

# Upper Lachlan Shire Council



## Community Participation Plan

20 February 2020



*district of villages*



***“A district of villages in a beautiful diverse landscape with a prosperous agricultural and energy economy connected to Sydney, Canberra and international markets”***

***Acknowledgement of Country***

***The Upper Lachlan Shire acknowledges the Traditional Custodians of this land and we pay our respects to Elders both past and present. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.***

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## Introduction - Community Participation

Land use planning is a significant tool in achieving the South East and Tablelands Regional Plan 2036 and the Tablelands Regional Community Strategic Plan 2016-2036.

The Community Participation Plan (CPP) will set out how planning authorities will engage with the community across their statutory planning functions, i.e. (laws made by the NSW Government). While the plans must meet the minimum requirements for community participation that are set out in Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council can go beyond the minimum requirements if they decide it is appropriate.

The EP&A Act requires planning decision-makers such as Upper Lachlan Shire Council (ULSC) to give and publicly notify reasons for their decisions, including how community views were considered, on critical planning matters.



## Why have Community Participation?

Community participation will ensure land use planning is:

- Relevant and appropriate to meet the needs and expectations of the community; and
- Consistent with the strategies and aspirations of the New South Wales (NSW) and South East and Tablelands region.

Good community engagement will lead to:

- Better project and service delivery outcomes;
- Improved quality of policy;
- A resilient relationship with the community;
- Enhanced reputation and checking that Council is meeting local needs;
- Increased understanding of community issues;
- Better shared partnerships and networks;
- Understanding of complex problems and emerging issues;
- Opportunities for a diversity of voices; and
- Enabling communities to identify priorities for themselves and own the solutions.

## Who is the Community?

The ULSC community is made up of a range of stakeholders, including individuals and interest groups that may, at some stage, be interested in participating in planning decisions. A stakeholder is "an individual or group who has a direct interest in or can directly affect or be affected by the actions of Council concerning a specific issue." Council needs to engage with a different mix of stakeholders on various issues. Key individuals include, but are not limited to:

- Applicant
- Landowner
- Neighbour
- Property developer
- Business owner
- Real estate agent
- Local Aboriginal Land Council
- Planning specialist or consultant
- Member of Parliament

Key interest groups include (but are not limited to): Community and Business Directories on ULSC website.

## Why have a Community Participation Plan (CPP)?

A Community Participation Plan is a mandatory legal requirement of all NSW councils under the provisions of the EP&A Act 1979 Division 2.6 and Schedule 1, and applies to the exercise of planning functions by the ULSC.

## Why is Community Participation Important?

- It builds community confidence in the planning system (State, Regional & Local ULSC);
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change while preserving local character and values; and
- It provides access to community knowledge, ideas and expertise for the betterment ULSC Local Government Area (LGA).

