



muswellbrook shire council

Community Participation Plan

Muswellbrook Shire Council Community Participation Plan

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Muswellbrook Shire Council Community Participation Plan

Part 1 – Background

This draft Community Participation Plan has been prepared in accordance with Sections 2.21(2), 2.23(2), and Schedule 1 of the Environmental Planning & Assessment Act 1979, and is guided by:

- The current Environment Community Engagement Strategy 2016. This draft Community Participation Plan, if adopted, will rescind the current Strategy.
- Section 4 Notifications - Muswellbrook Development Control Plan 2009. The draft Community Participation Plan will replace Section 4 of the Development Control Plan.
- Council's internal engagement practices.
- The Local Government Act 1993.

The Muswellbrook Community Strategic Plan 2017-2027 (CSP) identifies Collaborative Leadership: Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community”, as one of its strategic directions.

Council recognises the value to be gained by engaging with the community beyond statutory requirements.

1.0 Purpose and Objectives

Muswellbrook Shire Council recognises our residents, workforce, business owners and visitors as valuable partners in Council decisions.

The purpose of the Community Participation Plan is to involve the community in decision making and maintain a two way flow of communication between Council and the Muswellbrook Shire community.

The objectives are to:

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

1.1 Guiding Principles

Council recognises and supports the following principles when engaging with the community:

- Create an environment of clear, honest and timely communication when engaging with the community about projects and activities;
- Commit to establishing clear processes and allocating the resources required to help assist with better planning and decision making;
- Processes be inclusive and seek to connect all in the community including those in the community who are hardest to reach;
- Respect the feedback we receive;
- Act in the best interests of the whole community;
- Keep people informed of progress and outcomes.

The scope and method of community participation will depend on the particular project or issue. Minimum communication standards for regular activities of Council are provided in:

Part 2 – Community Strategic Plan and Resourcing Strategy;

Part 3 – Matters under the Environmental Planning and Assessment Act 1979; and

Part 4 – Other Engagement.

At times the scope for participation may be increased due to the complexity of the issue or likely level of community interest. For exceptional or complex activities a detailed communication strategy will be required that involves relevant stakeholders. More detailed information on developing a communication strategy is located in Appendix 1 (Planning Tool for a Community Participation Process).

Part 2 - Community Strategic Plan and Resourcing Strategy

Council's strategic planning documents sit within the Integrated Planning Framework and include:

- The Community Strategic Plan (10 year horizon)
- Resourcing Strategy which is made up of the long term financial plan, workforce management plan and strategic asset management plan (10 year horizon)
- Delivery program (Four year horizon)
- Operational Plan (One year horizon)

Under NSW Integrated Planning & Reporting (IP&R) legislation, a newly elected Council is required to endorse its new 10-year Community Strategic Plan and Resourcing Strategy within six months following a local government election. The Community Strategic Plan is actioned through the Delivery Program.

2.1 Community Engagement Activities

- Media releases
- Council newsletter
- Listening Posts
- Community Surveys
- Website feedback forum
- Submissions

Feedback received from individuals and groups from across the Shire will be presented to Council and may be considered by the Muswellbrook Shire Community Panel when in session.

2.2 Community Panel

When appropriate, Council will convene a Community Panel to make recommendations to Council regarding community priorities. A Panel of up to 35 randomly selected, demographically representative participants will be recruited from a database of self-nominated local community members. The invitation list will be informed by Council’s Community Satisfaction Surveys, which ask respondents to indicate if they would be willing to participate in ongoing community engagement.

The Panel will be facilitated using a ‘deliberative democracy’ process, which provides the opportunity for considered discussion by a representative community group that is informed by detailed and accurate information. Discussion and contrary views are encouraged. The participants should be willing to talk and listen, with civility and respect. All views are to be considered sincerely on their merits, and all points of view held by significant portions of the population should receive attention.

The five characteristics of deliberative democracy that will be employed by Council’s Community Panel are:

- **Information:** Accurate and relevant data is made available to all participants
- **Substantive balance:** Different positions are compared based on their supporting evidence
- **Diversity:** All major positions relevant to the matter are considered
- **Conscientiousness:** Participants sincerely weigh all arguments
- **Equal consideration:** Views are weighed based on evidence, not on who is advocating a particular view

The Panel’s views will be reported to Council, and members of the Panel may also be invited to brief Council on that report.

2.3 Community Strategic Plan (10 year horizon)

Document	Exhibition Timeframe	Requirements
The Community Strategic Plan is an overview document that identifies the community’s main priorities and aspirations for the future. It covers a minimum time frame of 10 years and is reviewed every four years at the commencement of each Council term.	28 days	The Community Strategic Plan will be publicly exhibited on Council’s website and in hardcopy at Council’s Administration Centre and Library branches. Council may promote the public exhibition period via paid newspaper advertising and/or on Council’s website and social media.

