



Community Participation Plan

Final v1

November 2021

INFORMATION ABOUT THIS DOCUMENT

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Related Legislation*	Environmental Planning and Assessment Act 1979 (NSW), Local Government Act 1993 (NSW), Uralla Local Environmental Plan 2012
Related Plans	Uralla Community Strategic Plan 2017-2027, Uralla Local Strategic Planning Statement 2020
Related Procedures/ Protocols, Statements, documents	Uralla Community Engagement Strategy 2017

TABLE OF CONTENTS

1. WHAT IS COMMUNITY ENGAGEMENT?.....	2
2. WHAT IS A COMMUNITY PARTICIPATION PLAN (CPP)?	2
2.1 Objectives of the CPP	2
2.2 CPP principles	2
2.3 How will the CPP be used?	3
2.4 Where does this CPP apply?	3
2.5 What are Council's Planning responsibilities?.....	3
3. WHAT ARE THE PUBLIC EXHIBITION TIMEFRAME AND NOTIFICATION REQUIREMENTS?	4
3.1 What are the requirements for public exhibition of planning documents?	4
3.2 Notification procedures and guidelines for Development Applications	5
4. CONSIDERATION OF SUBMISSIONS.....	6
5. WHAT TYPE OF ENGAGEMENT TECHNIQUES MAY BE USED FOR DIFFERENT COMMUNITIES IN THE URALLA SHIRE?	6

1. WHAT IS COMMUNITY ENGAGEMENT?

Community engagement is a process with a specific purpose to identify and work with groups of individuals with an interest in addressing issues affecting the community's well-being. The International Association for Public Participation (IAP2) developed the 'IAP2 public participation spectrum' to assist in defining the public's role in any public participation process.

Community engagement by Uralla Shire Council will be made up of one or more of the IAP2 five strategies:

- Inform;
- Consult;
- Involve;
- Collaborate, and
- Empower.

Collaboration will be the most significant part of the Uralla Shire Council's engagement. It involves working with key stakeholders and the community to find solutions and alternatives. This stage comes after all the information has been sought through consultation and understood clearly during the involving stage.

2. WHAT IS A COMMUNITY PARTICIPATION PLAN (CPP)?

Community Participation Plans (CPPs) are a requirement under the Environmental Planning and Assessment Act 1979 and are designed to make participation by the public in planning matters clearer.

Community participation is a vital aspect for planning and development across Uralla Shire. The CPP is an invitation to the community to communicate with Council about planning decisions, to achieve better economic, environmental and social outcomes for present and future stakeholders.

2.1 Objectives of the CPP

- To provide the community with appropriate information;
- To capture community input;
- To work on an ongoing basis with the community to ensure that ideas, concerns and aspirations are listened to and understood;
- To partner with the public to ensure the decision-making process considers alternatives and identifies, minimises or avoids negative impacts.

2.2 CPP principles

The Environmental Planning and Assessment Act 1979 NSW (the EP&A Act) guides councils to ensure that it will be clearer and easier for communities to understand how and when to participate in planning decisions. The principles of a Community Participation Plan as outlined by the EP&A Act are as follows:

- a) The community has a right to be informed about planning matters that affect it.
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.

- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

2.3 How will the CPP be used?

The CPP explains the level of engagement the community can have for the different types of development, planning and assessment projects. It also provides transparency and accountability in the development, planning and assessment process within Uralla Shire.

2.4 Where does this CPP apply?

The CPP only applies to the Uralla Shire Council Local Government Area (LGA) and Council's exercise of its planning functions under the Environment Planning and Assessment Act 1979 (NSW) and the Local Government Act 1993 (NSW) (the LG Act).

2.5 What are Council's Planning responsibilities?

Development Assessment

- a) **Local Development** (other than Complying Development Certificates, Designated Development and State Significant Development): The Uralla Local Environmental Plan (LEP) outlines those types of development and land uses that require development consent before development can take place.
- b) **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 approvals.
- c) **Designated Development:** Designated developments are generally high impact developments or located in environmental sensitive areas. Designated developments are listed in Schedule 3 of the Environmental Planning and Assessment Regulations 2000 or can also be declared in a Local Environmental Plan or State Environmental Planning Policy.

Strategic Planning

- a) **Community Participation Plan** - The CPP sets out when and how Council will engage with the community across all planning functions and the minimum requirements for community participation.
- b) **Regional or District Plans** - The New England North West Regional Plan applies to the Uralla Shire and as developed by the NSW Department of Planning, Industries and Environment to plan for future infrastructure, housing, employment and health needs for the region.

- c) **Local Strategic Planning Statements** - The Local Strategic Plan is a long term visionary document which plans for future land use based on where the shire will be or would like to be in 20 years.
- d) **LEP** -The Uralla LEP guides planning decisions for Uralla Shire. It provides a framework for the use of land and the main planning tool used to shape the Uralla community and ensure that local development is achieved in an appropriate and sustainable way. Local Environmental Plans are generally reviewed every 5 years.
- e) **Development Control Plan** - A Development Control Plan provides detailed guidelines and specific controls that apply to development proposals in the Gwydir Shire. A Development Control Plan may be periodically reviewed to amend or introduce new controls relating development types, legislative changes or to clarify intent.
- f) **Developer and Infrastructure Contribution Plans** - Contribution plans allow Council to levy contributions on developments to assist in the provision or maintenance of community facilities or infrastructure on which the development impacts.

