

A young boy in a black t-shirt and cap is performing a skateboard trick, holding the board with one hand. He is wearing a green wristband. In the background, a group of people, including children and adults, are watching. There are trees and a clear blue sky. A dark diagonal shape covers the right side of the image.

# Community Participation Plan 2019



# COMMUNITY PARTICIPATION PLAN 2019

## EXPLANATION NOTE

The NSW Government requires Council to prepare a Community Participation Plan (CPP) to set out how and when we will engage with the community on planning functions.

This Community Participation Plan has been prepared in accordance with Sections 2.21(2), 2.23(2) and Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The Community Participation Plan should be read in conjunction with Chapter A.4 of the Maitland Development Control Plan 2011.

## ACKNOWLEDGMENT

Maitland City Council acknowledges the Wonnarua People as the Traditional Owners and Custodians of the land within the Maitland Local Government Area. Council pays respect to all Aboriginal Elders, past, present and future with a spiritual connection to these lands.







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## INTRODUCTION

Maitland City Council is committed to enabling greater participation for our community in decision making related to our planning functions. Council understands that the best outcomes are reached when the community is engaged in the decisions of Council at the earliest possible opportunity.

This Community Participation Plan (CPP) sets out Council's approach for encouraging the community to have their say on planning matters when Council is the consent authority. It is designed to be an easy to use guide for the community to know when and how they can provide input into relevant planning decisions.

The CPP is an extension of Council's Community Engagement Framework and aligns to the vision of the Community Strategic Plan, Maitland +10. The CPP is guided by the same core values as these strategies but with a singular focus on the planning process. This CPP builds on Council's current approach to meeting its statutory requirements for notification and exhibition.

The CPP also establishes our community participation objectives, which we use to guide our approach to community participation. The plans that this CPP applies to can be found in Table 1.

This CPP does not outline our engagement strategies for the delivery of other Council services, functions or infrastructure. Community engagement for these activities is developed considering the requirements of Council's Community Engagement Strategy. It also does not apply to other NSW planning authorities, other councils or the Independent Planning Commission.









## COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

Our CPP details how Council will engage the community when exercising its planning functions such as developing strategic plans and other planning instruments, including the Local Environmental Plan, as well as the role we have in assessing and determining development applications.

The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision. The community includes anyone who is affected by planning system in the Maitland Local Government Area (LGA).





# HOW CAN THE COMMUNITY PARTICIPATE IN THE PLANNING PROCESS?

## PRINCIPLES OF COMMUNITY PARTICIPATION

The EP&A Act outlines the principles that underpin this CPP. These principles have been developed based on the Core Values of the International Association of Public Participation (IAP2).

These principles are:

- The community has a right to be informed about planning matters that affect it.
- Council will encourage effective and ongoing 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 development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions, including how community views have been taken into account.
- Community participation methods, and the reasons given for planning decisions, will be appropriate having regard to the significance and likely impact of the proposed development.









# OUR COMMUNITY PARTICIPATION OBJECTIVES

Through this plan, we aim to ensure the community knows when and how they can provide input on planning decisions. The objectives in Table 1 have been developed having regard to the community participation principles in this plan.

**TABLE 1: COMMUNITY PARTICIPATION OBJECTIVES**

OBJECTIVES	ACTIONS	EXAMPLES
Community participation is open and inclusive	Encourage community engagement by: <ul style="list-style-type: none"> <li>• Keeping the community informed</li> <li>• Promoting participation opportunities</li> <li>• Seeking community input</li> </ul>	<p>We promote community engagement opportunities through a variety of traditional and innovative channels including Council's website, facilities, roadshows, events, traditional and digital media.</p> <p>Planning teams have a presence at community engagement activities, where appropriate.</p>
	Conduct community engagement opportunities in a safe environment	
	Ensure information is accessible and seek input from groups who may find it difficult to participate (e.g. young people, people with disabilities, Aboriginal people and people from culturally and linguistically diverse backgrounds)	
Community participation is easy	Set out the purpose of any engagement and how and when the community can participate in respect of a planning function	<p>We make copies of relevant documents available online and, if required, in hard copy.</p> <p>We track development applications on our website using the 'Application Tracker' tool.</p> <p>Planning proposals are tracked on the NSW Planning Portal.</p>
	Prepare information that is relevant, concise, written in plain language 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	
Community participation is relevant	Clearly establish the purpose for engagement and tailor the engagement activities to match	<p>We target information campaigns and engagement activities to relevant stakeholders using a range of online and offline tools.</p> <p>We monitor engagement activities and amend as required or based on community feedback.</p>
	Adjust activities (if necessary) in response to community input	
	Comply with any statutory obligations	
	Protect privacy and respect confidentiality	
Community participation is timely	Start community engagement as early as possible and continue this engagement for an appropriate period	<p>We encourage proponents for major developments to consult members of the community affected by the proposal before a development application is lodged.</p> <p>We meet our mandatory exhibition timeframes and extend them at our discretion.</p>
Community participation is meaningful	Explain how community input was taken into consideration in the decision making process	<p>We may amend plans or enforce conditions on proposed development in response to community feedback.</p> <p>We may include submissions in Council reports when proposals are being considered.</p> <p>We notify in writing persons who made individual submissions during an exhibition.</p>



