

Community Participation Plan

October 2019



Acknowledgment of country

We acknowledge the traditional owners and custodians of this country and their continuing connection to the land through culture and community. We pay our respects to Elders past, present and future.



All Council's Corporate Strategy documents can be sourced from shoalhaven.nsw.gov.au

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Contents

Section 1

Community Participation in Planning_____	04
What is a Community Participation Plan? _____	04
What is Included in the Community Participation Plan? _____	06
Where does this Community Participation Plan Apply? _____	06
How Was this Community Participation Plan Developed? _____	06

Section 2

What are the Principles & Values of the CPP? _____	08
Community Participation Values _____	08
Our Values _____	09

Section 3

What is Council's approach to Community Engagement? _____	10
How Will Council Engage? _____	10

Section 4

Exhibition & Notification Requirements _____	12
Development Not Requiring Notification _____	12
Planning Exhibition Requirements _____	13
Who Will be Notified _____	14
When Will Applications be Notified? _____	14
Community Consultation Matrix - Development Applications _____	16

Section 5

Submission _____	18
What are Submission Requirements _____	18
How Long is the Submission Period? _____	18
Notifying Assessment Outcomes _____	18
What's Included in the Notification? _____	19

Section 6

Monitoring & Evaluation _____	20
-------------------------------	-----------

Section 7

Appendix _____	22
----------------	-----------

Section 1 - Community Participation in Planning

Community engagement is critical in ensuring that the community can participate in the decisions, processes and projects that affect their everyday lives.

By informing, engaging and working with the community we can strengthen and enhance our relationship with those that live work and play in the Shoalhaven Local Government Area.

All levels of government (Commonwealth, state and local) have an intention to actively involve the community in planning for the places that affect them and their communities. Participation opportunities include early and upfront engagement during the initial stages of long term strategic planning, as well as opportunities to provide feedback and input throughout the planning process, from draft plans and policies through to development applications and approval.

This Community Participation Plan (CPP) is an invitation to our community to participate and contribute to their future. We are entering a time of growth and change. It is important our community are part of the journey with us. They need to be involved and aware of the opportunities and outcomes that are being established for our City.

provide a rich culture and inclusive community spirit through great regional, urban and rural design.

Although the planning processes differ depending on the size and scale of the development, the opportunities for community participation remain. A CPP provides guidance on how the community can have access and input into different types of planning documents on a general level (i.e. strategic planning documents) and a specific level (i.e. development assessments).

Our CPP also ensures that we are able to meet the requirements that have been set by the State Government via the Environmental Planning and Assessment Act (EP&A Act) and through ongoing reforms in the planning system.

What is a Community Participation Plan?

A CPP is designed to make participation in planning clearer for communities. It does this by setting out how and when communities can participate in planning and development proposals to Council.

A CPP also outlines community participation objectives which are used to guide approaches to community engagement. It provides transparency and clarity for the community to clearly understand its role in the planning and development assessment process.

The purpose of this CPP is to provide a planned approach to community engagement practices to ensure a high level of dialogue with target audiences is in place for Council projects. Council recognises the uniqueness of its diverse and vibrant community. This CPP aims to ensure the area continues to support and

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What is included in the Community Participation Plan?

This CPP provides information on both the mandatory and best practice approaches to ensuring appropriate and inclusive community participation in our plans, strategies and projects.

Specifically, this plan focuses on the requirements that are necessary to meet the requirements of the EP&A Act for planning and development processes where Council has delegated authority. The plan also incorporates our submissions policy and requirements for development referred to our Local Planning Panel.

The plan also incorporates the requirements of the Local Government Act that relate to Community Strategic Planning, integrating Council's community engagement and planning functions.

Whilst this plan does not cover all forms of engagement or participation processes undertaken by Council, it does specifically focus on planning functions under the Local Government Act and it is the first step in creating a more integrated and up to date Community Engagement Framework for the organisation. The CPP integrates into this framework and updated Community Engagement Policy.

Included within the plan are the standards we set for ourselves in relation to the requirements we follow for the development of a range of documents and processes under existing planning legislation, the notification of development applications and the management of submissions.

Where Does this Community Participation Plan Apply?

This CPP applies to the City of Shoalhaven Local Government Area (LGA) and planning functions under the EP&A Act.

This plan has been developed in accordance with the requirements of the EP&A Act and the Local Government Act.

