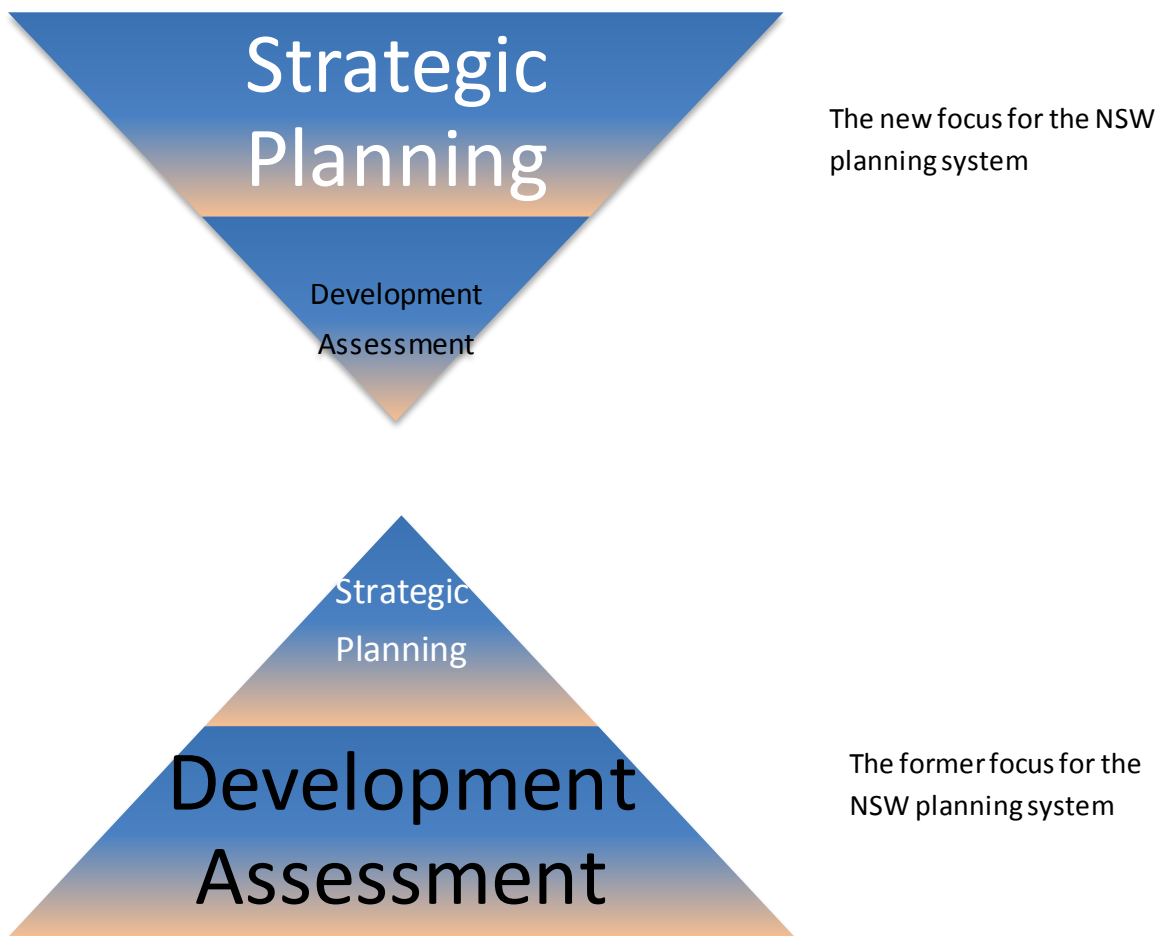


Figure 2 Refocusing the NSW planning system

This CPP applies to the following planning functions:

| Strategic Planning | Development Assessment |
|--|---|
| Community Participation Plans | Development Applications (other than Complying Development Certificates) |
| Local Strategic Planning Statements | Applications for modification of development consents |
| Local Environmental Plans | Environmental Impact Statements under Division 5.1 of the EP & A Act 1979 |
| Development Control Plans | |
| Contribution Plans | |
| Voluntary Planning Agreements | |
| Reclassification of Land | |
| Planning Proposals | |
| Local Approval Policies – significant changes – new uses added or significant amendment made | |

Table 1 Planning Functions

3. What planning functions does our Community Participation Plan NOT apply to?

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation or consultation. This CPP does not relate to applications that fall within the following development categories:

- Development which is **exempt development** under the provisions of the *Armidale Dumaresq Local Environmental Plan 2012*, *Guyra Local Environmental Plan 2012* or any applicable State Environmental Planning Policy; or
- Development which is **complying development** or **development permitted without consent** (Part 5) under the provisions of any applicable State Environmental Planning Policy or Local Environmental Plan.

For detailed descriptions of the above types of planning function, “strategic planning” and “development assessment” refer to the 6. Glossary at the end of this documents.

4. What are Council’s notification and exhibition requirements?

The opportunity for community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision. A regular and valuable way for the community to participate in the planning system is by making a written submission on a proposal during an exhibition period.

This section of the CPP outlines all notification and exhibition requirements as mandated by the EP & A Act.

