



COMMUNITY PARTICIPATION PLAN

December 2019



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1 PART 1 Community participation in the planning system

Kyogle Council recognises the importance of community participation to inform decisions to achieve better planning outcomes, and believes that all members of the community have a right to take part in community participation.

The community is 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.

Community participation is an overarching term covering how we engage the community in our work, including strategic planning and making decisions on proposed development. The level and extent of community participation will vary depending on the target community, the nature of the proposal under consideration and the potential impact of the decision.

1.1 Why is community participation important?

Kyogle Council believes that community participation in the planning system is important because;

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

1.2 What is our Community Participation Plan?

Our Community Participation Plan (CPP) is designed to make participation in Council's planning functions clear for residents of the Kyogle Council local government area (Kyogle LGA). It does



this by setting out in one place how and when you can participate in the planning system in regards to strategic planning exercises and the assessment of applications for different types of development. This CPP also establishes the community participation objectives which we use to guide our approach to community engagement. The CPP has been prepared with recognition of the objectives and principles in Council's adopted Community Engagement Strategy.

What functions does the community participation plan apply to?

Strategic planning	Strategic planning is the process whereby we set the strategic direction for land use and development in the Kyogle LGA. It involves planning to allow for growth and change, whilst preserving the valuable, unique qualities of the place. Examples of this work include planning strategies and amendments to the Local Environmental Plan and Development Control Plan.
Development assessment	Kyogle Council has a duty to assess and determine applications for consent for a range of development. When making decisions on these developments, consideration is given to whether land use proposals are in accordance with Council's strategic plans, development standards, the public interest and applicable policies and guidelines. Proposals assessed may be residential development, rural development, subdivisions, and commercial and industrial development.

1.3 Who does this Community Participation Plan apply to?

Our CPP is a requirement of Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and applies to the exercise of planning functions by staff of Council. Our CPP will be reviewed on a periodic basis.

1.4 Principles of public participation

In preparing this CPP Council has considered the following principles of community engagement established by Section 2.23(2) of the EP&A Act:

- a) The community has a right to be informed about planning matters that affect it.
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.

- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.



2 PART 2 How the community can participate in Council's planning exercises

2.1 Our community participation objectives

Table 1 below outlines our objectives for community participation and lists the actions we will undertake to deliver the objectives.

Table 1: Community Participation objectives	
Objectives	How we will achieve this
Community participation is open and inclusive	<ul style="list-style-type: none"> • Encourage community participation by: <ul style="list-style-type: none"> ◦ keeping the community informed, ◦ promoting participation opportunities, ◦ seeking community input, • build strong partnerships with the community, • ensure community engagement accurately captures the relevant views of the community and, • conduct community engagement opportunities in a safe environment.
Community participation is easy	<ul style="list-style-type: none"> • Clearly identify how and when the community can participate, • prepare information for the community that is relevant, concise, written in plain English and easy to understand, • use visual representations to make it easier to understand the possible impacts of a proposal, • use best practice engagement methods and techniques (refer to Council's Community Engagement Strategy for further details), and, • ensure information is accessible and actively seek input from groups who may find it difficult to participate in standard engagement activities (e.g. young and older people; people with disabilities; Aboriginal and Torres Strait Islander people; people from a culturally and linguistically diverse background).
Community participation is relevant	<ul style="list-style-type: none"> • Clearly establish the purpose for engagement and tailor engagement activities to match the: <ul style="list-style-type: none"> ◦ context, ◦ scale and nature of the proposal and its impacts, ◦ level of community interest, ◦ community's preferences about how they would like to participate, and, • adjust engagement activities (if necessary) to accommodate community input.
Community participation is meaningful	<ul style="list-style-type: none"> • Explain how community input was taken into consideration, and ensure the response to community input is relevant and proportionate, • give genuine and proper consideration to community input, • keep accurate records of engagement activities and community input,

	<ul style="list-style-type: none"> regularly review the effectiveness of community engagement, integrate community input into the evaluation process, comply with any statutory obligations, and, protect privacy and respect confidentiality.
Community participation is timely	<ul style="list-style-type: none"> Start community engagement as early as possible, and continue this engagement for an appropriate period, and ensure the community has reasonable time to provide input

2.2 Our approach to community participation

In line with our community participation objectives, we encourage open, inclusive, easy, relevant, timely and meaningful opportunities for community participation in our planning activities and decision making. To achieve this, we design our engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be acknowledgement that the process was fair with proper and genuine consideration given to community representations.

