

HILLTOPS COMMUNITY PARTICIPATION PLAN

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Introduction

"Hilltops Community Participation Plan relates to the planning functions of Council only. The CPP has been prepared as a requirement of the Environmental Planning and Assessment Action 1979 (EP&A Act) under Division 2.6 and Schedule 1. It has also been prepared to meet the requirements of the community participation principles set out in Section 2.23(2) of the EP&A Act.

Hilltops Council has a responsibility to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act), including the promotion of orderly use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing in conjunction with transparent, fair and effective decision making. Community participation is an overarching term covering how we engage and involve the community in our work under the EP&A Act, including strategy development, plan making and making 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, other local government, and State and Commonwealth government agencies.

Community participation is important because it:

- Contributes to building community confidence in the planning system;
- Creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- Provides an improved process that generates two-way engagement that recognises and embraces community knowledge, ideas and expertise.

The Hilltops Community Participation Plan (CPP) is designed to make participation in planning clearer for and accessible to all members of the community. It does this by setting out in one consolidated document how and when you can participate in the planning system, our functions and different types of proposals.

This CPP also establishes our community participation objectives which we use to guide our approach to community engagement (noted within the Hilltops Community Engagement Policy adopted 23 June 2017).

The CPP is separated into three parts:

One: An outline of Council's community participation principles

Two: Minimum community participation requirements.

Three: Definitions of Planning Terms.



Part One - Community Participation Requirements

1.1 Hilltops Community Engagement Principles

Council has the important responsibility of making decisions for and on behalf of the community. As such, we are required to ensure that appropriate community input and statutory requirements are considered in that process. Key priorities of Council's operation to prioritise transparency, collaboration and participation.

The following four Community Engagement Principles have been adopted in the Hilltops Community Engagement Policy and are designed to support Council's values and guide its approach to all community engagement activities:

Inclusive participation	Council believes the community has a right to be informed and involved in key decisions affecting their area, lifestyles and particular interests.
Open and transparent disclosure	Council is committed to ensuring the community will have all relevant information to participate in community engagement activities in a meaningful way
Commitment to communicating regularly with the community	Council's engagement processes will provide genuine opportunities for the community to influence decisions and strategic planning.
Consideration of engagement outcomes and provision for feedback	Council will consider all contributions and relevant information prior to making decisions that impact local community interests. The Council is committed to providing open and honest feedback to the community on activities and how the community contributions have influenced final decisions.

Table 1: Hilltops Community Engagement Principles

1.2 What are Council's Planning Functions?

Council's planning functions are divided into two streams: development assessment, and strategic planning, under the Environmental Planning and Assessment Act 1979.

Development Assessment Where Council is the consent authority for the following application types:

- Development Applications (DA's)
- Integrated development
- Designated development
- State Significant development
- Modification of development consents

Strategic Planning	g Council's strategic planning functions incorporate the preparation of plans including:	
	 Community Participation Plan (CPP) 	
	Regional or district plans	
	Local Strategic Planning Statements (LSPS)	
	 Strategic Land Use Plans, Strategies and Studies 	
	 Local Environmental Plans (LEP) and Planning Proposals 	
	Development Control Plans	
	Developer and Infrastructure contribution plans	
Other Functions	Planning Agreements	
	Road Naming	

1.2.1 DEVELOPMENT ASSESSMENT

Development Applications (DA's)

Development Applications are the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments. The construction of a building, carrying out of works, subdivision, demolition, installation of certain types of signage and/or use of land requires development consent under Section 4.2 of the Environmental Planning and Assessment Act 1979.

The Young Local Environmental Plan 2010, Harden Local Environmental Plan 2011, and Boorowa Local Environmental Plan 2012 outlines those developments and land uses which require development consent before the development can take place.

In some instances, where these activities are considered 'minor' or the development meets pre-determined development standards, it may be possible to carry out the works as 'exempt' or 'complying' development. This is to be determined by the applicant using the NSW Legislation under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Integrated development

Integrated Development is development that, in order for it to be carried out, requires development consent and one or more approvals from a NSW State Government Agency. Nominated Integrated Development is development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within Section 90A of the Act) under:

- a) a provision of the Heritage Act 1977, or
- b) a provision of the Water Management Act 2000, or
- c) a provision of the Protection of the Environment Operations Act 1997.

Council will refer the application and associated fee to the relevant authority to seek their "General Terms of Approval". In the event the application is approved, the "general terms of approval" issued by the authority are incorporated into any development consent issued by Council. Council cannot issue development consent in the event the relevant authority refuses to issue "general terms of approval".

Designated development

Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- the class of development can be listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as being designated development, or
- a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

State Significant development

For State significant development applications, the Minister for Planning of the Independent Planning Commission is the consent authority with Council being consulted with as a part of the application. State significant development is due to the size, economic value (of over \$30 million) or potential impacts that a development may have (such as within an environmentally sensitive area). Development that is State significant development (SSD) is identified in the State and Regional Development SEPP.