The types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in Table 1 - Strategic Planning and Table 2 - Development Assessment. These are mandatory requirements and the same as under Section 2.21(2) and Schedule 1 of the EP & A Act. Council will always exhibit a proposal for the minimum timeframe and may consider an extended timeframe for exhibition based on the scale and nature of the proposal.

Key points to note about public exhibitions:

Timeframes for all public exhibition are in calendar days and include weekends.

If the exhibition period is due to close on a weekend or public holiday Council may extend the exhibition to finish on the first available work day.

The period between 20 December and 10 January (inclusive) is excluded from the calculation period of public exhibition.

A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

4.1 Strategic Planning – Community Participation Requirements

The following minimum timeframes are required for the exhibition of strategic planning functions:

Strategic Planning mandatory exhibition timeframes

| Planning Matter | Minimum Length of exhibition |
|---|---|
| Draft Community Participation Plan | 28 days |
| Draft Local Strategic Planning Statement | |
| Planning Proposals for Local Environmental Plans subject to a Gateway Determination | 28 days <u>or</u> As specified by the Gateway Determination which may find, due to the minor nature of the proposal, that no public exhibition is required |
| Draft Development Control Plans | |
| Draft Developer Contribution Plans | 28 days |
| Draft Planning Agreements | |

Table 2 Strategic Planning Mandatory Exhibition Timeframes

4.1.1 How strategic planning functions may be exhibited

The following methods of public exhibition will be used to inform the community of the strategic planning functions of Council:

- Council Notices within the local paper;
- Council's website;
- Council's social media;
- Static displays at Council's Administration Centres of Armidale and Guyra and other locations (as applicable).

Depending on the specific strategic planning matters being considered, Council may also undertake one or more of the following consultation methods:

- Targeted stakeholder consultations/meetings;
- On-line surveys;
- One on one engagement with Council staff;
- Open days/drop in sessions;
- Letters to stakeholders;
- Notices within other newspapers; and
- Notices on the land.

Stakeholders include, but are not limited to:

| | |
|-----------------------|-----------------------------------|
| • Landowners | • Local Aboriginal Land Council's |
| • Business Owners | • Chamber of Commerce |
| • Developers | • Other Council's |
| • Real Estate Agents | • Sporting Groups |
| • Government Agencies | • Village Associations |
| • Community Groups | • Members of Parliament |
| • Council Committees | • Non-Government Organisations |

Table 3 Stakeholders

4.2 Development Assessment – Community Participation Requirements

The following minimum timeframes are required for the exhibition of development assessment functions:

| Development Assessment mandatory exhibition timeframes | |
|---|------------------------------|
| Proposal | Minimum length of exhibition |
| Application for development consent (other than for complying development certificate, for designated development or for State significant development) including Integrated development applications | 14 days* |
| Application for development consent for designated development | 28 days |
| Application for development /modification of development consent that is required to be publicly exhibited by the regulations | |
| Application for development consent that is defined as nominated integrated development or threatened species development | |

Table 4 Development Assessment Mandatory Exhibition Timeframes

* In certain circumstances Council may dispense with notification. Notification may not be undertaken when:

1. Council is of the opinion an amended or substituted application (including applications under s4.55 or s8.3 of the Environmental Planning and Assessment Act) varies in a minor respect from the original application that was previously notified.
2. Council is of the opinion the development is of a minor nature that will not adversely affect the amenity of adjoining land or the or the locality.

3. The application is for a temporary use as detailed in Armidale Dumaresq Local Environmental Plan 2012 and Guyra Local Environmental plan 2012 and in the opinion of Council will not adversely affect the amenity of the locality.
4. Development is for a residential dwelling, or additions to a residential dwelling, provided the development (noting the provisions in the respective Development Control Plans, prevail in the event of any inconsistency):
 - a) is a maximum of two storey, and
 - b) has a maximum height of 8.5m measured from the existing ground level, and
 - c) the external wall of the building is not built within 900mm of the lot boundary
5. Development is for a new attached or detached ancillary development to a residential dwelling, including but not limited to, secondary dwellings, sheds, pools, water tanks, decks etc, provided the development (noting the provisions in the relevant Development Control Plans, prevail in the event of any inconsistency):
 - a) has a maximum height of 4.5m measured from the existing ground level, and
 - b) the external wall of the building is not built within 900mm of the lot boundary.”

4.2.1 How development assessment functions may be exhibited

4.2.1.1 Notification of Development Applications

A written notice of a Development Application will be sent to the persons who own land and/or neighbouring land when a Development Application has been received, where, in Council's opinion, the enjoyment of their land may be affected by a proposed development.

The notification period/public exhibition will be a minimum of fourteen (14) days.

All applications on notification are available on Council's website.

Note:

Where the land is a parcel created under the Community Land Development Act, Strata Titles, or Strata Titles (Leasehold) Acts, a written notice to the Governing Association is taken to be the owner. Where more than one person is listed as the owner, a written notice to one of the owners is taken to be a notice to the owner.