2.4 Resourcing Strategy, made up of long term financial plan, workforce management plan and strategic asset management plan (10 year horizon)

Document	Exhibition Timeframe	Requirements
<p>The Resourcing Strategy demonstrates how Council will resource achievement of the Community Strategic Plan and Delivery Program. Council does not have full responsibility for implementing or resourcing all the community aspirations, state agencies, non-government organisations, community groups and individuals also have a role to play in delivering these outcomes. The Resourcing Strategy consists of three components:</p> <ul style="list-style-type: none"> • Long Term Financial Plan • Workforce Management Plan • Asset Management Plan. 	28 days	<p>The draft Resourcing Strategy (Long Term Financial Plan, Work Force Management Plan and Asset Management Plan) will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches.</p> <p>Council may promote the public exhibition period via paid newspaper advertising and/or on Council's website and social media.</p>

2.5 Delivery Program (Four year horizon)

Document	Exhibition Timeframe	Requirements
<p>The Delivery Program is a four-year plan. It is the point of reference for all activities undertaken by the Council during its term of office, in working towards the realisation of the Community's priorities and aspirations as outlined in the Community Strategic Plan.</p>	28 days	<p>The draft Delivery Program will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches.</p> <p>Council may promote the public exhibition period via paid newspaper advertising and/or on Council's website and social media.</p>

2.6 Operational Plan (one year horizon)

Document	Exhibition Timeframe	Requirements
<p>The Operational Plan is a sub-plan of the Delivery Program. It directly addresses the strategies outlined in the Delivery Program and identifies actions, programs and activities Council will be undertaking within the current financial year. The Operational Plan also allocates responsibilities for each action or set of actions and it identifies suitable performance measures for determining the effectiveness of the activities undertaken. Adopted before the beginning of each financial year, the annual Operational Plan includes the Statement of Revenue Policy (Annual Budget and Fees & Charges).</p>	<p>28 days</p>	<p>The draft Operational Plan will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches.</p> <p>Council may promote the public exhibition period via paid newspaper advertising and/or on Council's website and social media.</p> <p>The exhibition will be accompanied by a map showing where the various rates will apply within the local government area.</p> <p>The council will accept and consider any submissions made on the draft Operational Plan before adopting the Operational Plan.</p> <p>The Operational Plan will include a detailed budget for the activities to be undertaken in that year.</p> <p>The council must post a copy of its Operational Plan on the council's website within 28 days after the plan is adopted.</p>

Part 3 – Matters under the Environmental planning and Assessment Act (EP&A Act) 1979

Opportunities to participate in the planning and assessment process will respond to the nature, scale and likely impact of the proposal/development or project being considered or assessed.

A regular and valuable way for communities to participate in the process is by making a submission on a planning policy or development proposal during the formal exhibition stage. Submissions can highlight positive aspects of a plan to be encouraged or raise areas of concern that may require further attention. During public exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on.

3.1 What Legislation Governs Planning in NSW?

Planning in NSW is largely governed by the following pieces of legislation:

- Environmental Planning and Assessment Act 1979 (EP&A Act).
- Environmental Planning and Assessment Regulation 2000.
- Local Government Act 1993 (LG Act).
- The National Parks and Wildlife Act 1974.

3.2 What are the exhibition and notification requirements?

This section outlines the exhibition and notification requirements under the EP&A Act. It supersedes the notification and advertising requirements in Muswellbrook DCP 2009.

The notification timeframes provided in the following tables are minimums; there may be circumstances that require extension of the notification timeframes. Council officers with delegated authority will consider the following matters in deciding to increase notification timeframes or broaden the method of notification:

- Significant public interest demonstrated through the number of submissions or interactions between Council and the community;
- Formal requests for extension with justification for the extension; and
- The scale of the development and scope of potential impact.

3.3 Land Use Strategy and Policies

Document	Timeframe	Requirements
Draft Community Participation Plan	28 Days	Advertisement in a local newspaper, on Council's website, and, if the document relates to a specific site (not the whole Shire), adjoining owners and occupiers will also be notified in writing. The notification will include: <ul style="list-style-type: none"> • A short summary or explanatory statement of the documents and its intended purpose; • A description or plan showing the locations affected by the document; • The name of the organisation, person or company who initiated the document; • Advice on where the full document and supporting or related documents may be viewed
Draft Local Strategic Planning Statements	28 Days	
Planning Proposals	14 Days – unless otherwise specified in the Gateway Determination	
Draft Development Control Plans (DCP) and Amendments	28 Days	
Draft Contribution Plans and Amendments	28 Days	
Planning Agreement	28 Days	
Planning Policy or Guidelines	28 Days	
Town Centre Master Plans, Parking Strategies, Local Character Statements and the like	28 Days	
Re-exhibition of any matter referred to above	As per the original exhibition period	

3.4 Proposed Development

Document	Timeframe	Requirements
Exempt and Complying Development	No notification	
Type A Local Development This applies to applications for relatively small scale development that is expected to have minimal impact, and Council is the determining authority.	No notification	

Document	Timeframe	Requirements
<p>Type A development includes:</p> <ul style="list-style-type: none"> • Boundary adjustments and Strata subdivision. • Farm buildings less than 6m in height, less than 250m² in area and more than 10m from a property boundary. • Single storey dwelling-houses setback 900mm or more from side and rear boundaries. • Ground-floor alterations or additions to an existing dwelling, where the addition is setback 900mm or more from side and rear boundaries. • Single storey garages, carports or other residential outbuildings that are setback 900mm or more from side and rear boundaries, are 50m² or less in area and 3m or less in height. • Swimming pools and retaining walls more than 1000 mm from side and rear boundaries. 		
<p>Type B Local Development</p> <p>This applies to applications for relatively small scale development that may have minor impact on neighbouring properties, and Council is the determining authority.</p> <p>Type B development includes:</p> <ul style="list-style-type: none"> • Alterations or additions to commercial or industrial buildings or uses within a business or industrial zone (respectively) and not a Heritage Item or within a Heritage Conservation Area. • Advertising Structures and signs. • Amusement centres; • Painting a heritage item or a 	<p>14 Days</p>	<p>Notification by letter or email to owners of neighbouring properties and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description or of the proposed development; • The address of the development; • Name of the applicant; • Name and contact details of the Development Assessment Officer; • Advice on where the plans may be inspected, free of charge,