Modification of development consents

After a development consent has been issued, the applicant or anyone entitled to act on the applicant's behalf can apply to Council, or approval authority, for approval to modify that development consent. An application to modify a development consent is made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act) provided the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will need to be submitted for assessment.

1.2.2 STRATEGIC PLANNING

Community Participation Plan

The Community Participation Plan (CPP) sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

Regional or district plans

Regional plans have been developed by the NSW Department of Planning, Industry and Environment to plan for our future population's needs for housing, jobs, infrastructure and a healthy environment. The South East and Tablelands Regional Plan applies to the Hilltops Council Area.

Local strategic planning statements

The Local Strategic Planning Statement will set out the 20-year vision for land-use in the Hilltops, the special character and values that are to be preserved and how change will be managed into the future. The Local Strategic Planning Statement will sit beside the Hilltops Economic, Environment and Community Strategy providing a land use response to objectives and actions where appropriate.

The Local Strategic Planning Statement will implement actions from the South East and Tablelands Regional Plan, as well as Council's own priorities identified in the Hilltops Community Strategic Plan, Hilltops Economic, Environment and Community Strategy and other studies that support the growth of the Hilltops. The Local Strategic Planning Statement must:

• identify the planning priorities for an area,

- explain how these priorities are to be delivered,
- demonstrate how Council will monitor and report on how the priorities will be implemented.

The LSPS will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies can become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the South East and Tablelands Regional Plan. Examples include land use strategies (Urban and Rural) and studies such as open space, heritage, traffic, transport, access and the like.

Local Environmental Plans and Planning Proposals

The Local Environmental Plan (LEP) guides planning decisions for the Hilltops LGA. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the short term delivery planning tool, set from the LSPS vision, to shape the future of communities and ensure local development is achieved appropriately.

A planning proposal is required to amend the Local Environmental Plan. A planning proposal must demonstrate the strategic merit of the proposed LEP amendment. A planning proposal is submitted to the NSW Department of Planning, Industry and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process. A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- whether or not to proceed with the planning proposal
- whether or not to impose conditions to the proposal
- the minimum public exhibition period

Development control plans

A Development Control Plan (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls. The DCP outlines specific controls and parameters that apply to development proposals in the Hilltops. Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

Developer and Infrastructure contribution plans

Contributions plans allow Council to levy contributions on development consents issued for land within the Hilltops. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Council will periodically amend these Plans, reflecting revised population growth, rezoning of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

1.2.3 OTHER FUNCTIONS

• Planning Agreements

Road Naming

Planning Agreements

A planning agreement (also known as a voluntary planning agreement - VPA) is an offer by a developer to Council to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose. A public purpose includes the provision of:

- a) a community facility
- b) affordable housing
- c) transport or other infrastructure relating to the development
- d) the funding of recurrent expenditure relating to the provision of community facilities, affordable housing or transport or other infrastructure
- e) the monitoring of the planning impacts of development, and
- f) the conservation or enhancement of the natural environment.

Planning agreements are entered into in relation to a development application or an amendment to the Local Environmental Plan. Planning Agreements are undertaken under Division 1A of the Environmental Planning and Assessment Regulation 2000.

Road Naming

Council is charged with the responsibility of naming new public roads for which it is responsible, especially when new subdivisions are released. Road and locality names are important navigation tools; not only for residents but for councils, emergency services and mapping services. The gazettal of these names reduces confusion, lowers the incidents of duplication and ensures appropriate names are made official. Road naming is undertaken under Section 162 of the Roads Act 1993.

1.3 Hilltops community participation approach

Determining the level of impact for each stakeholder group will allow the identification of the levels of participation. Not all stakeholders will require the same levels of engagement and engagement methods should be selected carefully based on the needs and demographics of each group.

There are many reasons why people don't get involved with Council engagement activities. Consideration should be given to the types of engagement activities being planned to ensure they are inclusive and maximise the potential for participation.

Some of the main reasons people do not participate include:

- Lack of information and awareness of the issues;
- Perception that their input will not make a difference;
- Lack of follow-up with issues raised in the past;
- Not knowing how their input has been used in the past;
- Intimidating or inappropriate engagement methods;
- Language or cultural barriers;
- Accessibility venue, time, holidays, disability access etc.