It specifically applies to:

- Plan making and Strategic Planning: this includes Local Strategic Planning Statements, amendments to the Local Environmental Plan, Development Control Plans, Local Infrastructure contributions plans and planning strategies
- Development Applications

The CPP does not apply to exempt and complying development.

How Was this Community Participation Plan Developed?

Our development of the Plan was informed by the requirements of Council's existing policies and requirements relating to engagement, planning and development assessment, in addition to the Local Government Act 1993 (the Act), Local Government (General) Regulation 2005 (Regulation), EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

This review has enabled a draft CPP to be developed drawing upon best practice standards and integrating the legislative requirements into a plan that can be utilised by staff and the community.



Section 2 - What are the Principles & Values of the CPP ?

The CPP adheres to the principles outlined in the EP&A Act and the objectives provided in the Department of Planning and Environment's CPP requirements.

This CPP is also built upon the values that Council upholds of Integrity, Respect, Collaboration and Adaptability and the Core Values and Code of Ethics created by the International Association for Public Participation (IAP2).

Community Participation Values

Community has a right to be informed about planning matters that affect it and given opportunities to participate

Encourage effective and ongoing partnerships with the community and provide meaningful opportunities for community participation in planning

Planning information will be in plain language and easily accessible

Opportunities to participate in strategic planning will occur as early as possible to enable views to be considered

Engagement will be inclusive and representative of the community

Planning decisions will be made in an open and transparent way. Reasons for decisions will be provided including how community views have been considered

Methods used and reasons given for planning decisions will be appropriate, having regard to the significance of likely impact of the proposed development



Our Values

Respect

We are mindful of and care about the feelings, wishes and rights of others

Integrity

We are committed to maintain high ethics and standards

Adaptability

We are ready for change and willing to embrace a new situation

Collaboration

We enjoy working together to deliver for our community

Section 3 - What is Council's Approach to **Community Engagement?**

Council engages with the community to ensure they are part of decisions which impact on their lives. By speaking with and seeking feedback from our community, Council can build trust and achieve outcomes reflective of community needs.

Whilst every decision may not be supported, Council provided an opportunity for the community to be involved in the process. Robust and considered conversations with Council about the process and ultimate outcome are welcomed.

The aim of community engagement is to:

- Enable council to obtain a diverse range of views, opinions and ideas on the community's needs and wants
- Identify shared values, benefits and outcomes and how Council and community can work together to realise Council's goals and meet community needs
- Manage risks by understanding and anticipating issues before they escalate
- Enable Council to be open, transparent and accountable
- Create greater community ownership, understanding and acceptance of Council decisions
- Achieve legislative requirements that are set for Council for community engagement and consultation processes.

How Will Council Engage?

A range of community engagement activities are undertaken depending on the type and scope of each project. In most cases a specific community engagement plan will be developed, outlining the specific messaging and engagement approaches to be delivered through the most effective and appropriate mediums.

Engagement can be undertaken in a variety of ways and within a scale ranging from informing (low level of engagement) through to collaboration (high level of engagement). Council adopts the IAP2 spectrum in the development of engagement planning and processes. In most cases, engagement with Council will sit between Inform and Consult. In some cases Council also collaborates directly with the community where the ability to partner in the decision making process can be achieved.

The CPP recognises the importance of understanding the uniqueness of each Council project and identifies the need to utilise a range of engagement techniques to effectively tailor consultation to meet the needs of the various communities throughout the planning process. Engagement techniques used by Council may include letters, surveys, online feedback forms, focus groups and community meetings.



Section 4 - **Exhibition & Notification** Requirements

The planning system seeks to utilise local knowledge, ideas and expertise to create sustainable environments, liveable communities and support environmental values.

Engaging with the community and seeking a better understanding of how the community lives in the city, how we connect with each other, what our priorities and needs are for the future is important to ensure that decision making and policy formulation is undertaken in a wider and more informed context.

As part of the development of this plan various scales of development have been considered to ensure that Council applies the appropriate level of participation and opportunities. Council notification must comply with the EP&A regulations, which can be found at legislation.nsw.gov.au

It is important to articulate the level of participation and contribution the community can have within the framework and legislative requirements surrounding strategic planning and development. This serves to set detail and explain the expectations.