Document	Timeframe	Requirements
<p>building in a heritage conservation area;</p> <ul style="list-style-type: none"> • Farm buildings more than 6m in height, between 250m² and 500m² in area, or less than 10m from a property boundary. • Changes of use within a business or industrial zone, except if the proposed use involves sex industry-related activities or a premises selling alcohol. • Child care centres; • Funeral homes; • Single storey dwellings closer than 900mm to side to rear boundaries. • ground-floor alterations or additions to an existing dwelling that are closer than 900mm to side or rear boundaries • Two storey dwelling-houses and second storey alterations and additions. • Single storey garages, carports or other residential outbuildings that are closer than 900mm to a side or rear boundary, larger than 50m² or more than 3m in height. • Swimming pools and retaining walls closer than 1000 mm to a boundary. • Secondary dwellings • Dual occupancies • Subdivisions creating two to five lots. • New development in an Industrial zone that adjoins residential land, or the hours of operation extend outside the hours of 7:00am to 7:00pm; • Any local development not identified as Type A or Type C Development. 		<p>during business hours;</p> <ul style="list-style-type: none"> • The closing date for submissions; • Reference to political donations form if relevant. <p>As a guide, Council will limit neighbour notification to adjoining properties affected by the proposed development, as well as properties separated by a walkway, driveway or laneway. The Officer with delegated authority may extend the notification distribution or timeframe at their discretion.</p>

Document	Timeframe	Requirements
<p>Type C Local Development</p> <p>This applies to applications for development that may have potential impacts on a broader scale, and Council is the determining authority.</p> <p>Type C development includes (as new development, and alterations and additions):</p> <ul style="list-style-type: none"> • Attached dwellings (3 or more dwellings) • Boarding Houses • The alterations, additions or demolition of a heritage items or a building in a heritage conservation area; • Group Homes; • Hostels • Multi dwelling housing (3 or more dwellings) • Residential Flat Building and Shop Top Housing; • Seniors Housing • Hotel or Motel accommodation; • Services Apartments; • Public Entertainment Facilities; • Registered Clubs; • Pubs • Restricted Premises; • Sex services premises • Educational establishments; • Hospitals • Community facilities; • Places of Public Workshop; • Recreational Areas and Major Recreational facilities; • Subdivisions of five or more lots; • Non-residential development in a residential zone; • New development in a business zone; • Tourist or Visitor accommodation; 	<p>14 days</p>	<p>An advertisement in a locally circulating newspaper, notification by letter or email to owners of neighbouring properties, and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description or of the proposed development; • The address of the development; • Name of the applicant; • Name and contact details of the Development Assessment Officer; • Advice on where the plans may be inspected, free of charge, during business hours; • The closing date for submissions; • Reference to political donations form if relevant. <p>As a guide, neighbour notification will be limited to adjoining properties affected by the proposed development, as well as properties separated by a walkway, driveway or laneway. The Officer with delegated authority may extend the notification distribution or timeframe at their discretion.</p>

Document	Timeframe	Requirements
<ul style="list-style-type: none"> • Hazardous or Offensive Development (SEPP 33); • Any Local Development that might normally be considered Type B development but, in the opinion of the officer with delegation, is likely to have an impact on a broader scale. 		
Integrated Development	21 Days	<p>An advertisement in a locally circulating newspaper, notification by letter or email to owners of neighbouring properties, and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description of the proposed development; • The address of the development; • Name of the applicant; • Name and contact details of the Development Assessment Officer; • Advice on where the plans may be inspected, free of charge, during business hours; • The closing date for submissions; • Reference to political donations form if relevant. <p>As a guide, neighbour notification will be limited to adjoining properties affected by the proposed development, as well as properties separated by a walkway, driveway or laneway. The Officer with delegated authority may extend the notification distribution or timeframe at their discretion.</p>

Document	Timeframe	Requirements
Designated Development	42 Days	<p>An advertisement in a locally circulating newspaper and at a minimum notification by letter or email to owners and occupiers of neighbouring properties, and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description or of the proposed development; • The address of the development; • Name of the applicant; • Name and contact details of the Development Assessment Officer; • Advice on where the plans may be inspected, free of charge, during business hours; • The closing date for submissions; • Reference to political donations form if relevant. <p>In addition to neighbours, the Officer with delegated authority will extend the notification distribution to other property owners where the likely to be impacted by the development.</p>
Environmental Impact Statements submitted for Development under Division 5.1 of the EP&A Act.	28 days	<p>An advertisement in a locally circulating newspaper and at a minimum notification by letter or email to owners of neighbouring properties and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description or of the

Document	Timeframe	Requirements
		<p>proposed development;</p> <ul style="list-style-type: none"> • The address of the development; • Name of the applicant; • Name and contact details of the Project Officer; • Advice on where the plans may be inspected, free of charge, during business hours; • The closing date for submissions; <p>As a guide, Council will limit neighbour notification to adjoining properties affected by the proposed development, as well as properties separated by a walkway, driveway or laneway. The Officer with delegated authority may extend the notification distribution or timeframe at their discretion.</p>
<p>Review of Environmental Factors prepared for Development to be assessed under Part 5 of the EP&A Act.</p>	<p>14 Days</p>	<p>Notification by letter or email to owners of neighbouring properties and to authorities Council considers applicable.</p> <p>The notification will include:</p> <ul style="list-style-type: none"> • A clear and legible A4 sized plan of the development that depicts its height, external configuration and siting; • A description or of the proposed development; • The address of the development; • Name of the applicant; • Name and contact details of the Project Officer; • Advice on where the plans may be inspected, free of charge, during business hours; • The closing date for submissions; <p>As a guide, Council will limit neighbour notification to adjoining properties affected by the proposed development, as well as properties separated by a walkway, driveway</p>

Document	Timeframe	Requirements
		or laneway. The Officer with delegated authority may extend the notification distribution or timeframe at their discretion.