4.2.1.2 What information will Council provide with notification letters?

Where notification is required, our notice will contain the following information:

- a) Description and address of the site;
- b) Description of the development/work and its proposed use;
- c) Name of the applicant and the Council;
- d) Where and when plans can be inspected;
- e) Time period within which written submissions may be made;
- f) Substance of written submissions may be included in reports and be available for the applicant to consider; and
- g) Notification Plans.

4.2.2 Advertising of Development Application's

In addition to notification/public exhibition requirements set out in Section 4.2 of this Plan, the following types of development (as defined in the *Armidale Dumaresq Local Environmental Plan 2012*) also require advertisement within the local paper:

The advertised period will be a minimum of fourteen (14) days from the date of the advertisement within the local newspaper.

Where in the opinion of Council, the development (including modification) is a minor alteration and/or addition to a development type listed above, advertising of a Development Application may not be required.

The EP&A Act and other State Environmental Planning Policies may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.

5. Council and Community Interaction

5.1 How can the community get involved in a town planning matter?

Any person is entitled to make a “written submission” which may be either an objection to or support a planning matter within the public exhibition, notification or advertising period.

Submissions can be made by:

- Make a formal submission on an exhibition by going online to our website, or by writing to the Council.
- Visiting our Council Administration Buildings in Armidale and Guyra where staff will help you access public exhibition documents. Documents may also be available in your local Library. Staff will also answer any questions that you have or connect you to the appropriate Council officers who can help you.
- Connect directly with Council staff working on a proposal, policy, plan or project. Contact details are typically available on our exhibition website.
- Please note that exhibition timeframes may vary in length. Some timeframes are prescribed by legislation and others are at our discretion.

Submissions should include the following:

- The reasons for the objection or support;
- Submissions must be in writing, be addressed to the General Manager, clearly indicating the names, address of the person(s) making the submission, quote the development application number (if relevant), the subject matter and clearly state the address of the property;
- Submissions must include the postal address or e-mail of person(s) making submissions so they can be notified in advance if the matter is to be considered by Council at a Council meeting, or the Northern Regional Planning Panel where they are the Consent Authority for the Application. This information will remain public and may be included in reports to Council.
- If the person(s) lodging the submission/s do not wish their personal information to be made public, the submission is to clearly make a statement to that effect, however their name and suburb (if available) will remain public.
- Council will consider making a submission confidential, however, the submission must make a statement to that effect and clearly outline the reasons the submission should be confidential.
- Declaration of any political donations.

All written submission received during the public exhibition, notification or advertising period will be acknowledged (in writing) as soon as practicable by Council.

Where a petition is received in respect to a development application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged in writing by Council for the purpose of future contact regarding progress of the application.

Anonymous submissions will not be considered by Council.

5.2 How does Council consider community input?

Submissions received during the public exhibition, notification or advertising period will be considered in the Council officer's assessment of the matter.

Council's consideration of a submission is restricted to planning matters. Matters that are not planning related such as civil disputes between neighbours and private issues cannot be considered.

In certain circumstances, a planning matter and any submissions may be referred to a Committee and/or a Council meeting for consideration. Submissions will form part of the assessment report prepared by Council's Planning staff for consideration by the Committee or Council. The report forms part of the Committee or Council's Business Paper which is a public document and available upon request. Business Papers can be downloaded from Council's website.

Following determination of a Development Application, of the adoption of a strategic plan, all persons who made a written submission will be notified (in writing) of the decision, and reasons for the decision, regarding the application, strategy or plan.

5.3 Disclosure of submissions

Submissions are not kept confidential. Council releases submissions when a request is made in accordance with the relevant provisions of under the *Government Information (Public Access) Act 2009*. When a submission is released by law, Council routinely withholds contact numbers, email addresses and signatures.

Should you wish for all personal details or any information that may identify you to be withheld from the public, please advise Council of this in your submission.

6. Glossary

| Planning Term | Definition |
|---|--|
| Contribution Plan | A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development |
| Designated Development | Designated Development refers to developments that are high-impact developments (eg. likely to generate pollution) or are located in or near an environmentally sensitive area |
| Development control plans | A plan that provides detailed planning and design guidelines to support the planning controls in a LEP |
| Local Environmental Plan (LEP) | An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area |
| Regional strategic plan | 20-year plan that address the community's needs for housing, jobs, infrastructure and a healthy environment for a Department of Planning and Environment (DPE) region |
| State Environmental Planning Policy (SEPP) | An environmental planning instrument developed by the DPE, that relates to planning matters that are state significant or are applicable across the state |
| State Significant Development (SSD) | Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities |
| State Significant Infrastructure (SSI) | SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants |
| Integrated development | Is development that requires development consent and one or more approvals from a NSW State Government Agency, which may include the NSW Office of Environment and |

| | |
|---------------------------------------|--|
| | Heritage, Environmental Protection Authority, NSW Rural Fire Services and/or Roads and Maritime Services |
| Threatened species development | Is development that is likely to have a significant impact or harm to an animal or plant that is a threatened species or part of a threatened ecological community. This also includes development that will result in damage to the habitat of a threatened species or threatened ecological community or damage to a declared area of outstanding biodiversity value |