



Carrathool Shire Council

COMMUNITY PARTICIPATION PLAN



Application	Staff, community members, contractors, Council stakeholders
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1.0 Community Participation in Planning Decisions

Carrathool Shire Council (Council) recognises community participation throughout the planning system delivers better planning results for residents, businesses and visitors of Council.

Ultimately, our responsibility is to deliver the objectives of various Acts, including the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social economic wellbeing.

Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including re-zonings and making decisions on proposed development. The level of extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses and State and Commonwealth Government agencies.

1.1 Objectives

The community participation plan objectives are to ensure

- Participation is open and inclusive
- Is easy
- Is relevant
- Is timely
- Is meaningful

1.2 Why is Community Participation Important?

- It builds community confidence in the planning system
- Community participation creates a shared sense of purpose, direction, and understanding of the need to balance environmental changes against amenity considerations
- It provides decision-makers access to community knowledge, expectations, ideas, and expertise.

1.3 What is the purpose of our Community Participation Plan?

The Community Participation Plan (CPP) is designed to make participation in planning clearer for the Carrathool Shire community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.

1.4 Who does this Community Participation Plan apply to?

This CPP is a requirement of the EP&A Act (see Division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions by the General Manager (and their delegates and nominees), when exercising consent authority functions on behalf of the Council. The CPP will be reviewed on a periodic basis. The CPP applies to the Carrathool Shire Local Government Area (LGA) and the planning functions under the EP&A Act 1979.

A CPP of Council also applies to the exercise of the Council's relevant planning functions by a Sydney district or regional planning panel, and by a local planning panel.

A break down of the type of functions that the Plan applies to is delineated in Table 1:

Table 1. What functions does the Plan apply to?	
Plan-making	<p>Strategic planning is an essential aspect of Council’s planning functions, where the strategic direction for the environmental planning and development is set. This involves planning for communities which integrates social, environmental, and economic consideration.</p> <p>Examples of this work include amendments to or the creation of the LEP, development control plans, contribution plans, specific land use strategies, and the like.</p>
Development Applications	<p>The Regional Planning Panel, the Council, the General Manager of the Council, and delegated officers all make planning decisions on a range of developments (Development Applications). When making decisions on these developments, consideration is given to whether land use proposals are in accordance with the strategic priorities of Council, the NSW Government, relevant legislation, and the public interest.</p> <p>Proposals assessed may be in relation to residential, industrial/commercial, rural, and physical or social infrastructure developments. In these proposals, the planning assessment phase is just one aspect of the overall project lifecycle. At other phases of the project, separate community engagement may be undertaken by proponents/developers, or other government agencies.</p> <p>Note that this plan does not apply to “Complying Development”. Complying Development provisions are administered by DPIE and these types of development are not subject to local requirements for exhibition periods, and submissions cannot be considered on proposed Complying Development.</p>
Activities	<p>Council is often the determining authority for its own activities which relate to Council’s role as a “public authority”, e.g. Council could be the determining authority and the proponent when undertaking works in a public park.</p> <p>Sometimes, these activities are of such a scale that before works can occur, an Environmental Impact Statement (EIS) is required to be prepared in accordance with DPIE requirements. These EISs are subject to scrutiny from the public, and so this Plan applies to these types of scenarios.</p>

2.0 How the Community Can Participate in the Planning System

To achieve our community participation objectives, we design our engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be acknowledgement that the process was fair with proper and genuine consideration given to community views and concerns.

2.1 Our Approach to Community Participation

To achieve the benefits of community participation in the planning system we will tailor the following community participation approaches for all planning functions.

Table 2. Community participation approach		
What	When	How
LEVEL 1: INFORM		
We will review all Development Applications to determine whether they should be placed on public exhibition in a timely manner.	We make this decision as soon as practical after the application is lodged with Council and commence public exhibition and neighbour notification as appropriate.	Advertisements in the local paper, letter mail outs, our website, social media announcements, emails, information sessions etc. as deemed appropriate.
LEVEL 2: CONSULT		
We consult with the community and invite them to provide their views and concerns on a development application or other planning function.	During the public exhibition period, we seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at other times if appropriate.	Public exhibition, drop in sessions, walking tours, one on one engagement, emails and phone calls as deemed appropriate.
LEVEL 3: CONSIDER		
We respond to the community's views by addressing concerns raised.	In reaching a decision we consider your views and concerns, and outline how we have addressed them in the assessment.	Phone calls, emails, opportunities to speak at Council Meetings and targeted consultation as appropriate.
LEVEL 4: DETERMINATION		
We notify the community of decisions on proposals and detail how their views were considered in reaching the decision.	In reaching a decision we consider your views and concerns, and notify you of the reasons for the decision and how community views were considered.	Updates on websites, publication of submission reports, letters to submitters. Council publishes a "Statement of Reasons" on consent for each Development Application.

3.0 The Role of Exhibitions in the Planning System

Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal or project being considered or assessed. A regular and valuable way for the community to participate in the planning system is by making a submission on a proposal during exhibition. You can also provide us with feedback at any time.