3.5 Proposed modifications of development approvals

Document	Timeframe	Requirements
Applications to modify development consent under s 4.55(1) of the EP&A Act	No notification	
Applications to modify development consent under s 4.55(1A) of the EP&A Act	14 days	Notification by letter or email to neighbouring property owners and any person who made a submission to the original application (if Council still has their contact details).
Applications to modify development consent under s 4.55(2) of the EP&A Act	14 days	Notification by advertisement and/or letter or email, in the same manner as the original development application was advertised or notified, and notification by letter or email to any person who made a submission to the original application (if Council still has their contact details).

Part 4 – Other Engagement

Document	Exhibition Timeframe	Requirements
Alcohol Free Zones – existing being extended in time	14 days	The continuation of an Alcohol Free Zone will be publicly exhibited on Council's website and in hardcopy at Council's Administration via paid newspaper advertising and on social media.
Alcohol Free Zones - new	28 days	The proposed Alcohol Free Zone will be publicly exhibited on Council's website and in hardcopy at Council's Administration via paid newspaper advertising and on social media.
Annual Budget (included as part of the annual Operational Plan) Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program. The Operational Plan will include the Statement of Revenue Policy.	28 days	The draft Operational Plan will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches. Council may promote the public exhibition period via paid newspaper advertising and/or on Council's website and social media.
Annual Financial Statements (included as part of the Annual Report) The council must prepare an annual report within five months of the end of the financial year. The report will outline the council's achievements in implementing its Delivery Program. The report must contain the council's audited financial statements and notes and any information required by the Regulation or the Guidelines.	No notification	A copy of the report must be posted on the council's website and provided to the Minister.

Bin collection and bulk waste collection	No notification	Advice posted on Council website. Council may promote via paid newspaper advertising and/or on social media.
Bushfire Hazard maps	28 days	Newly certified Bushfire Hazard Maps will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches. Council may promote the public exhibition period via paid newspaper advertising and/or on Council's website and social media.
Council Policies - external These policies may have a direct impact on the community, and individual or business.	28 days	The draft Policy will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches. Council may promote the public exhibition period via paid newspaper advertising and/or on social media.
Council policies – internal These policies guide how council operates and don't have a direct impact on the community, and individual or business.	No notification	
Emergency service repairs	No notification	Advice posted on Council website and on social media. Media release if expected to take more than 4 hours to repair.
Fees and Charges (included as part of the annual Operational Plan) The council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken that	28 days	The draft Operational Plan will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches. Council may promote the public exhibition period via paid newspaper advertising and on

year, as part of the Delivery Program. The Operational Plan will include the Statement of Revenue Policy (which includes proposed Fees & Charges).		social media.
Flood Studies	28 Days	<p>Draft Flood Studies and Flood Risk Management Plans will be publicly exhibited on Council's website and in hardcopy at Council's Administration Centre and Library branches.</p> <p>Council will promote the public exhibition period via paid newspaper advertising and on social media.</p>
<p>Mine blast notices</p> <p>The relevant mine/quarry may be required to contact people directly as a condition of consent.</p>	No notification by Council	Advice posted on the Blast Notification Portal on Council website.
Planned Service repairs	No notification	Advice posted on Council website and on social media. Media release if expected to take more than 4 hours to repair the service.
Planned road works	7 days	<p>Notification by letter or email to owners and residents of adjoining properties, and to authorities Council considers applicable, seven days before works commence.</p> <p>Advice posted on Council website and on social media. Media release if expected to take more than 2 days to complete works.</p>
Revenue Policy (Included as part of the annual Operational Plan).	28 days	<p>The Revenue Policy is placed on public exhibition for 28 days with the Operational Plan.</p> <p>The Revenue Policy determines the rates and charges proposed to be levied for the coming rating/financial year.</p>

		<p>During the exhibition period, Council has available at its office a map showing the parts of its area to which each category and sub-category of rates applies</p> <p>Submissions on the Revenue Policy must be made to Council in writing within the 28 day exhibition period.</p>
Tender – Public Advertisement	21 Days after the date of first publication of the advertisement	<p>The advertisement for a Public Tender will be published in a Sydney metropolitan daily newspaper, and, either or both a newspaper circulating in the Councils are or a newspaper circulating in the district where potential tenderers are likely to be carrying on a business or residing.</p> <p>The advertisement will:</p> <ul style="list-style-type: none"> • Express the purpose of the proposed contract; • Give details of where and when the RFT relating to the proposed contract can be obtained and the purchase price (if any) of those documents; • Specify the name of a person to whom requests for information concerning the proposed contract may be addressed and how the contact person can be contacted; and • Invite any person willing to fulfil the requirements of the proposed contract to submit a tender to the Council by the deadline specified in the advertisement.
Tender Opening – Minutes of meeting	Posted immediately after the meeting has concluded	<p>As soon as practicable after the tenders have been opened, the 'appropriate person':</p> <ul style="list-style-type: none"> • Will record the names of the tenderers and the amounts that appear to have been tendered for the contract; and • Will prepare a tender list

		<p>specifying the names of the tenderers in alphabetical order.</p> <p>Immediately after preparing a tender list (minutes of the meeting), the 'appropriate person' will display the list in a place where it can be readily seen by members of the public.</p>
Tender Outcome - Notification	Posted immediately after the contract has been executed	<p>As soon as practicable after entering into a contract in accordance with clause 178 of the regulation or deciding not to accept any of the tenders for a proposed contract, Council will:</p> <ul style="list-style-type: none"> • Send to all tenderers whose tenders were not accepted notices to the effect that their tenders were unsuccessful or, as the case may be, that none of the tenders for the proposed contract was accepted, and • Display in a conspicuous place that is accessible to members of the public a notice specifying the name of the tenderer whose tender was accepted and the amount of the successful tender or, if none of the tenders was accepted, a notice to that effect.

