



Community Participation Plan

FOR SHELLHARBOUR CITY COUNCIL'S PLANNING FUNCTIONS

2021





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1. Community Participation for the Shellharbour City planning system

Shellharbour City Council recognises community participation is an integral aspect of planning and we are committed to providing opportunities for you to be involved in the planning system.

Our responsibility and objectives under the Environmental Planning and Assessment Act 1979 (EP&A Act) are to ensure the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

The NSW Government requires Council to prepare a Community Participation Plan (CPP), to set out how and when we will engage with our community on the planning functions Council performs under the EP&A Act.

Community participation, in relation to this CPP, is an overarching term covering how we engage the community in our work under the EP&A Act, including legislative reform, plan making and decision making on proposed developments.

1.1. WHAT IS OUR COMMUNITY PARTICIPATION PLAN?

This CPP clarifies how and when community participation occurs for the planning functions Council performs. There are a variety of methods and tools Council will use to engage with the community depending on the nature, scale and likely impact of the proposal or project.

Our CPP is designed to provide transparency and clarity for the community to clearly understand its role in the local planning system. It does this by setting out, in one place, how and when the community can participate in the planning system for the planning functions undertaken by Council.

The CPP is supported by Council's Community Engagement Policy and Community Engagement Strategy, which outline our approach and objectives to community engagement. The CPP relates specifically to the planning functions of Council.

1.2. WHAT PLANNING MATTERS DOES THE COMMUNITY PARTICIPATION PLAN APPLY TO?

The planning functions of Council can generally be defined as either Strategic Planning or Statutory Planning.

Strategic planning sets the desired outcomes of how we would like the City to grow and develop into the future and provides direction on how to achieve this. The strategic planning functions enables development and helps to manage change. The strategic planning functions are varied and include preparing planning controls (such as local environmental plans and development control plans), development contribution plans, strategies, policies and master plans.

Statutory planning refers to the assessment of Development Applications against the relevant planning controls. It is how we provide approval for the construction of your new dwelling, commercial buildings, subdivision of land etc. The statutory planning function is informed by the controls developed by the strategic planning function.

There are some planning functions that are not undertaken by Council, such as complying development which can be approved by private certifiers, or state planning roles, such as state significant development. These other planning functions are not subject to the requirements of this CPP.

1.3. WHERE DOES THIS COMMUNITY PARTICIPATION PLAN APPLY?

This CPP applies only to Shellharbour City Council Local Government Area (LGA) and the exercise of Council's planning functions under the EP&A Act.

2. Council's engagement framework

Meaningful engagement helps to shape the strategic direction and development of our City, as well as informing the various policies and plans that support this vision. This CPP is supported by Council's Community Engagement Policy, Community Engagement Strategy and Community Strategic Plan.

Community engagement is the process of involving people in the decisions that affect their lives and environment. It is proactive and ongoing, promoting open discussion and shared responsibilities for decisions.

Council is committed to providing best practice engagement based on our guiding principles and underpinned by the International Association for Public Participation (IAP2). The IAP2 Public Participation Spectrum (Table 1) helps to determine the scope of our community's input and the role those engaged will have in the decision making process. Further information about Council's engagement framework is contained within our Community Engagement Strategy.

The CPP has a shared commitment to the principles of equity, access and participation as set out in the Social Justice Principles. This means that we are committed to providing equal participation opportunities for our entire community in our planning functions.

Table 1 - IAP2 Public Participation Spectrum

	Inform	Consult	Involve	Collaborate	Empower
Public Participation Goal:	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision making in the hands of the public
Promise to the Public:	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide
Example Techniques:	<ul style="list-style-type: none"> • Fact sheets • Web sites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory Committees • Consensus building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

2.1. PRINCIPLES OF OUR COMMUNITY PARTICIPATION PLAN

The CPP has been developed to ensure that it is clearer and easier for the community to understand how it can participate in planning decisions. The EP&A Act outlines the principles that underpin Council's CPP. These principles are:

The community has a right to be informed about planning matters that affect it.

Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

Planning information will be in plain language, easily accessible and in a form that facilitates community participation in planning.

The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Community participation will be inclusive and Council will actively seek views that are representative of the community.

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.

Planning decisions will be made in an open and transparent way and the community will be provided with reasons for those decisions (including how community views have been taken into account).

Community participation methods (and the reasons given for planning decisions) will be appropriate having regard to the significance and likely impact of the proposed development.

3. How can the community participate in Strategic Planning?

Strategic planning involves a variety of types of projects and plans. The documents developed through this planning function of Council set out the desired outcomes for the City and outline how we will achieve this.

The type of plan being developed will determine what sort of participation is undertaken with the community. Some participation requirements are statutory and set out in Schedule 1 of the EP&A Act. The table below outlines the minimum exhibition timeframes for our strategic planning functions as outlined in the EP&A Act.

Table 2 - Mandatory Strategic planning minimum exhibition timeframes

Strategic Planning Document	Minimum exhibition Timeframes
Draft Community Participation Plan (this plan)	28 days
Draft Local Strategic Planning Statement	28 days
Proposed amendments to Shellharbour Local Environmental Plan (SLEP) – e.g. planning proposals	28 days – this can be more or less and will be specified in the gateway determination
Draft development control plans	28 days
Draft contributions plans	28 days
Draft planning agreements	28 days

Under Council's strategic planning functions, there are a range of other documents developed to inform our planning that do not have a minimum exhibition timeframe set out in the EP&A Act. Council follows best practice exhibition timeframes for these projects, to ensure there is opportunity for the community to participate in strategic planning.

The other documents developed by Council as part of our strategic planning functions, such as policies, masterplans, strategies and studies; will generally be exhibited for a minimum of 28 days. However, this is subject to the nature and scale of the project and will be determined by Council on a case-by-case basis.

The extent and methods of consultation adopted for each of these draft documents will depend upon the complexity of the plan, its potential impact and informed by Council's Community Engagement Policy and Strategy. Generally, as a minimum we will use the following methods to engage with the community:

- **Let's Chat** – This is Council's online community engagement platform which can be accessed via Council's website.
- **Council's website** – the plan will be included in the Public Exhibition page on Council's website.
- **Appropriate forms of media, including online platforms**

Proposed amendments to the SLEP are subject to different consultation requirements. The NSW Government issues a gateway determination that outlines the conditions Council must comply with to progress the SLEP amendment. The gateway determination outlines the extent and consultation requirements to be undertaken by Council to progress amendments to the SLEP.

3.1. SUBMISSIONS

In accordance with Council's Customer Service Charter, any submissions received during the public exhibition period will be acknowledged in writing by Council.

Generally, strategic planning documents are required to be adopted by Council at a meeting. If this is the case, any community members who made a submission will be notified in writing of the meeting date where Council will consider the adoption of the draft document.

A summary of the submissions made with regards to the project will be included as part of the Council report. The name and address of community members who made a submission will be withheld in this report, however, persons making a submission should be aware that their personal details and submission will be kept on file and may be accessed by other members of the public under the Government Information (Public Access) Act 2009.



4. How can the community participate in Statutory Planning?

There are a variety of development types that can be submitted to Council for approval under our statutory planning functions. The nature, scale and type of development will determine what level of community participation is available for the project.

Depending on the nature of the proposal, Council may choose the following options for community participation:

- 1. No notification:** When a proposal is considered by Council to be minor in nature and to not detrimentally affect adjoining or adjacent property owners.
- 2. Notification of planning matters:** When a proposal is deemed to require notification, Council will write to the property owners and occupiers within 25 metres of each side of the property boundary, subject to the development proposal. The 25 metres is measured from the perimeter of the existing lot boundary. Written notice will be in the form of a letter to the property owners. Usually a minimum of 14 days is given to respond.
- 3. Advertising (Public Exhibition) of planning matters:** Advertising or Public Exhibition is where, Council will write to the property owners and occupiers within 50 metres of each side of the property boundary subject to the development proposal, Council publically advises of the development application by placing a sign at the property of the proposed development. Usually a minimum of 14 days is given to respond.