Development Not Requiring Notification

This document does not apply in respect of any development that is exempt or complying development as listed in:

- State Environmental Planning Policies
- Shoalhaven Local Environmental Plan 2014
- Shoalhaven Development Control Plan 2014

Certain development and/or activities, based on the site's circumstances, are also considered minor in nature if they are unlikely to adversely affect other property owners.

This determination is also at the discretion of the Director Planning, Environment and Development Group. These are outlined in detail in (Appendix 1).



Planning Exhibition Requirements

There are both mandatory and non-mandatory requirements that apply to public exhibition of a planning document or development application.

- a. The mandatory requirements legally safeguard the community's right to comment on planning that affects them.
- b. The non-mandatory requirements reflect best practice in ensuring that the intention to actively

involve the community in planning is honoured (for example, it may be worthwhile for Council to extend the notification distribution and/or exhibition timelines for projects of a sensitive or controversial nature to make sure everyone has a chance to be heard).

Public exhibition of draft planning documents and development applications require a Council resolution before being released for comment.

Exhibition requirements are:

Strategic Planning Exhibition Periods

Planning documents	Minimum Mandatory timeframes
Draft Community Participation Plan	28 days
Local Strategic Planning Statement (LSPS)	28 days
Planning proposals	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 Plan	28 days
Draft contributions plans	28 days
Planning Agreement	28 days
Non statutory pregateway exhibition for planning proposals	28 days

Development Matters Exhibition/Notification Timeframes

Planning documents	Minimum Mandatory timeframes
Application for development consent for designated development	30 days
Application for development consent that is required to be publicly exhibited by regulation	28 days
Nominated Integrated Development	30 days
Environmental Impact Statement (under division 5.1 or 5.2)	30 days

Exhibition Timeframes

Planning documents	Minimum Mandatory timeframes
Policy or guidelines	28 days
Plans for urban renewal areas and masterplans	42 days
Re-exhibition of any matter referred to above	As per the original exhibition period

Who Will Be Notified

All property owners and Council's Community Consultative Bodies (CCBs), who in the opinion of Council, may be affected by a development proposal shall be notified in writing, in accordance with Table 1 – Community Consultation Matrix. In certain circumstances, the Assessing Officer may use his/ her discretion to notify beyond the nominated buffer zones. All DA's can be viewed on Council's DA tracking website via sholhaven.nsw.gov.au

Property owners to be notified include:

- Those with land within the identified buffer boundary
- An association for a community, precinct or neighbourhood parcel of land
- Where land is accessed by a right-of-carriageway (ROW), all affected landowners will be notified
- Where land is owned by the Crown, the Department of Lands
- Where the land is owned by a State Government Agency, eg National Parks and Wildlife Service but is not occupied for housing purposes, the property/ ownership branch of the relevant State Government Agency

When Will Applications be Notified?

Usually applications will be notified after the registration of the DA. However, if an application is not supported by plans and other necessary documentation as set out in Council's Development Application Guidelines relevant to the proposal, or any other documentation considered necessary by Council for adequate assessment of the application, notification of the application may be delayed.

If an application is notified and the need for an independent specialist report is identified during the assessment process, the application may be re-notified upon receipt of the relevant report/s. Amended plans received during the assessment of an application may also be re-notified. **Re-notification will be at the expense of the applicant.**



Community Consultation Matrix - Development Applications

Degree of Community Consultation	Methods of Consultations	Issues to Consider to Determine Levels of Consultation	Examples
Level 1: Neighbour notification within buffer of 25m radius in urban areas and 100m radius in rural areas.	Notification letters to all property owners located within identified radius. (DAs published on the DA tracking website)	Development: <ul style="list-style-type: none"> • Is of small to moderate scale • May impact on views or amenity of residents in the neighbourhood • May impact on the character of the neighbourhood; and • Raises environmental issues. • Raises traffic issues 	<ul style="list-style-type: none"> • Additions to existing commercial or industrial premises (only notified where it doesn't meet requirements in appendix 1) • Two-storey dwelling-houses • Two-lot Subdivisions other than the subdivision of existing dual occupancy developments • Secondary dwellings • Bed & Breakfast accommodation in an existing dwelling-house • Dual occupancy development • Development accessed by a right-of-carriageway • New retail, commercial and industrial activities • Home activities with potential for external impacts; and • Purpose-built Bed & Breakfast Accommodation.

Table 1 – Community Consultation Matrix.