To achieve the benefits of community participation in the planning system, and to ensure engagement is relevant and meaningful, we will select particular community participation approaches for different planning exercises depending on the nature of the proposal, the level of community interest, and the ability of the community to affect the outcome.

The range of community participation approaches that Council can use are listed in the following Table.



Table 2: Community participation approach		
What	When and why	How we will do this
Level 1: Inform		
We notify the community of proposals, provide accurate and relevant information on the proposal and update information as proposals progress	Council will keep the community informed about planning exercises and projects. We will do this throughout a project.	Media releases, letter mail-outs, our website, social media announcements, emails, newsletters, public notices and advertisements, information sessions, technical reports and discussion papers as appropriate.
Level 2: Consult		
We consult with the community and invite them to provide their views and concerns on a proposal	Following preparation of a draft proposal or plan, we release a draft on exhibition to seek the community's views and concerns. We do this to obtain feedback on the proposal in order to gauge how this fits with the community's expectations.	Public exhibition, online participation forum, drop in sessions, surveys, one-on-one engagement with project planners via the phone, email or letter as appropriate.
Level 3: Involve		
We conduct 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.	Public meetings, community reference groups, workshops as appropriate.
Level 4: Collaborate		
We actively involve the community in the formulation and development of proposals and plans	In reaching a decision we consider your views and concerns, notify you of the reasons for the decision and how community views were considered.	Citizen's advisory committees, project reference groups, participatory decision making as appropriate.

3 PART 3 Exhibition of draft planning documents

A key element of the NSW planning system is public exhibition of draft planning documents. During an exhibition we make available relevant documents that may include a draft of the policy, plan or strategy that we are seeking community input on and invite submissions from the public.

Schedule 1 of the EP&A Act details minimum exhibition timeframe for a range of planning documents and plans and are listed in Table 3 below. We will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

Table 3: Mandatory exhibition timeframes

Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Planning proposals for Local Environmental Plan amendments subject to a gateway determination	28 days or 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	28 days
Draft Contribution Plans	28 days

Some of Council's planning functions may generate documents or proposals that do not have minimum exhibition timeframes. As a matter of course in line with our community participation objectives, we typically exhibit documents related to the exercise of these functions and proposals for the timeframes described in the table below:

Table 4: Non-mandatory exhibition timeframes

Draft planning strategies, masterplans or structure plans	28 days based on the urgency, scale and nature of the proposal
------------------------------------------------------------------	----------------------------------------------------------------

There may be other proposals not subject to the mandatory exhibition timeframes for which we have the option to exhibit for at least 28 days and engage with the community in line with our community participation objectives. Additionally, there may be some occasions where a Council priority or administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process.



4 PART 4 Notification of development applications

This part outlines exhibition and notification requirements that are applicable to applications for consent for different types of development. Council must consider all submissions made in respect of a development application, as required by Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.

4.1 Notification process and requirements

Persons to be notified

Where notification of a development application is required, the following persons will be notified:

- Persons who own land adjoining the land to which the application relates. Adjoining land includes land which abuts the subject land or is separated from it only by a pathway, road, driveway or similar thoroughfare;
- To such other persons who own land not directly adjoining land to which the application relates, where Council is of the opinion that such notification is appropriate having regard to the scale and nature of the development proposed.