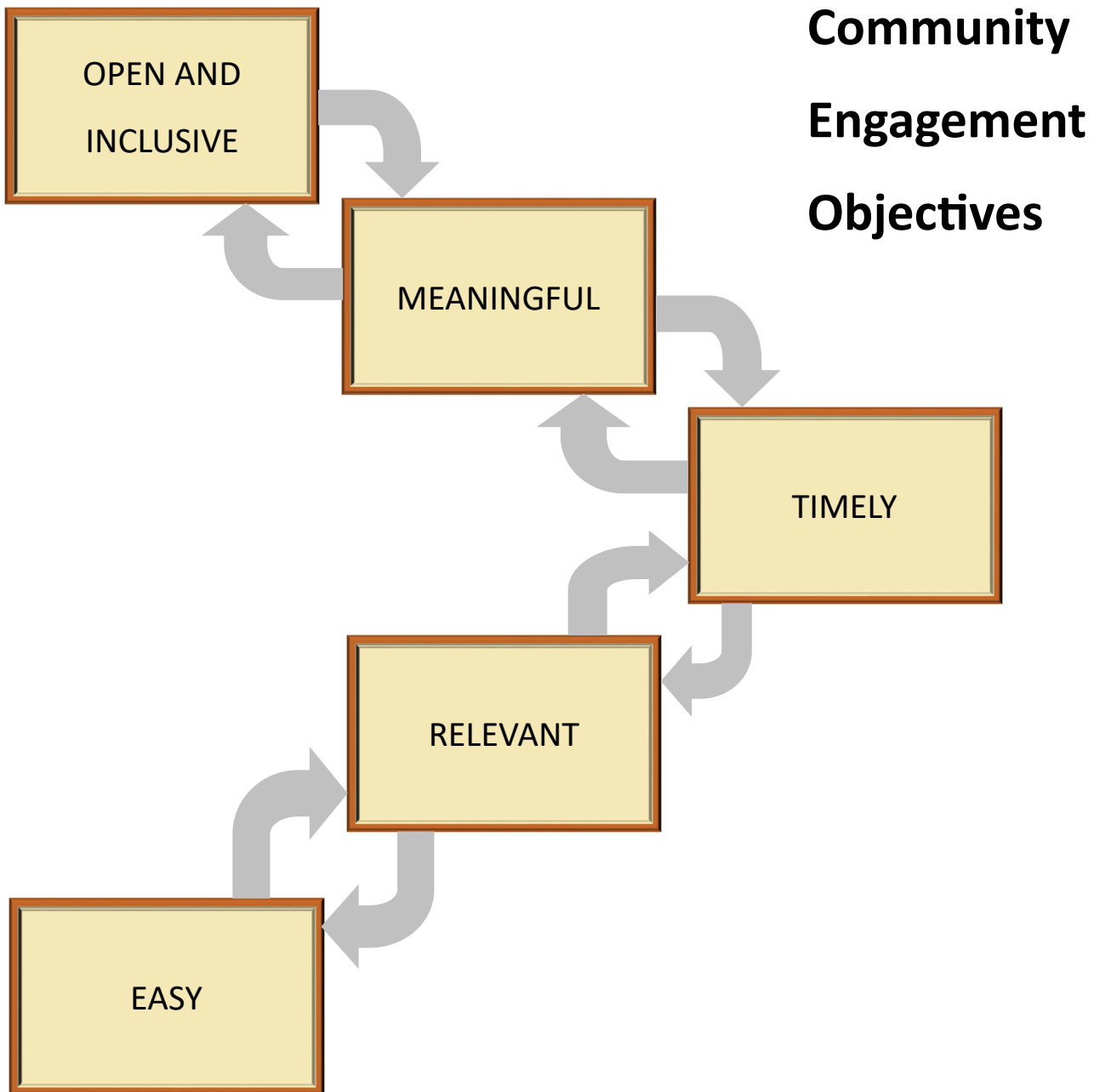


## The Upper Lachlan Shire Council Community Area



## What is Community Engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation or identify issues affecting their well-being. The linking of the term 'community' to 'engagement' serves to broaden the scope, shifting the focus from the individual to the collective, to ensure consideration is made of the diversity that exists within any community. We have some ideas about land use and we also need to know what you think about them.



*(Principles- 2.23 (2) of the EP&A Act)*

### Limitations of Community Participation

This CPP does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure. Community engagement for these activities are developed as part of Council's Community Engagement Strategy.