Part 5 – Providing feedback on decisions

5.1 Public notification of development decisions and reasons for the decisions

- the determination of an application for development consent (other than for designated development) will be available on Council's website and notified in writing to any person who made a submission;
- the determination of an application for development consent for designated development will be advertised, will be available on Council's website and notified in writing to any person who made a submission;
- the determination of an application for the modification of a development consent (being an application that was advertised or notified), will be available on Council's website and will in writing to any person who made a submission;
- The granting of an approval, or the decision to carry out development, by a determining authority, where an environmental impact statement was publicly exhibited under Division 5.1 of the EP&A Act, will be notified in writing to any person who made a submission.

(2) The notification will provide information on:

- (a) The decision, and
- (b) The date of the decision, and
- (c) The reasons for the decision (having regard to any statutory requirements applying to the decision), and
- (d) How community views were taken into account in making the decision.

Part 6 –Community Initiating Contact with Council

Council employs various mechanisms for collecting community feedback, including a community satisfaction survey.

We realise that sometimes a member of the community would like to initiate the process of making a suggestion, requesting that something be fixed, or, despite our best efforts, making a complaint.

Anyone who has contact with Council staff, our facilities, or utilises any of our services is eligible to make a complaint. This may be a visitor, a resident, our stakeholders or any external contractor.

6.1 Feedback

Council encourages feedback and links it to improving its service. Feedback may range from letters and/or cards expressing gratitude or suggestions on improvement, through to comments or suggestions about the services provided by Council and its staff.

Feedback (comments, compliments, complaints and suggestions) may be given directly to a member of staff, or by completing the feedback form on the Council's website.

If you provide your contact details with your comments, compliment, complaint or suggestions we will be able to contact you to clarify something with you, and to provide you with a response.

6.1.1 Service Guarantee

Council understands the importance of receiving community feedback and commits to the following principles:

- we will accept your feedback courteously with a view to improving our service;
- we will handle your feedback in accordance with these guidelines and its documented procedures;
- we will publicise how residents, businesses and members of the community can provide feedback to the Council;
- we will provide a clear review mechanism for complaint handling, including referral to an external body where a complaint cannot be resolved internally;
- we will regularly report publicly on feedback received and the outcomes to ensure confidence in the Council's services;
- wherever possible, complaints will be resolved quickly;
- outcomes of investigations will be used to inform prevention and education programs so that incorrect practices and disputes are reduced in the future;
- Council regards complaints as an opportunity to improve its services and processes and complainants will be helped and supported where applicable.

6.1.2 Compliments

Council will regularly monitor compliments about its services and staff to ensure best practice is celebrated and promoted. All compliments will be logged in the Council's Corporate Record System.

Staff who consistently demonstrate excellent customer service will be recognised through regular performance feedback.

6.1.3 Complaints

A complaint is an expression of dissatisfaction with the council's decisions, policies, procedures, charges, employees, agents or the quality of the services it provides. A complaint may relate to a specific incident or issue involving the Shire or to matters of a more general nature.

Dissatisfaction can be expressed in relation to:

- Failure to achieve specified standards of service
- Delay in responding
- Behaviour or attitude of employees
- A Council decision or policy and/ or
- Withdrawal or reduction of service.

What is not a complaint

- a request for works or services to be provided (this is a service request);
- requests for information or explanations of policy or procedure;
- Reports of damaged or faulty infrastructure (e.g. road pothole etc.);
- reports of hazards (e.g. fallen tree branch);
- reports concerning neighbours or neighbouring property (e.g. noise or unauthorised building works);
- Complaints about the Council's policies or procedures that are required by law to be in place; the lodgement of an appeal or objection in accordance with a standard procedure or policy *e.g. objection to a development application, comments on a Policy on Exhibition.*

6.2 How to lodge a Compliment, Comment, Service Request or Complaint

We will respond to feedback, including anonymous complaints. It may be necessary for the Council to request that a complaint be provided in writing if it requires an internal or external investigation.

Interpreter services are provided for people from non-English speaking backgrounds and to people with disability where possible.

Feedback can be made:

Write to us at: PO Box 122 Muswellbrook NSW 2333

Phone us on: (02) 6549 3700

Email us at: council@muswellbrook.nsw.gov.au

On our website: www.muswellbrook.nsw.gov.au/feedback

Customers who have a hearing or speech impairment

Muswellbrook Shire Council welcomes calls made through the National Relay Service (NRS). The NRS is a government sponsored initiative that allows people who are deaf or have a hearing or speech impairment to make phone calls in the same way as anyone else. This service is available 24 hours a day, 365 days a year.

National Relay Service (NRS)

Tel: 1800 555 677

Web: www.relayservice.gov.au

- **Voice/Text phone users**
To make a call dial: 133 677 (24 hours 7 days per week).
- **People who have speech/communication impairment only (do not have a hearing impairment)**
Speak and Listen Service (SSR) on 1300 555 727

Translating and Interpreting Services (TIS National)

Council offers a Translating and Interpreting Service (TIS) and can be accessed by calling 13 14 50 (24 hours 7 days per week).

6.3 Confidentiality

All personal and health information collected by Council in connection with a complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the complaint.