A notice to an association for a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, or to a body corporate for a parcel within the meaning of the *Strata Schemes (Freehold Development) Act 1973*, or the *Strata Schemes (Leasehold Development) Act 1986*, is taken to be a notice to the owner of each lot within the parcel. If a parcel of land is owned by more than one person, notice to one owner is taken to satisfy the requirements of this Plan.

At the discretion of Council other parties may be notified if the nature of the development application is such that there are potential impacts or implications for a particular group, or the nature of the development involves a subject that relates to the dealings of a particular group.

Notice on the land

Where a notice is to be placed on the land that is the subject of the application, the notice must be in the form described in Clause 79 of the *Environmental Planning and Assessment Regulation 2000*.

Advertisement in newspaper

Where advertisement is required to be placed in a newspaper, Council will arrange preparation and submission of the required newspaper notice. A newspaper for the purposes of this part refers to a local newspaper circulating within the Kyogle Council Local Government Area.

Timing of notification

Notification and advertising will be carried out at the following stages of the development application process:

- Where Council requires the provision of additional information and/or clarification and/or changes to a development proposal (as determined through an initial assessment of an application); public notification will be carried out following receipt of the applicant's response to Council's request. This is to ensure that the public has all required information and are able to consider the current version of the development proposal as a basis for making their submission.

OR

- Where Council's initial assessment determines that no information request is required or where any additional information which may be required would not materially alter or change the proposal; public notification and advertising will be carried out at that point.

4.2 Making submissions

How to make a submission

A notification letter or newspaper notice of a development application will provide details of how to make a submission. Generally, a submission will need to be made to Council by post or email.

Period for making submissions

1. For applications required to be advertised in a local newspaper, the period for viewing application documentation and providing a submission to Council is 21 days from the day after the date of advertisement except where otherwise prescribed by this Plan. Where notification to adjoining and/or nearby property owners occurs in conjunction with a newspaper advertisement, the period for adjoining/nearby owners to forward a submission is also 21 days from the date of notification.

2. For development applications not requiring advertisement, but requiring notification to adjoining and/or nearby owners, the period for viewing documentation and providing a submission is 14 days from the day after the date of notification.

Upon written request, Council may grant an extension of time for submissions. In considering whether to grant an extension, Council will have regard to the circumstances of the case, the reasons for the requested extension and the implication of delays in processing the application.

Validity of submissions

Only valid submissions will be considered by Council. To be considered valid, submissions must be:

- Received during the submission period.
- Made in writing.
- Signed by the author and include their name and address.
- Accompanied by a political donations declaration.

Council may, at its discretion, consider submissions received after the end of the notification period.

Consideration of submissions

Section 4.15(1)(d) of the EP&A Act requires that Council, in determining a development application, must take into consideration submissions made in respect of a development application.

How are submissions considered?

Council will give most weight to submissions made on valid planning grounds. Valid planning grounds relate to arguments in submissions that directly address criteria outlined in an environmental planning instrument, development control plan or other guideline or policy documents that are relevant to the development application. Highlighting areas of policies or guidelines that are or are not being adhered to, will add the most weight to your submission. Council will give less weight to objections to development based solely on personal or subjective opinion or stance, such as moral grounds, personal taste or preference.

Things to note

All submissions will become public documents at the time an application is being presented to Council or after the application has been determined, therefore submissions are viewable by all members of the public.

Acknowledgement of receipt of submissions and notification of determination of development application

Upon receipt of a valid submission during the submission period, Council will write to the submitter acknowledging receipt of their submission. Where an application is to be presented to Council for determination, all those persons who made a submission will be formally advised of the date of the Council meeting when the application will be considered.

As soon as possible after determination of an application is made all persons who lodged a submission in respect of that application will be notified of the determination in writing.

Variations or amendments prior to determination

Where an application is amended prior to determination, Council may decide to dispense with advertising and notification for variations and amendments received prior to determination in the following circumstances:

- Where a development application has been publicly advertised and/or notified in accordance with this Plan, and the application is amended or plans substituted which address any concerns raised in submissions received; or
- Where a development application has been publicly advertised and/or notified in accordance with this Plan and the application is amended or plans substituted in response to Council's assessment and Council is of the opinion that the amended application and/or substituted plans will have no greater environmental impact and differ only in minor respects from the original application/plans.