## How do we prepare the CPP?

### Community Participation - Our Approach

What	When	How
<b>STEP 1: ENGAGE - community tells Council what they think about matters raised</b>		
We identify the community's views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal through workshops and engagement sessions.	During the early scoping of a proposal we inform you of the intent and seek feedback to shape the project's design. We then update you on the progress of a proposal as it makes its way through the planning system.	Public meetings and hearings, public halls, key sites, community reference groups, people's panels, feedback sessions, workshops, NSW government agencies' expert advisors, letterbox drops or online processes, non-governmental organisations (NGOs) and Community Directory local groups and services.
<b>STEP 2: CONSULT - formal invitation to comment, make submissions of development/proposal</b>		
To check how we are going, we consult with the community and perceived stakeholders, inviting them to provide their views and concerns on a proposal. At this stage planning documents may be in draft form or nearing completion.	We consult with the community and invite them to provide their views and concerns on a proposal. Once a proposal is designed we release a draft on exhibition to seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at any other time.	Public exhibition, newspapers, online participation forum, meeting (on site, at Council Chambers), digital feedback, maps, open days, drop in sessions, onsite inspection, one-on-one engagement with project planners via the phone, email or letter, public hearings, pop-up websites and videos.
<b>STEP 3: DECISION MADE - formal notice of decisions and reasons for it</b>		
We notify the community of decisions on proposals and detail how their views were considered in reaching the recommendations or decisions.	In reaching a decision we consider your views and concerns, notify you of the reasons for the decision, and outline how community views were considered.	Updates to ULSC website, Facebook, publication of submissions, exhibition reports, and notice of decisions.
<b>STEP 4: INFORM - keep the community informed about developments and decisions that affect them</b>		
We notify the community in general and perceived stakeholders of proposals, provide accurate and relevant information on the context of the proposal, and update information of progress through the planning system.	Through submissions and feedback, we identify key issues and concerns, and conduct targeted engagement activities to find solutions to determine the way forward.	Media releases, letter mail outs, our website, project websites, social media announcements, emails, newsletters, radio 1368 (2GN), public notices and advertisements, information sessions, technical reports and discussion papers.



## Effective Consultation

Effective consultation for us does not necessarily mean that all interested parties will be satisfied with the outcome. Rather, it is about ensuring that a proposal has been fully explored, concerns identified and, where possible, alternatives considered. Council will use a range of consultation methods to communicate opportunities for participation such as newspaper notices, letters, websites, social media, radio and meetings.

## Council's Engagement Goal

Council's engagement goal is to provide you with information that will enable you to consider development proposals, together with the opportunity to express your views and enable your interests to be considered in processing or determining the application for the development proposal.

## Public Exhibition and Notification

The key methods used to encourage participation in the development assessment process is by way of:

- Public exhibition or
- Notification of the application.

This section establishes the minimum level for neighbour and stakeholder notification for local development where Council is the consent authority.

The notice will:

- Describe the proposed development
- Identify where the application details can be viewed
- Specify the period of time within which submissions can be received by Council for consideration in the determination

**NOTES:** There may be occasions when these minimum submission periods are increased at the discretion of the Council, considering the possible impacts of and interest in a development application.

Council staff have delegated authority to administer the provisions of this Community Participation Plan.

The Christmas/New Year period is excluded from the calculation of a period of public exhibition.

## Notice in the newspaper - Public Notification

Where available, the notification period commences on the fourth day following the posting of the letter of notification.

**NOTE:** Public Holidays or Bank Holidays that apply to the State of NSW are excluded from the notification period. Public exhibition and/or notification periods over the traditional Christmas period will be extended so as not to include the period when council is closed.

## Public Exhibition and Notification (Times and Types)

Table 1: Public Notification Time and Type

Application	Days (min)	Written notice to property owners	Site notice	Local paper	Council website
Development Application	14	yes	yes	yes	yes
Amended Application	14	yes	yes	yes	yes
Modifications (section 4.55, 4.56) (as originally advertised/notified)	14	yes	yes	yes	yes
Draft Community Participation Plan (CPP)	28	no	no	yes	yes
Draft Local Strategic Planning Statements (LSPS)	28	no	no	yes	yes
Planning Proposals	28	yes	no	yes	yes
Draft Developmental Control Plans	28	no	no	yes	yes
Draft Contribution Plans	28	no	no	yes	yes
Environmental Impact Statement	28	yes	yes	yes	yes
Designated Development	28	yes	yes	yes	yes
State Significant Development	28	yes	yes	yes	yes
Integrated Development	28	yes	yes	yes	yes
Regional or District plans	45	no	no	yes	yes
Exempt Development	Nil	no	no	no	no
Complying Development	Nil	no	no	no	no
Remediation Work	28	yes	yes	yes	yes
Planning Agreement	28	yes	Yes	yes	yes

### NOTES:

For notification of wind farms refer to Subsection 9.5 of the Upper Lachlan Development Control Plan 2010.