Degree of Community Consultation	Methods of Consultations	Issues to Consider to Determine Levels of Consultation	Examples
Level 2: Neighbour notification within buffer of 60m radius in urban areas and 200m radius in rural areas.	<p>Notification letters to all property owners affected within identified radius.</p> <p>Relevant CCBs and Chambers of Commerce notified.</p> <p>(DAs published on the DA tracking website)</p>	<p>Development:</p> <ul style="list-style-type: none"> • Is of moderate scale and significance • May impact on views or amenity of residents in the local area • May have impacts concerning the local community; and • Raises significant environmental issues. 	<ul style="list-style-type: none"> • Tourist development • Medium density development up to and including 10 units • Subdivisions of 3-10 lots • Child care centres; and • Commercial and industrial proposals.
Level 3: Neighbour notification within buffer of 120m radius in urban areas and 500m radius in rural areas.	<p>Notification letters to all property owners affected within identified radius.</p> <p>Relevant CCBs and Chambers of Commerce notified.</p> <p>Newspaper advertisement or other notification method.</p> <p>(DAs published on the DA tracking website)</p>	<p>Development:</p> <ul style="list-style-type: none"> • Is major • Raises major environmental issues; and • May raise concerns for nearby residents, the wider community and visitors to the area. 	<ul style="list-style-type: none"> • Shopping centres • Medium density development in excess of 10 units • Subdivisions in excess of 10 lots • Icon sites • Major industrial developments • Major community projects, eg cultural centres; public swimming pools, sports facilities/ complexes • Any development of public open space in Council ownership or Crown Land where Council is Trust Manager • Large retail; and • Any development involving the sale of liquor or adult goods or services.

Section 5 - Submissions

What are the Submission Requirements?

When making a submission to Council, the submission should:

- Be received by Council on or before the last day of the exhibition timeframe (unless otherwise specified)
- Be in writing and submitted through Council's 'Have Your Say' web page, DA tracking, by email or mail
- Contain the name and email address of the person making the submission. For DA's, the application number and address of the property that is the subject of the development proposal and detail the submission's purpose and all reasons for the submission. Anonymous submissions will not be accepted.

How Long is the Submission Period?

The submission period is the same as the notification period. Submissions are letters or emails, petitions or similar written representations from individuals or groups of people regarding a particular application.

All submissions received within the nominated timeframe will be considered. Submissions received after the nominated timeframe will be considered where possible. Outcomes will not be determined prior to the expiry of the nominated notification period.

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 workday. The Christmas period (between 20 December and 10 January, inclusive) is excluded from the calculation of the public exhibition. Other significant religious or cultural festivities may warrant extended consultation where deemed necessary or appropriate.

Note: Council will not respond to each individual submission received during the assessment process due to volume and frequency of DA submissions.



Notifying Assessment Outcomes

It is mandatory for Council to notify the public of the outcomes from the assessment of the application for development or modification consent that was publicly exhibited by letter and/or by posting to the project website. Council will give notice of the determination of an application to each person who makes a written submission. In the case of a petition, the instigator will be advised directly.

Note: Email will be used as much as possible to ensure timeframes are met.

Figure 1: Submission Process

What's Included in the Notification?

Following the assessment of the DA and the submissions received, Council will issue a notice of determination. The notice of determination or Council's assessment report will specifically address matters of concern raised in submissions and give reasons for the determination.

Notifications must include:

- The decision
- The date of the decision
- The reasons behind the determination as required by the Act/Regs
- How community views were considered in making the decision.

Closing the feedback loop involves a variety of techniques. People who are actively involved and are directly affected by the plan are notified of decisions to the relevant matter. For more significant matters, Council **may** publicise a submissions report. The report may outline the scope and issues raised in submissions and how the issues were addressed. When a property joins the boundary of a neighbouring Council a notification letter is sent to the adjoining Council requesting the Council inform its residents/taxpayers of the proposed development.



Section 6 - **Monitoring & Evaluation**

Evaluation is a formal, on going assessment of Council's community engagement activities. This involves the community, staff and Councillors.

Evaluation of engagement techniques will be undertaken throughout the engagement period, to ensure that improvements to the engagement plan can be implemented throughout the process as well as inform future community engagement activities.

Evaluation measures the success of the CPP and includes assessment of:

- The anticipated outcomes
- The success of the community engagement methods utilised
- On going input from participating community groups
- Council feedback from the community.