Similar to the abovementioned situations, if a development application is amended in response to submissions, and Council's assessment finds that the amended application will have no greater environmental impact and differ only in minor respects from the original application, further public notification may not take place.

4.3 Notification or exhibition periods

The EP&A Act identifies ‘designated development’ and ‘advertised development’ as being subject to specific notification requirements. Division 2 of Schedule 1 of the EP&A Act sets minimum exhibition timeframe for certain types of development applications; these are outlined in Table 5 below:

Table 5: Development assessment mandatory exhibition timeframes

Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days where required by this Plan
Application for development consent for designated development	28 days
Application for development consent for State significant development	28 days
Environmental Impact Statement obtained under Division 5.1	28 days
Environmental impact statement for State significant infrastructure under Division 5.2	28 days



Notification requirements for other types of development are set out in Table 6 below. Where a development type is not listed in this table, a development application is not required to be publicly exhibited. Council does however, have discretion to increase or reduce notification requirements depending on the location, nature and scale of the development application.

Table 6 Notification matrix		
Key	Notification of Adjoining or Nearby Property Owners	Notice in Local Newspaper
✓ Notification required		
X Notification not required		
○ May be required depending upon nature and/or scale of proposal		
SUBDIVISION		
Residential subdivision creating 3 or more additional lots	✓	○
Commercial or industrial subdivision creating 5 or more additional lots	✓	○
Rural subdivision creating 3 or more additional lots or dwelling entitlements	✓	X
Rural residential subdivision creating 3 or more additional lots	✓	○
Boundary adjustment	○	X
RESIDENTIAL DEVELOPMENT		
Dwelling in Zones RU1 and RU2	○	X
Dwelling in Zones R1, R3, R5, RU4, RU5	○	X
Dual occupancies, Semi-detached dwellings, Attached dwellings	✓	X
Multi dwelling housing, Residential flat buildings	✓	○
Seniors housing	✓	○
Secondary dwellings	✓	X
INDUSTRIAL DEVELOPMENT		
Industrial development (where in Zones IN1 or IN2)	○	X
Industrial development (where not in Zones IN1 or IN2)	✓	✓
DEVELOPMENT IN RURAL AREAS		
Extractive industries	✓	✓
Farm buildings	○	X
Rural Industries	✓	○
Intensive livestock agriculture	✓	✓
Animal boarding and training establishment	✓	✓

Plant nurseries, Recreation facilities (outdoor), Restaurant or café, Timber yards	✓	○
COMMERCIAL DEVELOPMENT		
Office or Business premises (where in Zones B2, B4 or RU5)	○	×
Office or Business premises (where not in Zones B2, B4 or RU5)	✓	○
Restricted premises	✓	✓
Retail premises where in Zones B2, B4 or RU5	○	×
Retail premises (excluding roadside stalls) where not in Zones B2, B4 or RU5	✓	×
Warehouse or distribution centre	✓	✓
Freight transport facility	✓	✓
TOURISM AND VISITOR ACCOMMODATION DEVELOPMENT		
Tourist and visitor accommodation	✓	○
Eco-tourist facilities	✓	○
Camping grounds	✓	○
Caravan parks	✓	○
Bed and breakfast accommodation or Farm stay accommodation	✓	×
HERITAGE		
Demolition of a heritage item	✓	✓
Alterations or additions to a heritage item	○	×
OTHER DEVELOPMENT		
Home Industries and Home Businesses	✓	×
Rural land sharing communities	✓	✓
Change of use of premises	✓	○
Place of public worship	✓	✓
Waste or resource management facility	✓	✓
Group home	✓	×
Health services facility	✓	✓
Function centre	✓	○
Sex services premises	✓	○
Home occupation (sex services premises)	✓	○
Signage (illuminated)	✓	×