3.1 Exhibitions

A key technique we use to encourage community participation is formal exhibition. During an exhibition we make available relevant documents that may include a draft policy, plan or proposed development that we are seeking community input on. In conducting an exhibition, we receive submissions and we maintain privacy of the submitter.

In reaching decisions on proposals that have been exhibited, the Council, the General Manager, and delegated officers balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objectives of the EP&A Act, the strategic priorities of Council, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

It should be noted that submissions may be made available to the applicant and the public – this may include publication on Council's website, in accordance with Schedule 1 clause 3 of the *Government Information (Public Access) Regulation 2018*.

Personal information about people who make submissions will not be included, in accordance with Section 4 and 18 of the *Privacy & Personal Information Act* and Section 14 of the *Government Information (Public Access) Act 2009*.

3.2 Requirements for Exhibition

Before a draft planning document/plan or development application can be publicly exhibited, it requires Council endorsement. Exhibition requirements are shown in the tables below.

Public engagement for these planning documents will include (and will be not limited to):

- Available in hard copy at Council's administration offices
- A notice on Council's website
- Notification via letters to neighbours and adjoining and surrounding property owners
- Advertisement in the local paper for certain plans and applications

3.3 Exhibition Timeframes

There are both mandatory and non-mandatory requirements that apply to public exhibition of a development application or plan. The mandatory requirements legally safeguard the community's right to comment on planning that affects them. Non-mandatory requirements reflect best practise in ensuring that the intention to actively involve the community in planning is honoured.

Council will always exhibit a proposal in accordance with mandatory minimum timeframes contained in Schedule 1 of the *Environmental Planning & Assessment Act 1979*, but may elect to extend exhibition time frames beyond the mandatory minimum when having regard to public interests principles, and the scale and scope of development.

Table 3. Mandatory minimum exhibition timeframes – Plan Making	
Draft community participation plan (this plan)	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days unless otherwise specified in the Gateway Determination
<p>Reclassification of land</p> <p>Land in Council ownership must be classified for either community or operational use under the <i>Local Government Act 1993</i>. Community land is land designated for use such as community halls, libraries and recreational facilities. Operational land serves a commercial or operational function such as offices, work depots, or land that is being retained for strategic reasons. When land comes into community ownership, such as new sportsgrounds, they need to be classified correctly. In addition, Council sometimes reclassifies land that it no longer requires for community use to allow leasing or sale of land.</p> <p>Example: Reclassification of community land to operational land at various sites across the Shire.</p>	28 days and a public hearing scheduled for at least 21 days after the public exhibition occurs
Local Approvals Policy – significant changes – new uses added or significant amendment made	28 days

Draft Development Control Plan	28 days
Draft Contribution Plan	28 days
Local Strategic Planning Statement	28 days
Planning Agreement	28 days

Table 4. Non-mandatory minimum exhibition timeframes – Other Plan Documents	
Policies or guidelines	28 days
Plans for urban renewal areas or masterplans	42 days
Re-exhibition of any matter	As per the original exhibition period
State Environmental Planning Policies (SEPPs)	Discretionary based on the urgency, scale and nature of the proposal

Table 5. Mandatory minimum exhibition timeframes – Development Applications	
Application for development consent for Designated Development	28 days
Application for development consent for State Significant Development	28 days
Application for Nominated Integrated or Threatened Species Development	28 days
Application for development consent that is required to be publicly exhibited by the EP&A Regulation but not covered in the tables elsewhere	28 days
Integrated Development	28 days
Environmental Impact Statement (under division 5.1 or 5.2)	28 days
Modification of a Development Application, made under Section 4.55(2) or Section 4.56 of the EP&A Act	However long the original development application was exhibited for.
Application for development consent (other than for complying development certificate, for designated development, for State significant development, for nominated integrated development or for threatened species development)	14 days or: a) If a different period of public exhibition is specified for the application in the relevant community participation plan — the period so specified, or b) if the relevant community participation plan specifies that no public exhibition is required for the application — no public exhibition.

For the purpose of neighbour notification, adjoining and surrounding properties means land that is adjacent, opposite to, or in the vicinity of a site where an application for development has been received.

In the diagram below the properties shaded red are subject to a development application. Properties that are shaded blue are classed as 'adjoining land' for the purpose of this CPP.

Figure 1 – Adjoining and Surrounding Properties



Rural Developments

- Notification of proposed developments will be provided to surrounding landowners and to landowners in the vicinity who although not bordering the subject development property may reasonably be considered to be impacted by the proposed development.