The following table outlines the minimum engagement requirements for development applications that this CPP applies to.

Table 3 - Minimum exhibition requirements for development application

Development	No notification	Written Notification	Advertising
Development involving a variation to a development standard contained within an Environmental Planning Instrument		◆	
Agriculture		◆	
Air transport facilities			◆
Airstrips	◆		
Amusement Centres		◆	
Ancillary Development	◆		
Animal boarding or training establishments		◆	
Attached dwellings		◆	
Boarding houses		◆	
Boat building and repair facilities		◆	
Boat launching ramps		◆	
Boat sheds	◆		
Camping grounds			◆
Car parks		◆	
Caravan Parks			◆
Cemeteries			◆
Charter and tourism boating facilities		◆	
Child care centres		◆	
Commercial premises		◆	
Community facilities		◆	
Correctional centres			◆
Crematoriums			◆
Dual Occupancies		◆	
Dual Occupancies located within greenfield urban release areas	◆		

Development	No notification	Written Notification	Advertising
Dwelling Houses – with complying setbacks	◆		
Dwelling Houses – with non-complying setbacks		◆	
Early education and care facilities			◆
Earthworks (minor)	◆		
Earthworks (major)		◆	
Eco-tourist facilities		◆	
Educational establishments			◆
Electricity generating works	◆		
Emergency services facilities		◆	
Environmental Protection works	◆		
Entertainment facilities			◆
Environment facilities	◆		
Exhibition Homes		◆	
Exhibition Villages		◆	
Farm buildings	◆		
Fit-out proposals	◆		
Flood mitigation works		◆	
Freight transport facilities			◆
Function centres			◆
General Industry		◆	
Group homes		◆	
Health services facilities		◆	
Heavy industrial storage establishments	◆		
Heavy Industry			◆
Helipads	◆		
Highway service centres		◆	
Home-based child centres		◆	
Home businesses	◆		

Development	No notification	Written Notification	Advertising
Home industries		◆	
Hostels		◆	
Industrial retail outlets	◆		
Industrial training facilities	◆		
Information and education facility		◆	
Jetties		◆	
Kiosks		◆	
Light industry		◆	
Marinas			◆
Mixed use developments			◆
Moorings	◆		
Mooring pens	◆		
Mortuaries			◆
Multi dwelling housing		◆	
Passenger transport facilities			◆
Places of public worship			◆
Public administration buildings		◆	
Public utility undertakings	◆		
Recreation areas		◆	
Recreation facilities (indoor)		◆	
Recreation facilities (major)			◆
Recreation facilities (outdoor)		◆	
Registered clubs		◆	
Research stations		◆	
Residential flat buildings			◆
Respite day care centres		◆	
Restricted premises			◆
Rural worker's dwellings		◆	

Development	No notification	Written Notification	Advertising
Secondary dwelling		◆	
Semi-detached dwelling		◆	
Seniors housing			◆
Service stations		◆	
Sewerage systems		◆	
Sex services premises			◆
Shop-top housing			◆
Signage	◆		
Storage premises	◆		
Strata Subdivision	◆		
Subdivision of land – 4 lots or less		◆	
Subdivision of land – 5 or more lots			◆
Telecommunications facilities			◆
Tourist and visitor accommodation			◆
Transport depots		◆	
Truck depots		◆	
Vehicle repair stations		◆	
Veterinary hospitals		◆	
Warehouse or distribution centre	◆		
Waste or resource management facility			◆
Water recreation structures		◆	
Water supply systems		◆	
Wharf or boating facilities		◆	
Wholesale supplies	◆		

Note: The above development types are based on the development types contained within the Shellharbour Local Environmental Plan 2013. Confirmation of the development type and its need to be notified will be confirmed when an application is lodged with Council.