6.3.1 Anonymous Complaints

Sometimes, people are more comfortable making an anonymous complaint as confidentiality is guaranteed. Council will do its best to review anonymous complaints. However, it can be very difficult to resolve these issues, or to enforce legislation, without the ability to thoroughly investigate and gather evidence and witness information. If there is sufficient information in the complaint, the complaint will be investigated.

6.4 Unreasonable Customer Conduct

While the majority of customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable behaviour.

When customers behave unreasonably in their dealings with staff, their conduct can significantly affect the Council's performance. Because of this, the Council will take immediate action to manage customer conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Customer Conduct (UCC) is any behaviour by a customer which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for the Council, staff, other service users and customers or the customer himself / herself.

Strategies for managing unreasonable customers

Council may decide to deal with unreasonable customer conduct in one or more of the following ways:

- a) **Who they contact** - Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).

This staff member will exclusively manage their complaint(s) and interactions. This will ensure they are dealt with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

- b) **What they can raise** - Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once), restrictions may be applied to the issues/subject matter the customer can raise with Council.

- c) **When and how they can have contact** - A customer's telephone, written or face-to-face contact with Council may place an unreasonable demand on time or resources because it affects the health, safety and security of staff and it may also be behaviour that is persistently rude, threatening, abusive or aggressive. Council may limit when and/or how the customer can interact with Council in this circumstance.

6.4 Accountability

Council's complaint handling system is open to scrutiny by the community, staff, the NSW Ombudsman and any other reviewing body.

There are periodic audits of the complaints handling system and appropriate action plans formulated to address any deficiencies.

6.4.1 Referral to External Agencies

There are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints:

The **Division of Local Government** can investigate pecuniary interest matters, political donations disclosure matters, councillor misbehaviour and protected disclosures relating to serious and substantial waste. The Division also deals with complaints that indicate a serious breakdown in council operations or serious flaws in council processes.

The **NSW Ombudsman** has jurisdiction to investigate complaints alleging maladministration by councils, Councillors and council staff.

The **Independent Commission Against Corruption (ICAC)** has jurisdiction to investigate complaints alleging corrupt conduct by councils, Councillors and council staff.

The **Information and Privacy Commission** can investigate and review council determinations made under NSW Privacy legislation. You can make a complaint to the Information Commission about the way council acts (or fails to act) when exercising its functions under the GIPA Act.

The **NSW Small Business Commissioner** is an independent statutory officer. The role of the Office of the Small Business Commissioner in helping small businesses is laid out in the Small Business

Commissioner Act, 2013. The Office offers a service to help small business talk to Councils about their problems, and work towards a solution through negotiation, communication and mediation, rather than litigation.

6.4.2 Statutory Obligations to Refer to External Agencies

Council has a statutory obligation to refer certain matters to external agencies:

Duty to refer corrupt conduct to ICAC - under section 11 of the Independent Commission against Corruption Act 1988, the GM must report to ICAC a matter where there is a reasonable suspicion that corruption has occurred.

Obligation to refer pecuniary interest matters to the Office of Local Government - the Pecuniary Interest Guidelines, issued by the Office of Local Government in June 2006, make it clear that the GM has an obligation to refer allegation of breaches of the pecuniary interest provisions of the Local Government Act to the department.

Obligation to refer political donations matters to the Office of Local Government - under section 328B of the Local Government Act 1993, where a GM reasonably suspects that a councillor has not complied with the provisions of the code of conduct relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the GM is to refer the matter to the Director-General of the Division of Local Government.

Obligation to refer allegations of child abuse - under section 25C of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, the GM is required to notify the NSW Ombudsman within 30 days of being made aware of a disclosure or allegation of child abuse or a conviction against a current employee.

The Ombudsman advises that child abuse means:

- assault (including sexual assault) of a child;
- ill treatment or neglect of a child; or
- Exposing or subjecting a child to behaviour that psychologically harms the child.

6.4.3 Complaints about Privacy Breaches

Council is a public sector agency for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA). Under that Act, a person may seek an internal review by a council of the following conduct:

- a breach of any information protection principles applying to the council;
- a breach of the Privacy Code of Practice for Local Government;
- disclosure of personal information held on a public register in a manner inconsistent with that permitted under the Privacy Code of Practice for Local Government;
- a breach of a health privacy principle under the Health Records and Information Privacy Act 2002 (HRIPA) that applies to the council;
- A breach of a health privacy code of practice that applies to the council.

Council conduct internal reviews in response to allegations of breaches in accordance with the PPIPA and HRIPA, and with strict adherence to the process/checklist prescribed by the Privacy Commissioner. The Privacy Commissioner will provide oversight of internal reviews conducted.

6.4.4 Competitive Neutrality Complaints

Competitive neutrality seeks to ensure that competition between public and private businesses happens on a fair basis. Competitive neutrality requires that public sector business activities that are in competition with the private sector should not have competitive advantages or disadvantages simply by virtue of their government ownership or control.

Under the principles of national competition policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business. Complaints regarding competitive neutrality must be referred to the Director Environment and Community Services.

6.5 The Right to Attend Council Meetings

Members of the public have a right under section 10 of the Local Government Act 1993, to attend Council meetings and Committee meetings (unless the meeting has been closed to the public under section 10A).

The right of members of the public to attend Council and Committee meetings does not confer a right to address the meeting; however, Council allows public participation in certain meetings and has rules that guide the exercise of this discretion. Further information can be found on the Meetings page of the Council's website.

Part 7 – Other Key Points

7.1 Timeframes are in calendar days and include weekends. Council may resolve to extend the timeframe to accept late submissions.

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

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

7.4 Submissions received from the same person will be considered as a single submission.

7.5 With respect to lots within a Strata Scheme, a written notice to the Owners Corporation is taken to be a written notice to the owner or occupier of each lot within the Strata Scheme.