3.4 Key Points to note about Public Exhibitions

- The exhibition dates will be outlined in the local newspaper ad (for advertised proposals) and in neighbour notification letters. The closing time for an exhibition period will always be “close of business”.
- Timeframes are in calendar days and include weekends and public holidays.
- The exhibition period will always be due to close on a weekday.
- If the closing day is a weekday and that weekday is a public holiday, Council may extend the exhibition period to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is not included in the calculation of a period of public exhibition. This means that extra days (at least 22 calendar days) will be added to the exhibition period if a proposal is exhibited at any point during the Christmas/New Year phase of 20 December to 10 January.
- All exhibited material will exclude sensitive or private information, such as floor plans for residential accommodation, and proponent details such as phone numbers and signatures.
- Determination of plans, applications, or activities will not be finalised until after the exhibition period has closed, and all relevant submissions have been considered, per statutory obligations.
- A public authority is not required to make available for public inspection any part of an Environmental Impact Statement (EIS) whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

3.5 When notification is not required

Council will not give notice of a application/modification application in the following instances:

- An application is received for Complying Development;
- Council has already given notice under this policy of a development application on the same site which is substantially the same in terms of height and external configuration;
- The proposed building works are internal and not visible from 'adjoining land' and/or there is no alteration to the height of external configuration ;

- The application is rejected on the basis of inadequate, unclear or illegible documentation/plans;
- An application is received for an extension of time to start an approved development;
- An application is received to carry out alterations or additions for the purpose of a fire safety upgrade of an existing building;
- A development application is received for a subdivision (Torrens title, strata or company title) (except where the Council officer with delegated authority deems it appropriate);
- A development application is received for demolition (other than for heritage items/within a heritage conservation area);
- A development application is received for a sign for a commercial or industrial use which would not have a significant and substantiated adverse impact on residential properties, on 'adjoining land' or the safe and efficient operation of the road network;
- An application under Section 68 of the *Local Government Act 1993* is received;
- A development application for a proposal which has already been considered by Council on a previous occasion;
- A Section 4.55(1) or 4.55 (1A) application is received.

4.0 Making A Submission

If you have received a letter in the mail, or have become aware of a proposal through the local newspaper or Council's website, you may wish to make a submission.

4.1 How can Development Applications/Planning Documents be viewed by the public?

All plans and information lodged with a Development Application and all planning documents, that are notified in accordance with this CPP, will be available for inspection at Council's Offices. The information available will include all DA forms, architectural plans, consultant reports and supplementary documentation submitted with the application.

Council is required by legislation to make available extracts of applications. Note that this is subject to written consent of the applicant's architect or design professional as per the *Commonwealth Copyright Act 1968*. A fee is charged for the copying of forms or site and elevation plans associated with an application. The list of fees can be found on Council's website www.carrathool.nsw.gov.au

4.2 Can I make a submission?

For proposals undergoing exhibition, anyone can make comments on these proposals through a written submission addressed to the General Manager of Council. We can give no assurances that submissions received for non-exhibited proposals will be considered as part of the proposal's assessment.

4.3 How will submissions be considered?

All submissions received within the nominated time frame will be considered when determining an application or considering a plan. Submissions received after the nominated time frame will be considered where possible. Applications will not be determined prior to the expiry of the nominated notification period.

4.4 What does my submission need to include?

Your submission must include the following:

- The reference numbers and address of the proposal to make it clear which proposal you are commenting on. (ie. DA Number) The address of the subject site can be found on the exhibition material.

- A nominated contact person. This contact person must be clearly defined with details such as NAME, POSTAL ADDRESS, TELEPHONE NUMBER, and EMAIL (if applicable). This is so Council can advise the contact person of the progress and outcome of the application.

A submission could:

- Support an Application or draft plan, or
- Object to an application or draft plan, or
- Object to part of an application or draft plan, or
- Suggest ways of overcoming concerns with an application or draft plan, or
- Suggest alternatives to a proposal or element of a proposal or draft plan.

It is recommended that a written submission be lodged if you have a concern about an application or draft plan.

Submissions should be clearly set out and state the actual reasons why you support or object to a proposal or draft plan. Constructive suggestions for overcoming any concerns are encouraged.

Anyone can write and/or lodge a submission. You do not necessarily need to seek professional advice before lodging a submission, although this is an option available.

Should you be preparing a petition, the petition should clearly identify a head petitioner so that Council can contact that person if further information or other clarification is required. Each page of a petition should also contain the nature of objection of the petition (not just the first page).

Anonymous submissions or submissions using aliases may not be considered when assessing the proposal, as there is no accountability on the part of the submitter. Meaning that, the submitter cannot be asked for information to verify the contents of their submission nor be asked to attend a Council meeting, should a proposal end up being subject to a Council meeting.

4.5 Is Council obligated to notify the public of outcomes of the assessment?

In addition to the requirements to exhibit development applications, plans and other planning documents, it is also a mandatory requirement that Council – as consent authority – formally notify the public of outcomes from the assessment of the application for development consent (or modification of a development consent that was publicly exhibited). Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the head petitioner will be advised.

This notification must include (directly or by reference to another document):

- The decision
- The date of the decision
- The reasons behind the determination
- How community views were considered in making the decision

Upon assessment of the DA and all 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.

Where a matter is referred to an applicable Planning Panel, every effort will be made to advise applicants and objectors of the time and date of the meeting.

4.6 How can the public lodge submissions?

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 (via mail, email, fax or hand delivered) and addressed to :

The General Manager
Carrathool Shire Council
PO Box 12
GOOLGOWI NSW 2652

By facsimile to 02 6965 1379
By email to council@carrathool.nsw.gov.au

- Contain the following essential information: the name and address of the person making the submission; the application number and address of the property that is the subject of the development proposal; and detail all reasons for the submission.