Council staff may select other notification methods at their discretion.

## When notification is NOT required for Development Applications and Modifications

- (a) Exempt development (see Schedule 2 of the Local Environmental Plan (LEP))
- (b) Complying development (see Schedule 3 of the LEP)
- (c) Dwelling houses and additions to dwelling houses that:
  - (i) are consistent with the primary purpose of the zoning
  - (ii) are single storey
  - (iii) comply with Council's building line setbacks
  - (iv) comply with the National Construction Code (NCC), unless walls are built closer than 900 mm to the boundary, and
  - (v) have no other dwelling houses located on the same allotment
- (d) Proposals not considered by council to have a significant adverse effect on neighbours in terms of:
  - (i) the views to and the view from surrounding land
  - (ii) potential overshadowing of surrounding land
  - (iii) privacy of surrounding land
  - (iv) potential noise transmission to the surrounding land
  - (v) the likely visual impact of the proposed building in relation to the streetscape
  - (vi) the scale or bulk of the proposed building
  - (vii) proposed hours of use
  - (viii) potential light spillage or reflection
  - (ix) potential traffic generation, and
  - (x) means of vehicle access to and provision of parking on the application site

## How Council Determines Public Notification

Except as noted above, written notice by post of a notified Development Application will be given to the owners of land directly adjoining or adjacent to the land on which the development is intended to occur. Adjoining lands is land that abuts other land or is separated from it only by a pathway, driveway or similar thoroughfare (including properties adjoining by a corner boundary), as determined by Council from its property ownership records at the time of notification. Council may consider wider notification depending the circumstances of the case and the perceived impacts and interest identified.

**NOTES:** With respect to amended applications, Council will give notice to those directly adjoining land considered to be materially adversely affected by the amended development application.

In the case of the adjoining land being part of a strata plan, notification will be given to the Body Corporate only.

For notification to properties in adjoining LGAs, where adjoining properties are considered by Council to be affected by development in the ULSC LGA, Council will notify the adjoining Council as if they were the property owner in accordance with this CPP.

Written notice may also be given to any public authorities that may have an interest in the determination of the application.

## Submissions

### Submission Period

The submission period is the stated exhibition or notification period, calculated in Table 1.

### Making a submission

Any person is entitled to make a submission which may object to or support a planning matter within the public exhibition or notification period, whether or not a notification letter has been forwarded to the person. Submissions must be made in writing and delivered to the Council by either electronic mail or by post.

All submissions received within the public exhibition or notification period will be considered in the officer's assessment of the matter. The terms of any submissions will be summarised in the officer's assessment report. The officer's report will involve consideration of the merits of all relevant matters.

Submissions should include the following characteristics:

- The reasons for objection or support.
- Submissions must be in writing, be addressed to the General Manager, clearly indicating the names, addresses of the person(s) making the submission, quote the development application number (if relevant), the subject matter, and clearly state the address of the property.
- Submissions must include the postal address or e-mail of person(s) making submissions so they can be notified in advance if the matter is to be considered by Council at a Council meeting. This information will remain public and may be included in reports to Council.
- If persons who lodge submissions do not wish their personal information to be made public, the submission is to clearly make a statement to that effect, however their name and suburb (if available) will remain public.
- Council will consider making a submission confidential, however, the submission must make a statement to that effect and clearly outline the reasons the submission should be confidential.

### Petitions

Where a petition is received in respect of a development application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged for the purpose of future contact as to the progress of the application. Only the head petitioner, or first petitioner, will be advised of any related meeting times, or receive written confirmation of the determination of an application or outcome of the matter.

### Disclosure of submissions

Submissions may be accessed by the public by way of a Government Information Public Access (GIPA) request (fee payable) to Council. Also, if the proposal is reported to a Council meeting, the issues raised in that submission will be summarised in the Council report and the submission will be attached to the report.

## Consideration of Submissions

- (a) The Council will consider all submissions received within the notification period before determining the application.
- (b) Council will consider all relevant issues raised in submissions.
- (c) Council will give notice of the determination of the application to each person or body who made a submission.
- (d) Council will provide reasons for the decision within the Notice of Determination for the development application considered.