# OUR APPROACH TO COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

For planning purposes, Council uses an engagement approach that has been adapted from the IAP2 Public Participation Spectrum. The Public Participation Spectrum helps to identify and select the appropriate level of community participation required, depending on the level of influence and impact of a proposal on stakeholders.

TABLE 2: ADAPTED IAP2 PUBLIC PARTICIPATION SPECTRUM

	INFORM	CONSULT	ENGAGE	DETERMINATION
WHAT	We will notify you and provide accurate and relevant information on the context of the proposal or development application.	We will consult with you and invite you to share your views and concerns.	We will respond to community views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal.	We will notify you of decisions and detail how your views were considered in reaching the decision.
WHEN	During the early scoping of a proposal we will encourage the proponent to inform you of the proposal. You can then track the progress of the proposal as it makes its way through the planning process.	Once a proposal or development application is prepared, we will place it on exhibition to seek your input.	After we have received submissions and feedback, we will identify your key issues and concerns and conduct targeted engagement activities to find solutions.	When we reach a decision, we will notify you of the reasons for the decision.
HOW	This may include letters, Council's website, social media, media releases, emails, public notices and information sessions.	This may include public exhibition, public access, one on one discussions with project planners via the phone, email or letter, online tools and pop up booths.	This may include pop up booths, surveys, focus groups, drop in sessions, references groups, interactive online tools and workshops.	This may include Council's website, Council reports including the publication of submissions, media releases, social media, letters and emails.









# THE ROLE OF PUBLIC EXHIBITIONS IN THE PLANNING PROCESS

A valuable way for the community to participate in the planning process is by making a submission on a proposal during an exhibition. During an exhibition, Council makes documents and plans available on its website for the community to review. Hard copies can also be made available, if required.

Development applications can be tracked on Council's website using the 'Application Tracker'. Planning proposals for local environmental plans are tracked on the NSW Planning Portal.

Schedule 1 of the EP&A Act sets minimum public exhibition timeframes for different types of proposals, plans and development applications. Council must always exhibit for this minimum timeframe and will consider an extended timeframe based on the scale and nature of the proposal, plan or development application. The minimum mandatory timeframes are set out on the next page in Table 3.

## NOTES ABOUT EXHIBITION TIMEFRAMES

- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we 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 of a period of exhibition.
- Council may decide to extend the timeframe to accept late submissions.

## EXEMPT AND COMPLYING DEVELOPMENT

Some development, such as exempt and complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, does not allow opportunities for community engagement.