7.6 If the Owners Corporation of a strata subdivided property consents to the lodgement of a development application relating to that strata subdivided property, the owner or occupier of each lot within the Strata Scheme will not be notified of the application. It is the responsibility of the Owners Corporation to set internal decision making processes to include advising lot owners or occupier of each lot.

7.7 Petitions will be considered as a single submission to an application, irrespective of the number of signatories on a petition.

7.8 Any notification of State Significant projects is completed by the State and not subject to this plan.

7.9 Persons that lodge a submission will receive an acknowledgement letter from Council and be advised when the application is determined.

7.10 Submissions are not confidential and will be placed with documents relating to the application on Council's website. Personal information from submissions will be removed in accordance with the Information and Privacy Commission's (IPC) guidelines. A submitter's name and property address are not defined as personal information.

7.11 During the relevant submission period, any person may inspect the development application and any accompanying information, and any person may make written submissions to the consent authority with respect to the development application.

7.12 Submissions must be lodged with Council by 5pm on the final day of the exhibition period. Consideration of late submissions will be at the discretion of Council.

- write to us at PO Box 122 Muswellbrook NSW 2333
- phone us on (02) 6549 3700
- council@muswellbrook.nsw.gov.au

Part 8 - Definitions

Advertised: Means a notice will be published in a newspaper circulating in the local area.

Collaborate – Work with local groups, individuals or organisations on scoping the project or issue at hand (informal or formal meetings, forums, committees, surveys, etc.).

Community member: refers to the people who have a stake and interest in the Muswellbrook Shire Local Government Area (LGA) and includes people who:

- Live, work, study or conduct business in the LGA.
- Visit, use or enjoy the services, facilities and public places located within the LGA.

Community panel: means a group of people /citizens demographically representative selected who meet over a period of time to be briefed and then deliberate on an issue and provides Council with feedback.

Community participant: a community member who is working with Muswellbrook Shire Council in any capacity (e.g. on a Committee). This can refer to once-off or ongoing work.

Consult – Inform, listen and acknowledge issues raised. Provide feedback on how input influences decision.

Contribution Plan: a plan developed by Council 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.

Council: means the elected Muswellbrook Shire Council.

Deliberative Democracy: This involves small(ish) groups of demographically representative citizens who meet several times to deliberate on an issue. Demographic representativeness underpins this process so that the forum represents a microcosm of the wider population.

Development Applications: a formal application for development that requires consent under the EP&A Act 1979. It consists of a standard application form and technical reports and plans.

Development Control Plan (DCP): a plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan.

Designated development: refers to developments that are potentially high impact development (e.g. may generate pollution or are located near a sensitive environmental area).

Empowerment – Engage local groups, organisations or individuals to take on the responsibility of a Council project or issue.

Engagement or public participation: includes all aspects of identifying problems and opportunities, developing alternatives and making decisions. Council will employ the following forms of engagement for different projects, policies or reports:

- Deliberative Democracy
- Inform
- Consult
- Involve
- Collaborate
- Empowerment

Gateway Determination: is issued by the Department of Planning, Industry and Environment (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.

Inform – Use Council's Newsletter, social media or local newspapers to inform of upcoming project.

Involve – Inform local groups, organisations or interested individuals of the issue or problem (mail out, advertisement, face to face meetings etc.) and ask for their involvement to resolve if further community participation is necessary.

Local Environmental Plan (LEP): is an environmental planning instrument developed by a planning authority, generally a council. A Local Environmental Plan sets out the planning framework for the Council area.

Period of exhibition: The period where Council will accept submissions on a proposal. The notification or advertisement will identify the dates of the exhibition period, and will be noted in any notification or advertisement. The minimum periods of exhibition noted in this document will be increased so that the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Planning agreement: also referred to as a voluntary planning agreement, is an offer by a developer to Council to dedicate land, make monetary contributions, or provide and material public benefit, to be used for or applied toward a public purpose.

Planning Proposal: is a document that explains the intended effect of a proposed change to an LEP, or a new LEP, and sets out the justification for the plan.

Public Exhibition: is a formal exhibition period, when the public can make formal comment for consideration in finalising the proposal or plan.

Notified electronically: A notice will be placed on Council's application tracking site, Council's website, in social media, and/or relevant community newsletters.

Notified in Writing: Written advice, via a letter or email, directly to an individual or company.

Part – 9 Accessibility

Muswellbrook Shire Council is committed to ensuring that the information provided to the community is accessible to everyone, regardless of the technology or sense used to access the material.

9.1 Improving Accessibility in electronic communication

Council will endeavour to do this using:

High contrast design - Providing a high enough contrast, and large enough text, for text to be readable is critical to providing a satisfying web experience for any user with partial or low vision. The preference is for black text on a white background.

Allowing Navigation using headings - Visitors to Council's website can navigate through our page content using headings.

Allow the user to change the size of the text – Council's website has been designed to allow visitors to change the size of the text within content.

Text layout - Blocks of text on the website avoid the use of full justification and are spaced with a large line-height in an effort to avoid variable spacing between words which can create visual patterns of white space. These patterns are difficult to ignore and are sometimes termed "rivers of white" running down the page making it extremely difficult to read.

Abbreviations and acronyms - Many internet browsers will display the meaning of abbreviations and acronyms found within web page content if the author of the content has provided the definitions. These expanded definitions are often displayed in the form of "tooltips" when the mouse is hovered over the item. Assistive browsers will usually read the meaning of the abbreviation.

We have strived to provide these definitions for all abbreviations and acronyms within our content.