## Related Planning Documents

**A Planning Agreement** (also known as a voluntary planning agreement) is an offer by a developer to Council to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

**Plans of Management** (see Office of Local Government)

The Local Government Act 1993 Division 2 Use and management of community land requires that Councils must classify Public Land as "operational" or community" and that Plans of Management must be prepared for Community Land.

Community land is required to be used and managed in accordance with the following:

- The plan of management applying to the land; and
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

**Public notice of draft plans of management** (Chapter 6 Part 2 Division 2 Section 38)

(1) A council must give public notice of a draft plan of management.

(2) The period of public exhibition of the draft plan must be not less than 28 days.

(3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.

(4) The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

**Reclassification of community land to operational** (Chapter 6 Part 2 Division 1 Section 30)

(1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:

- (a) any reservations that except land out of a Crown grant relating to the land, and
- (b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).

(2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

## Explanatory Notes

### Acts

Coal Mine Subsidence Compensation Act 2017  
Act 2017  
Fisheries Management Act 1994  
Heritage Act 1977  
Mining Act 1992  
National Parks and Wildlife Act 1974  
Petroleum (Onshore) Act 1991  
Protection of the Environment Operations Act 1997  
Roads Act 1993  
Rural Fires Act 1997  
Water Management Act 2000 e Subsidence Compensation Act 2017  
Fisheries Management Act 1994  
Heritage Act 1977  
Mining Act 1992  
National Parks and Wildlife Act 1974  
Petroleum (Onshore) Act 1991  
Protection of the Environment Operations Act 1997  
Roads Act 1993  
Rural Fires Act 1997  
Water Management Act 2000

### Designated Development

Application for development consent for designated development—28 days. Designated Development Environmental Planning and Assessment Regulation 2000 Schedule 3 lists the types of development that are of concern (Division 5 Public participation—designated development).

### Development Applications

A Development Application is a formal application for development that requires consent under the EP&A Act. It is usually made to Council and consists of standard application forms, supporting technical reports and plans.

### Development Control Plan

A Development Control Plan (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls. The DCP outlines specific controls and parameters that apply to development proposals in the South East and Tablelands Regional Plan 2036 and the Tablelands 2016-2036 Regional Community Strategy Plan.

### Concept Development Applications (Div 4.4 EP&A Act 1979)

A concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.

### Integrated Development

Integrated Development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of approvals required by other acts and authorities.

## Local Environmental Plan

The LEP guides planning decisions for the ULSC LGA. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A planning proposal is required to amend the LEP.

## Local Strategic Planning Statements

A Local Strategic Planning Statement (LSPS) will set out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future, and support Council's Local Land Use Strategies and other studies that support the growth of the City.

The statements will implement actions in the regional and district plans, and the council's own priorities in the Community Strategic Plan it prepares under local government legislation.

The statements will shape how the development controls in the LEP evolve over time to meet the community's needs, with the LEP the main tool to deliver the council and community's plan.

The Local Strategic Planning Statement must:

- Identify the planning priorities for an area;
- Explain how these priorities are to be delivered; and
- Demonstrate how Council will monitor and report on how the priorities will be implemented.

## Regional or District Plans

Regional plans have been developed by the NSW Department of Planning and Environment to plan for our future population's needs for housing, jobs, infrastructure and a healthy environment.

## State Significant Development (Division 4.7)

State significant development is development that is declared under the EP&A Act 1979 to be State significant development.

State Environmental Planning Policy (State Significant Precincts) 2005 defines and provides for State Significant Development.

## Strategic Planning

In essence it is deciding:

- **What** do we want our environment and lifestyle to look like in the future: globally, nationally, and regional in 10 to 20 years' time
- **Where** we are now environmentally (natural, built, cultural, social and economic) a basis for deciding what we need to do to arrive where we want to be in 2030 and 2040
- **When** we will need to do it to arrive where we want to be in 2030 and 2040?
- **Who** will do what?
- **How** they will do it?

## The Planning System



### ULSC Developer Contribution Plan

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