In addition to the development applications identified above, there are also other types of applications for development submitted to Council that allow for community participation.

The participation requirements for these application types are specified in Schedule 1 of the EP&A Act. These development applications and the notification requirements are summarised in Table 4 below.

Table 4 - Other development application types

Development application	Days	Written Notification	Advertising
Revised plans – before determination	14	X ¹	
Modifications Sections 8.2, 8.5 of the EP&A Act	14	X ¹	
Review Sections 8.2, 8.5 of the EP&A Act	14	X ²	
Designated Development	28		X
Nominated Integrated Development	28		X

¹ The notification requirements for the submission of revised plans and modifications to development applications made under 8.2 and 8.5 of the EP&A Act will be undertaken, if in the opinion of Council, such notification is required. This will be determined on a case-by-case basis. If Council determines that notification of the revised plans or modification to a development application is required, we will notify all those properties originally notified, those who made submissions as part of the initial process, and any others that in the opinion of Council may be affected by the revisions or modifications.

² Council will notify all those properties notified as part of the original development application or modification application, all those who lodged submissions in relation to the original development application or modification application, and any other neighbours that in the opinion of Council may be affected by the review application.



4.1. CAN COUNCIL EXTEND THE ENGAGEMENT FOR DEVELOPMENT APPLICATIONS?

There may be exceptional circumstances that require an extension of the notification timeframes and/or notification area.

Additional consultation may be considered appropriate in particular circumstances. This will be determined at the discretion of Council staff. In most cases, additional consultation means a wider notification of advertising and written notification, with the potential for an extended exhibition timeframe. This is determined on a case-by-case basis and additional fees may apply.

When considering the extension of consultation for a development application, the appropriate officer will take the following into consideration:

- Significant public interest demonstrated through the number of submissions, petitions or interactions between Council and the community;
- Formal requests for extension with sound justification for the extension;
- The scale of development; and
- The scale and scope of impact of development being greater than the immediately surrounding properties.

4.2. SUBMISSIONS

Written submissions received during the exhibition period will be considered as part of the assessment of the DA. No determination of the application will be made before the conclusion of the exhibition period. In accordance with our Customer Service Charter, any submissions received by Council during the exhibition period will be acknowledged in writing by staff.

The terms of any objection will be summarised in Council's development assessment planning reporting process. The name and address of the objectors will be withheld in the report, however, persons making a submission should be aware that their personal details and submission will be kept on file and may be accessed by other members of the public under the Government Information (Public Access) Act 2009.

4.3. DECISIONS

Once a development application has been determined, Council will notify the community of the decision in the following ways:

- All individuals and organisations that made a submission will be notified in writing
- A list of determined development applications will be published in the local paper in accordance with section 4.59 of the EP&A Act.
- The following information will be provided on Council's website via our eServices portal Application Search, consistent with the mandatory requirements of Schedule 1 of the EP&A Act:
 - The decision
 - The date of the decision
 - The reasons for the decision
 - How the community views were taken into account in making the decision.



5. Making a submission to council

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 by Council)
- Be in writing (via mail, email to council@shellharbour.nsw.gov.au, or hand delivered) and addressed to:
The General Manager
Shellharbour City Council
Locked Bag 155
Shellharbour City Centre NSW 2529
- 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.

Any petitions made to Council in relation to the planning functions we perform will need to be in accordance with Council's Petitions and Submissions Policy and associated Petitions procedure.

Council will not consider any submissions that are received through an external website. Submissions must be made directly to Council as outlined above.

If the required period allowed for submissions to Council ends on a weekend or public holiday, the period will be extended to the next business day. Additional time is also allowed during the Christmas and New Year period. The period between 20 December and 10 January (inclusive) will not be included as part of the exhibition timeframe.

6. Savings and Transitional arrangements

In the event of any inconsistencies between this CPP and other Council documents, with relation to notification processes for Council's planning functions, this document will prevail.

7. Periodic review

This CPP will be reviewed 12 months after endorsement and every 5 years after.





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