Skip links - are beneficial to many groups, including those with mobility problems. They can also improve the usability of other devices, including mobile devices that can be cumbersome to use when the user is presented with a large list of links.

Whenever possible, links are written to make sense out of context.

All links can be followed in any browser, even if scripting is turned off. If a link is going to open in a new window, readers are provided with a warning to this effect.

9.1 Improving Accessibility in written information

Text layout - Blocks of text on the website avoid the use of full justification and are spaced with a large line-height in an effort to avoid variable spacing between words which can create visual patterns of white space. These patterns are difficult to ignore and are sometimes termed "rivers of white" running down the page making it extremely difficult to read.

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Appendix A - Planning Tool for Community Participation

Process Step 1 - Define the process (or issue or problem?)

- Scope this issue or project and identify the decision to be made. This includes undertaking preliminary research, e.g. previous reports, media coverage, data (technical, economic, statutory, environmental and social).
- Give an understanding of how complex the issue is and whether the issue is likely to be controversial.
- Consider criteria for who should be involved and how to use public input.
- Identify who should be involved in a project team to manage the issue or project. If external consultants are used to undertake a community participation process, then the contract of engagement needs to ensure that the participation process is consistent with this policy
- This step should determine whether or not we need to engage the community.

Step 2 - Identify who to involve

- Identify people/groups likely to be affected and their interest. Include all groups both internally within Council and externally with an interest in the issue or project. Ensure all groups considered and be clear about selection process.
- Access relevant data, e.g., socioeconomic profile of the community to help determine who should be involved
- Ensure Council hears from the broadest possible range of voices and views aiming for balance and equity.
- Aim to include citizens not usually heard from e.g. those people who are not members of a stakeholder group regularly consulted with

Step 3 - Develop participation strategies and techniques

- Identify the most appropriate participation strategies and techniques for the issue or project.
- The strategies/methods include:

Deliberative democracy – invites a group of randomly selected citizens to be briefed and make recommendations on an important matter

Inform – Use Council's Newsletter or local newspaper to inform of upcoming project;

Consult – Inform, listen and acknowledge issues raised. Provide feedback on how input influences decision

Involve – Inform local groups, organisations or interested individuals of the issue or problem (mail out, advertisement, face to face meetings etc.) and ask for their involvement to resolve if further community participation is necessary;

Collaborate – Work with local groups, individuals or organisations on scoping the project or issue at hand (informal or formal meetings, forums, committees, surveys, etc.);

Empowerment – Engage local groups, organisations or individuals to take on the responsibility of a Council project or issue.

- Consider as many ideas as possible and ensure all options are identified. Select the option of how people are to be involved that best matches criteria and resources.

- Take into account what level of information, what types, depth and frequency of involvement do they require.
- Consider issues including:
Timing – is it convenient or appropriate?

Place – is venue appropriate?

Age profile;

Literary and general understanding of issue, e.g. ensure written communication is in plain and simple English.

Step 4 - Identify communication strategies (internal and external)

- The tone of the public participation process will be set through the style of the communication techniques chosen.
- Select appropriate communication techniques from the tool box (Appendix 3).

Step 5 - Resourcing the process

- Identify the resources required to undertake the process.
- Prepare budget including costs of consultation/communication including printing, mail outs, media strategy, distribution, internal consultants. Check against available funds. Obtain help from alternative sources on provision of in-kind, voluntary support.

Step 6 – Implementation

- Implement the actions of the project or plan.
- Schedule regular meetings with consultation project team to review and monitor progress and respond to emerging issues. Identify risks and manage accordingly.
- Facilitate community acceptance for decisions and actions taken.

Step 7 - Produce reports, provide feedback and evaluation

- Prepare reports on consultation to link in with Council's workshops and meetings.
- Report back to people so they are able to see what happened to their input and are informed of the status of the project.
- If proposed action not consistent with consultation findings, Council should explain reasons in sufficient detail to enable the rationale for the decision to be understood and the course of action to be taken

Community Participants

All community participants should be provided with a clear role description. This will ensure all involved have a shared understanding of a community participant's role.

All community participants should be asked if they have accessibility, literacy, dietary, family, religious or other needs, which should then be accommodated.

Recruiting community participants to positions that are ongoing or involve a high degree of responsibility should follow a pre-determined recruitment process.

Community participants should be offered and provided with any reasonable support to fulfil their role. Support that can be offered includes:

- Orientation
- Briefing and debriefing practical aspects of their role, and emotional support
- Training and professional development
- Supervision or mentoring.

It is the responsibility of staff working with the community participant to ensure that appropriate support is discussed and provided.

Community participants should be reimbursed for their time when they provide a specific service that will benefit Council, at the request of Council. Reimbursements should be budgeted for and approved by a line manager.

Feedback and recognition

Community participants should be provided with both feedback and recognition for their input.

Community members who participate in any <organisation> activity should be provided with feedback on the result of their input. This is a simple communication about what was achieved, how they made a difference or similar. It is important to help 'close the loop' of information and falls under Inform on the Spectrum of Public Participation. Examples include providing a workshop report, a copy of the resource they contributed to or a follow-up phone call.

Community participants who partner with Council in an ongoing role should be provided with regular project updates regarding their role where possible.

Recognition means acknowledging and thanking a community participant for their contributions to a project or activity. It is important to recognise community participants' contributions. This can be done in many ways, e.g. an email to project stakeholders, a thankyou card, and acknowledgement in a project report or morning tea during the final project meeting.

Legislation

Environmental Planning Assessment Act 1979 establishes the requirement for the Community Participation Plan

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	1 December 2021
Department:	Planning, Environment and Regulatory Services
Document Owner:	Sharon Pope

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
1	22.11.2019			Initial adopted version