The evaluation methods that will be used will be selected to best suit the project, program or decision. Evaluation may include the use of quantitative and qualitative evaluation tools. The evaluation process is part of the formal record of the engagement process that is retained by Council. The evaluation process will inform priorities for change and improvement for ongoing and future community engagement .





Section 7 - Appendix

Appendix 1:

Development Not Requiring Notification			
Development	Requirement		
<p>Dwelling houses (including additions and ancillary structures)</p> <ul style="list-style-type: none"> Detached single-storey dwelling house (not including second-storey dwellings, additional/secondary dwellings, managers' residences) Single storey additions/alterations to detached dwellings approved by Council Single storey carports, garages and pergolas associated with a detached dwelling house approved by Council Development ancillary or incidental to a detached dwelling house e.g. an outbuilding with a maximum area or 40m² or 5m in height. <p>Dual occupancy ancillary structures</p>	Zone Side/Rear Boundary	Zone Side/Rear Boundary	
	The setback from any side or rear boundary of the external wall of any structure is equal to, or greater than, the following: Refer also to notes 1 and 2		
	RU1 Primary Production	RU1 Primary Production	
	RU2 Rural Landscape 20m	RU2 Rural Landscape 20m	
	RU4 Primary Production Small Lots	Lot size up to 1ha =10m Lot size greater than 1ha=20m	
	RU5 Village	900mm	
	R1 General Residential	900mm	
	R2 Low Density Residential	Lot size up to 1999m ² =900mm Lot size between 2000m ² -3999m ² =5m Lot size 4000m ² or greater = 7.5m	
	<ul style="list-style-type: none"> Single storey carports, garages and pergolas associated with a dual occupancy (attached or detached) approved by Council. 	R3 Medium Density Residential	900mm
		R5 Large Lot Residential	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
SP3 Tourist		Lot size up to 1999m ² =900mm Lot size between 2000m ² -3999m ² =5m Lot size 4000m ² or greater = 7.5m	
E2 Environmental Conservation		20m	
E3 Environmental Management		20m	
E4 Environmental Living		Lot size up to 1ha = 10m Lot size greater than 1ha = 20m	

Development Not Requiring Notification

Development	Requirement
Swimming Pools and Outdoor Spa Baths	<ul style="list-style-type: none"> On lots over 2000m² if the pool or outdoor spa bath (with minimum 10m side and rear boundary setback), will be ordinarily ancillary to a dwelling occupied for private use only.
Industrial uses <ul style="list-style-type: none"> Minor additions in keeping with surrounding developments and the local environment Change of use First occupation 	<ul style="list-style-type: none"> Existing approved use Light Industry to light Industry No significant effect on the surrounding owners or the community.
Commercial Uses <ul style="list-style-type: none"> Minor additions in keeping with surrounding developments and the local environment Change of use First occupation 	<ul style="list-style-type: none"> Existing approved use. No significant effect on the surrounding owners or the community.
Internal Alterations	<ul style="list-style-type: none"> Internal alterations that will not have any impact beyond the property boundary.
Tree Preservation Order Applications	<ul style="list-style-type: none"> All applications other than those for any tree or stand of trees likely to have direct impact on amenity of adjoining residents.
Subdivision (unless Nominated Integrated Development) <ul style="list-style-type: none"> Minor boundary adjustments Strata subdivisions Community title subdivisions 2-lot subdivision for existing dual occupancy developments 	<ul style="list-style-type: none"> Not requiring physical works Notification has already been undertaken at the DA stage.
Advertising Signs	<ul style="list-style-type: none"> Applications which comply with Chapter G22: Advertising Signs and Structures of Shoalhaven LEP 2014.
Amendments to DA prior to determination	<ul style="list-style-type: none"> Requested by Council following preliminary assessment Requested by State Government Agencies; e.g. Rural Fire Service (RFS) following preliminary assessment. Made in response to objections received. If the result of conditions imposed on an application was previously notified.
Construction Certificate, Occupation Certificate and Compliance Certificate Applications	<ul style="list-style-type: none"> Made under Part 4A of the EP&A Act 1979.
Exempt and Complying Developments	<ul style="list-style-type: none"> As prescribed in SEPP (Exempt and Complying Development Codes) 2008, Part 3 and Schedule 2 of Shoalhaven LEP 2014 and as set out in Shoalhaven DCP 2014.



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