3. WHAT ARE THE PUBLIC EXHIBITION TIMEFRAME AND NOTIFICATION REQUIREMENTS?

There are both mandatory and non-mandatory requirements that apply to public exhibition of a development application or plan. Mandatory requirements legally protect the community's right to make submissions on planning decisions that affect them. Non-mandatory requirements reflect best practice approaches in ensuring that there is an intention to actively involve the community in the planning process.

3.1 What are the requirements for public exhibition of planning documents?

Council endorsement is required before public exhibition of a draft planning document can be released for comment.

Engagement for these planning documents will include:

- Public exhibition at Council service centres;
- Notice on Council's website;
- Notice on Facebook;
- For advertised development, a sign exhibited on the land and on a Council notice board, visible from a public space.

Table 1 - Mandatory plan making public exhibition timeframes

Planning Document	Mandatory Timeframes
Draft Development Control Plan	28 days
Planning proposals for LEPs, subject to a gateway determination	28 days – unless otherwise specified in the gateway determination
Draft Contribution Plans	28 days
Local Strategic Planning Statements	28 days
Draft Community Participation Plan	28 days

Planning Agreements	28 days
State Significant Development and Designated Development	28 days
Local Approvals Policy	14 days
Reclassification of land	28 days and a public hearing

3.2 Notification procedures and guidelines for Development Applications

Adjoining landowners will be given notice of an application if, in the opinion of Council, the enjoyment of land adjoining the development may be detrimentally affected by the proposed development. Upon the lodgement of an application, the Planning Manager will determine who may be detrimentally affected. Site plans and elevations will be provided in the notification and the full application can be viewed on request at Council. Note that for residential development or some sensitive development, (such as a police station or women's refuge), access to floor plans will not be provided.

The following Applications will not be notified as per the provisions of this document:

Exempt and Complying Development:

- Exempt or complying development as set out in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP).

Subdivisions:

- Minor boundary adjustments, which do not require physical works; and
- Strata subdivision proposals.

Commercial or Industrial Uses:

- The change of use of buildings (in a commercial and industrial zone), except at Council's discretion.

Houses and Extensions:

- Detached single-storey dwellings in a Residential Zone (other than second-hand dwellings);
- Ancillary structures associated with residential developments, including carports, pergolas, garden sheds and the like, which are sited 1m from any boundary, sited behind or in-line with the existing building line and comply with Council's building setbacks;
- Alterations to an existing residential building where the works will not result in any change to the height, external configuration or external façade of the existing building;
- Single rural dwellings on properties of greater than 10 hectares, where the proposed dwelling is located a minimum of 20m from the boundaries of the property;
- Alterations and extensions to rural dwellings on properties of greater than 10 hectares, where the proposed dwelling is located a minimum of 20m from the boundaries of the property; and
- Rural workers accommodation on properties greater than 100 hectares where the proposed accommodation is located a minimum of 20 m from the boundaries of the site.

Swimming Pools:

- Private swimming pools.

Persons to be Notified

Written notice of a Development Application will be sent to those persons who appear to the Council to own or occupy adjoining land and neighbouring land if, in the Council's opinion, the enjoyment of the land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

Notification Period

A person may inspect a plan and make a submission within the notification period which will be a minimum of 14 days. The submission period is the same as the notification period.

Form of Submissions from Persons Notified and the General Public

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates. Should an objection be part of the submission, the reasons for the objection are to be provided. All submissions are to be accompanied by a form declaring any donations or gifts to an elected member of Council or a Council staff member (as set out in the form available for such declarations available from Council or Council's website). Names of submission makers are published in Council reports for transparency and accountability reasons, however addresses and other contact details are not.

4. CONSIDERATION OF SUBMISSIONS

Consideration of Submissions

Council will consider all submissions received within the specified time period before determining a Development Application. In making a determination the content of a submission must be balanced with the Council's statutory obligations. Submissions form a part of the assessment of an application and each application will be assessed on its merits.

When determining a development application, Council will take into consideration any submissions it has received during the notification period. Delegated authority will not be used to determine a development application that has received a written objection to the proposal. Development applications that have had a written objection submitted will be referred to Council for determination.

Applicant to be advised of Objections

Written submissions cannot remain confidential as they may be used to assist in negotiations with the owner/applicant of the proposal or be included in Council business papers. The applicant will be advised of the terms of any objection and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from previous objector/s.

5. WHAT TYPE OF ENGAGEMENT TECHNIQUES MAY BE USED FOR DIFFERENT COMMUNITIES IN THE URALLA SHIRE?

Depending on the nature of the development, Council may use a range of engagement techniques to notify key stakeholders and the community of the proposed development.

Table 2 – Engagement techniques

Media	Advertise engagement opportunities via local newspapers, newsletter and media releases.
Social Media	Engage with and inform the community via Council's Facebook page.
Mail drops	Newsletters and leaflets to keep the community informed: will be targeted to the area of development.
Information Brochures	Provide information brochures at Council's offices and other relevant buildings, such as the library.
Schools	Connecting and engaging with both primary and high school students will gather insights from younger members of the community. This will also establish a good relationship with youth in order to increase effective community engagement in the future.