

Draft Community Participation Plan
for Shellharbour City Council's Planning Functions
2019



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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.

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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 of 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
Goal	To provide a balanced and objective information in a timely manner.	To obtain feedback on issues, alternatives and decisions.	To work with stakeholders to make sure that concerns and aspirations are considered and understood.	To partner with stakeholders in each aspect of the decision-making.	To place the final decision-making in the hands of stakeholders.
Our role	We will keep you informed.	We will explore options by listening and acknowledging your feedback.	We will work with you to ensure your concerns and aspirations are directly reflected in the decision made.	We will look to you for advice and innovation and incorporate this in the decisions as much as possible.	We will ensure that the information and tools are available for you to meaningfully participate in decision making.
Your role	Keep in touch.	Contribute ideas and feedback.	Participate in the engagement process by sharing ideas, concerns and aspirations.	Work together to develop solutions.	To collaborate with Council to implement agreed decision.
Example tools	Factsheets Digital content	Surveys Public comment Drop in sessions	Workshops Digital engagement	Participatory decision making Advisory Committee	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.

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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. **Error! Reference source not found.** 2 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.
- Advertised through the Community Update in the Advertiser.

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 will outline 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.

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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 an advertisement in a local newspaper and placing a sign at the property of the proposed development. Usually a minimum of 14 days is given to respond.

Table 3 below 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			
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 – commercial/retail			
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			
Home industries			

Development	No notification	Written Notification	Advertising
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			
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 of 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			

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 All those properties originally notified, those which made submissions as part of the initial process, and any others that in the opinion of Council may be affected by the revisions. The notification requirements for the submission of revised plans as well as 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.

² 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 of 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.

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.



Shellharbour
CITY COUNCIL

Enquiries and feedback should be made to:
The General Manager
Shellharbour City Council
Locked Bag 155
Shellharbour City Centre NSW 2529

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