To achieve the benefits of community participation in the planning system, we will tailor the following community participation approaches for all our planning functions. Table 2 below outlines the 'What' and 'When' questions on level of consultation and the level of participation have been selected, 'How' in the appropriate methods and tools to engage the community can be chosen. Although not an exhaustive list, the below matrix will assist Council in identifying what tools or methods could be used:

Table 2: Approaches for Planning Functions

Table 2: Approaches for Pla What	When		How
Level 1: INFORM			
We notify the community of proposals, provide accurate and relevant information on the context of the proposal and update information as proposals progress through the planning system.	During the early scoping of a proposal we inform you of the intent and seek feedback to shape the project's design. We then update you on the progress of a proposal as it makes its way through the planning system	 Personal telephone contact In person meeting Written correspondence, mail out Fact sheets, brochure Notice/advert in paper Media release Site display 	 Displays/information at community meeting spaces Information sessions/briefings Social media Email - community contacts Community radio Website - information/updates Banners/posters/signs
Level 2: CONSULT			
We consult with the community and invite them to provide their views and concerns on a proposal	Once a proposal is designed we release a draft on exhibition to seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at any other time	 Suggestion box Telephone survey Written survey Hotline/phone-in Written submission Public exhibition Intercept interviews 	 Focus group sessions World café Public meetings Feedback form Social media Online discussion forum
Level 3: ENGAGE			
We respond to the community's views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal	Through submissions and feedback, we identify your key issues and concerns and conduct targeted engagement activities to find solutions to determine the way forward	 Meetings with key stakeholders Meetings with other target community groups Workshop sessions Site tour/meeting 	 Public Art session Community forum/debate Community reference groups Deliberative polling
Determination			
We notify the community of decisions on proposals and detail how their views were considered in reaching the decision	In reaching a decision we consider your views and concerns, notify you of the reasons for the decision and how community views were considered	 Public Notice of D Newspaper Notice Correspondence t Media release 	e o Submitters
	lanning process is only one part or s, in some circumstances we also		

Outside of this standard process, in some circumstances we also undertake post-determination, compliance and enforcement activities to ensure that planning laws and decisions are implemented correctly.

Part Two - Minimum Community Participation Requirements

"All levels of government have an intention to actively involve the community in planning for their places and communities."

2.1 EP&A Act Requirements

Schedule 1 of the EP&A Act identifies minimum requirements for the public exhibition of strategic planning and policy documents, and applications submitted to Council for determination. These minimum requirements are set out in Table 4. Submissions relating to applications and other exhibited documents must be made in writing and be lodged with the Council within the period specified in the notice (the exhibition period).

In relation to applications for development consent, and applications for the modification of a development consent which were publicly exhibited, Council will place notification in a local newspaper of:

- the land and the proposed development; and
- the decision; and
- the date of the decision; and
- 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. This requirement may be satisfied by reference to any document that contains the reasons for the decision.

2.2 Local Context:

There is yet to be a consolidated notification policy in the Hilltops as there are three Local Environmental Plans and two development control plans in force across the LGA. Council is in the process of preparing a consolidated LEP for the Hilltops, following this will be a consolidated Hilltops Development Control Plan.

Following the merger of the Young Shire Council, Harden Shire Council and Boorowa to form Hilltops Council in May 2016, Council adopted Community Engagement Policy adopted 23 June 2017 and amendments to the Young Development Control Plan came into force on 1 February 2019. The Boorowa Development Control Plan was came into force on 29 June 2015 and remains unchanged since the Hilltops merger.

The relevant Development Control Plans (DCPs) currently contain Notification Chapters with identical provisions:

- Young DCP, 2011 Chapter 1.3: and
- Boorowa DCP, 2013 Chapter 1.4.

Table 4 below identifies Council requirements for the public exhibition of documents and proposals:

Table 4: Minimum Community Participation Requirements

Mandatory Requirements (Schedule 1, Part 1, Division 1(1) of the EP&A Act 1979)	Minimum Community Participation Requirement
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days Or:
	 a) if a different period of public exhibition is specified in the gateway determination for the proposal-the period so specified, or b) if the gateway determination specifies that no public exhibition is required because
	of the minor nature of the proposal–no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days Or a) if a different period of public exhibition is specified
	for the application in the relevant community participation plan-the period so specified, or b) if the relevant community participation plan specifies that no public exhibition is required for the application-no public exhibition.
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	The period (if any) determined by the consent authority in accordance with the relevant community participation plan
Environmental impact statement obtained under Division 5.1	28 days
From Council's Notification DCPs	Minimum Community Participation Requirement
The instances and terms for the provision of Notification are identified within Council's Development Control Plans:	The two current DCP's identifies for various types of Notification for Development including: a) Whether a Notice of Exhibition will be published
Young DCP, 2011 – Chapter 1.3; and	within a newspaper; b) Whether a Notice will be issued to adjoining
Boorowa DCP, 2015 – Chapter 1.4.	owners; c) Outlining a list of development that will not be notified

Non-Mandatory Timeframes	Minimum Community Participation Requirement
Planning Strategies	28 days
Area / Structure Plans	28 days
Precinct / Masterplans	28 days
Public Domain Plans	28 days

Notes:

1. Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.