**TABLE 3: MINIMUM MANDATORY EXHIBITION TIMEFRAMES**

SCOPE OF COMMUNITY PARTICIPATION PLAN	EXHIBITION TIMEFRAME
<b>Draft Community Participation Plan (this plan)</b>	28 days
<b>Draft Local Strategic Planning Statement</b> A document that sets out the 20 year vision for land use in the local area, the special characteristics which contribute to local identity and how growth and change will be managed into the future.	28 days
<b>Planning proposals for local environmental plans (LEPs), subject to a Gateway determination</b> The LEP is Council's primary land use planning tool. It controls how land can be used with zoning, along with the provisions for how land can be developed. A proposal to create or amend the LEP starts with a planning proposal for a development. Proposals are then assessed by the Department of Planning, Industry and Environment. This is called the 'Gateway' process and allows the proposal to proceed to public exhibition.	28 days (or as specified by the Gateway Determination)
<b>Reclassification of land</b> Land in Council ownership must be classified for either community or operational use under the Local Government Act 1993. Community land is for land designated for community use such as community halls, libraries and recreational facilities. Operational land serves a commercial or operational function such as offices, work depots or land that is being retained for strategic reasons. When land comes into community ownership, such as new sportsgrounds, they need to be classified correctly. Council sometimes reclassifies land that it no longer requires for community use to allow leasing or sale of land.	28 days (and a public hearing scheduled for at least 21 days after the public exhibition occurs, if applicable)
<b>Draft development control plans (DCPs)</b> The DCP works in association with the LEP and provides detailed planning and design guidance for what you can do on your land.	28 days
<b>Planning strategies, structure plans or master plans that may result in changes to the LEP and DCP through implementation</b> This includes structure plans, floodplain management plans, land use strategies and other planning strategies or plans.	28 days (this is not mandated by legislation but exercised as best practice)
<b>Draft contribution plans</b> Plans developed for the purpose of collecting financial contributions from new development to fund new and upgraded public facilities and/or services required to accommodate the new development.	28 days
<b>Draft planning agreements</b> A planning tool that allows Council and developers to work together to deliver infrastructure outcomes alongside development proposals.	28 days
<b>Development application (DA) – application for development consent (other than for complying development certificate or for designated development)</b> Where a proposal doesn't fit either exempt or complying criteria, then a development application will generally need to be lodged. Exempt development is minor development that meets specific criteria and development consent is not required. For example, a car port, deck or cubby house. Complying development is where the proposal satisfies pre-determined standards and can be certified without the need for a DA. For example, a private swimming pool. This 'fast tracked' process requires you to lodge an application for a Complying Development Certificate.	14 days*
<b>DA - application for development consent or a request to review a determination for designated development</b> Designated development refers to developments that have significant environmental impacts (for example, likely to generate pollution) or are in, or near, an environmentally sensitive area and have specific assessment requirements.	28 days
<b>DA - application for development consent or a request to review a determination for nominated integrated development or threatened species development</b> A development that as well as requiring development consent from Council also requires an approval under the Heritage Act 1977(NSW), the Water Management Act 2000 (NSW) or the Protection of the Environment Operations Act 1997 (NSW) (pollution licence).	28 days
<b>DA - application for development consent or a request to review a determination for all other integrated development</b> A development that as well as requiring development consent from Council also requires one (or more) nominated State agency permits or licences. For example, the Rural Fire Service.	14 days

\* Where Council is of the opinion that the proposed development is minor in nature and will not adversely affect the amenity of the adjoining land, exhibition of the development may not be required. For more information on discretionary and non-mandatory notification, see Chapter A.4 of the Maitland Development Control Plan 2011.



## MAKING A SUBMISSION

Anyone can make a submission on a proposal or development application during an exhibition. Submissions are to be lodged with Council by the 'submissions close' date. Council may choose to consider submissions received outside the exhibition period at its discretion.

A submission in the form of an objection should specify the planning grounds on which you are objecting and the impact the proposal may have on your property, the street or community.

Submissions may be made publicly available to other consent bodies as well as published in the Council meeting agenda. Should you wish to keep your personal details confidential, you must request this in writing with your submission.

Submissions can be dropped into the Maitland Administration Building, sent by email to [info@maitland.nsw.gov.au](mailto:info@maitland.nsw.gov.au) or by mailing a written submission to:

**The General Manager  
Maitland City Council  
PO Box 220  
Maitland NSW 2320**

## PRIVACY

The personal information provided as part of submissions will be used for the purpose of considering the specific project or proposal on exhibition and will become a record of Council. All information will be stored securely and retained in accordance with the State Records Act 1998.

## POLITICAL DONATIONS AND GIFTS

Any person making a submission on a planning related matter (for example a development application, development control plans, local environmental plans, contribution plans etc.) must complete a Disclosure Statement of Political Donations and Gifts and submit this to Council with their submission. This is to minimise any perception of undue influence on decision making.

For information on reportable donations refer to Section 10.4 of the EP&A Act.

## PUBLIC ACCESS

Public access allows community members to address a Council meeting regarding an item on the agenda. All community members are welcome to attend Council meetings. Should a person wish to speak at a Council meeting, regarding an item on the agenda, they must lodge a Public Access Speaker Request Form by noon on the day of the Council meeting. Council meets on the second and fourth Tuesday of the month at 5.30pm. Forms can be found on Council's website. For more information contact the Office of the General Manager on 02 4934 9711.

## DECISION MAKING

Council is required to notify the community about the decisions it makes on applications for development consent and applications for the modification of a development consent (where the application was exhibited) and include:

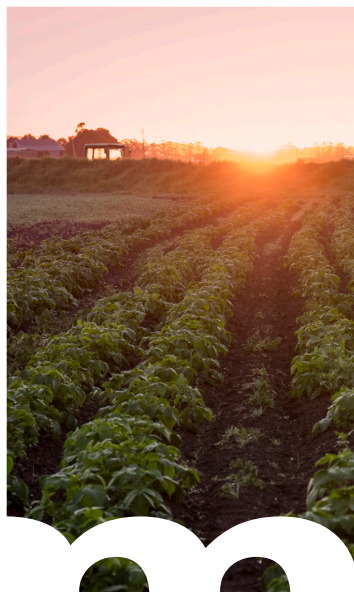
- the decision that was made
- the date of the decision
- the reasons for the decision
- how community views were considered in making the decision.

Decisions on applications can be viewed on Council's online 'Application Tracker'.









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