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

2.3 Process and Making a Submission for Development Applications

Submissions in respect of a development application must be received by Council within the date on the notice relating to the application or alternatively, within such additional period as maybe determined by the Director of Sustainable Growth or their delegate.

A submission may be made by any person whether or not that person has been, or is entitled to be, given notice under the provision of this Policy. Submissions must be made in writing and, if by way of objection, must state the reasons for objection. All submissions must be addressed to the General Manager. All submissions will be acknowledged, and it may be possible to address Council through Open Forum at the Ordinary Meeting of Council.

In determining applications, Council and/or delegated officers of Council, must consider all submissions received within the period allowed for making submissions under the provisions of this policy, before the application is determined.

SUBMISSION PROCESS

- Submission is made to Council and assigned to corresponding DA
- Submission author or lead petitioners details are recorded, and submission is acknowledged

- Submission is considered in assessing the DA
- Submitter is formally notified of outcome.

TO QUALIFY AS A SUBMISSION, THE SUBMISSION MUST:

- be in writing by email or letter
- be submitted within the nominated exhibition time period
- reference the application, policy or plan being exhibited
- be based on planning grounds in support or objection to the proposal
- include the name, address and daytime telephone of the author

Submissions must be lodged with Council by 5pm on the final day of the exhibition period.



Part Three - Definition of Planning Terms

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 (e.g. likely to generate pollution) or are located
	in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plan	A plan that provides detailed planning and design guidelines to
· • • • • • • • • • • • • • • • • •	support the planning controls in a LEP
Gateway determination	A gateway determination is issued by DPIE following an assessment
	of the strategic merit of a proposal to amend or create an LEP and
	allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning
	authority, generally a council. An LEP sets the planning framework for
Designal stratesis alar	a Local Government Area
Regional strategic plan	20-year plans prepared by DPIE, that address the community's needs
	for housing, jobs, infrastructure and a healthy environment for a DPIE
• • • • • • • • • • •	Region
State Environmental Planning	An environmental planning instrument developed by the DPIE, that
Policy (SEPP)	relates to planning matters that are state significant or are applicable
	across the state
State significant development	Some types of development are deemed to have State significance
(SSD)	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 includes major transport and services development that have a
(SSI)	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
Planning Strategy	Broadly applicable documents prepared by Council that help shape
6 6,	the vision for the Central Coast region. They generally relate to a
	specific issue.
Area / Structure Plan	Sets the future land use structure and identifies the preferred urban
	structure for a precinct. They are prepared by Council, and provide
	illustrative layouts of future land use structure A moderately detailed
	plan, i.e. provides recommendations for location of public facilities,
	but does not detail specific to the format of facilities or the material
	with which such facilities should be constructed.

Precinct / Master Plan	Prepared by Council, and providing guidance for potential development of a particular area within a precinct with development
	concepts and illustrations. Most often applies to commercial/retail
	centres A highly detailed plan, e.g. provides recommendations for
	specific public facilities (such as a public boardwalk), but does not
	detail the material with which such facilities should be constructed
Public Domain Plan	Prepared by Council, these plans establish design direction and
	general criteria to apply to design of the public space network. They
	provide illustrations of street furniture, materials to be used in public
	domain such as paving, street plantings and planter boxes etc. A very
	highly detailed plan, e.g. working towards implementation of public
	facilities recommended within a Masterplan, including selection of
	landscaping, paving and street furniture.



Glossary of Planning Documents

Table 6: Planning Legislation and Documents Links		
Planning Documents	Hyperlink	
Young Local Environmental Plan 2010	https://www.legislation.nsw.gov.au/#/view/EPI/2010/404	
Harden Local Environmental Plan 2011	https://www.legislation.nsw.gov.au/#/view/EPI/2011/79	
Boorowa Local Environmental Plan 2012	https://www.legislation.nsw.gov.au/#/view/EPI/2012/252	
Young Development Control Plan 2012	http://hilltops.nsw.gov.au/getattachment/Services/Building,- Planning-and-Transport/http-dev-hilltops-nsw-gov-au/Development- rules/YOUNG-Development-Control-Plan-2011-as-amended- CURRENT-1-Feb-2019.pdf.aspx?lang=en-AU	
Boorowa Development Control Plan 2013	http://hilltops.nsw.gov.au/getattachment/Services/Building,- Planning-and-Transport/http-dev-hilltops-nsw-gov-au/Development- rules/Boorowa-Development-Control-Plan-2013.pdf.aspx?lang=en- AU	
State Environmental Planning Policy (State and Regional Development) 2011	https://www.legislation.nsw.gov.au/#/view/EPI/2011/511	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	https://www.legislation.nsw.gov.au/#/view/EPI/2008/572	
Environmental Planning and Assessment Act 1979 No 203	https://www.legislation.nsw.gov.au/#/view/act/1979/203	



