



LEETON
SHIRE COUNCIL

**COMMUNITY
PARTICIPATION PLAN**

NOVEMBER 2019

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER	Manager Planning, Building and Health				
REVIEWED BY	Director Environment and Engineering				
DATE ADOPTED:					
ADOPTED BY:					
RESOLUTION NO: (IF RELEVANT):					
REVIEW DUE DATE:	July 2024				
REVISION NUMBER:	1				
PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)

REVIEW OF THIS PLAN

This Community Participation Plan will be reviewed every 4 years as part of the review of Council's Community Engagement Strategy. The review will occur by July in the year of an ordinary local government election. The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager. Significant changes will be publicly exhibited and submissions invited prior to the changes being adopted.

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1. Purpose and objectives

The purpose of the Community Participation Plan is to provide a single point of reference for the community that sets out all of Leeton Shire Council's community participation requirements under land-use planning legislation, including all minimum mandatory exhibition timeframes.

The Community Participation Plan has the legal function of informing the community of the different minimum timeframes Council sets for different types of development applications, and aims to clearly state how the community can participate in land-use planning matters.

This Community Participation Plan seeks to:

- provide opportunity for those potentially impacted by development to comment on possible impacts,
- provide clarity and consistency in the notification process,
- specify developments considered to be 'advertised development' for the purposes of the Environmental Planning & Assessment Act,
- outline circumstances in which direct notification and/or advertising will be undertaken.

2. Why community participation?

Community participation in land-use planning aims to:

- build community confidence in the planning system,
- ensure that the needs and concerns of the community are identified and addressed wherever possible,
- create a shared sense of purpose, direction and understanding of the need to manage growth and change while preserving local character,
- provide Council with access to community knowledge, ideas and expertise in the decision-making process,
- ensure Council's planning functions reflect the aspirations of the Leeton Shire community.

3. Community participation principles

In line with the requirements of the Environmental Planning & Assessment Act, Council is required to consider the following community participation principles:

- The community has a right to be informed about planning matters that affect it.
- Planning authorities (including Council) should encourage effective and ongoing partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible in the process to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should 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 should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how the community views have

been taken into account).

- 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.

4. Leeton Shire Council's approach

Leeton Shire Council encourages open and inclusive opportunities for community participation in the land-use planning system, planning functions and individual proposals. To achieve this, our approach to community participation is to be fair, with proper and genuine consideration of community views and concerns in the decision-making process.

Our approach is described below:

WHAT	WHEN	HOW
Stage 1: INFORM		
Review all development applications to determine whether they should be placed on public exhibition in a timely manner.	A decision as soon as practical after the application is lodged with Council to 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.
Stage 2: CONSULT		
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, seek views and concerns.	Public exhibition, one-on-one engagement, public meetings, emails and phone calls as deemed appropriate.
Stage 3: CONSIDER		
Respond to the community's views by addressing concerns raised. Request additional information if necessary.	As soon as practical after the public submission period expires.	Phone calls, emails, opportunities to speak at Council Meetings and targeted consultation as appropriate.
Stage 4: DETERMINATION		
Notification to the community of decisions on proposals, plans and policies, and detail how community submissions were considered in reaching the decision.	As soon as practical after the decision has been made.	Updates to websites, publication of submission reports, letters to submitters. Council includes a "Reason for the Decision" on the consent for each development application.

5. Legislative context

The *Environmental Planning and Assessment Act 1979* (the Act) includes mandatory community participation requirements for councils in their role as planning authorities, including:

- setting out the mandatory requirements for community participation by planning authorities with respect to the exercise of relevant planning functions. The mandatory requirements include public exhibition for a minimum period, public notification requirements and the giving of reasons for decisions by planning authorities.
- The requirement for community consultation by some applicants for consents or other approvals

- Information about how and when it will undertake community participation when exercising relevant planning functions.

This Community Participation Plan and its implementation ensures Leeton Shire Council's obligations under the Act are met.

6. Definitions

The following glossary of terms used in land-use planning is provided to assist community members in their understanding of the planning system:

TERM	DEFINITION
Community Participation Plan (CPP)	A plan setting out how and when interested persons can participate in the land-use planning system, including Council's planning functions and its planning proposals and policies.
Complying development	The proposed development complies with all development standards applicable, and (if relevant) complies to the Building Code of Australia.
Contributions plans	Plan/s developed by Council for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development or to address community needs more broadly.
Delivery Program	A program detailing the principal activities to be undertaken by the Council over its term to implement the strategies established by the Community Strategic Plan.
Designated Development	Developments that are high-impact developments (eg likely to generate pollution) or are located in or near an environmentally sensitive area (eg a wetland area).
Development application	An application for consent (under Part 4 of the Act) to carry out development but excludes an application for a complying development certificate.
Development Control Plans (DCP)	A plan that provides detailed planning and design guidelines to support the planning controls in the LEP.
Gateway determination	A gateway determination is issued by the Department of Planning following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition.
Local Environmental Plan (LEP)	An environmental planning instrument developed by a local planning authority, ie the Council. An LEP establishes the legal planning framework for the local government area.
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department of Planning that relates to planning matters that are State-significant or are applicable across the State.
State-significant development	Some types of development are deemed to have State significance due to the size, economic value or potential impacts they may generate. Examples include new educational establishments, hospitals and energy-generating facilities.
State-significant infrastructure	Includes major transport and services developments that have a wider significance and impact than just the local area. Examples include: road and rail infrastructure, and water storage and treatment plants.

7. The scope and application of the Community Participation Plan

This Community Participation Plan applies to all of Council's land-use planning activities. The level and extent of community participation in planning decision-making will vary depending on the scope of the proposal under consideration and the potential impacts of the decision.

The land-use planning functions of Council that the Community Participation Plan applies to include:

Policies	Council develops policies that shape interaction with the planning system. These may include policies on developments that require developer contributions or repayment schemes.
Plan Making	Strategic land-use planning involves actions for communities which integrate social, environmental and economic factors with the Shire's special attributes. These include Planning Proposals such as rezoning of land, development control plans and growth plan.
Assessment	Leeton Shire Council makes decisions on a range of developments and related applications. When making these decisions, Council considers whether the proposed development is in the public interest, aligns with community objectives, and complies with applicable legislation, policies and guidelines.
Contributions	Council levies contributions for public amenities and services required to support growth. Council's contribution plans outline when contributions will be levied, the amount of the levy and what public amenities and services the contributions are levied for.

The Community Participation Plan applies to Council's exercise of its functions under the Environmental Planning and Assessment Act 1979, as well as when it exercises functions on behalf of the Independent Planning Commission.

8. The community participation process

a) Public exhibition

A key technique we use to encourage and enable community participation in the planning process is formal exhibition of a draft plan or proposal and invitation for submissions to be made on the draft document.

During an exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on.

Submissions, including personal information included within the submission, may be made available to the public and the applicant/proponent, as well as used in Councils reports.

In reaching decisions on proposals that have been exhibited, the Council, the General Manager, the Manager Planning, Building and Health, or an assessment officer balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objectives of the Act, the strategic priorities of Council and the community, the community's input, the land-use priorities identified in relevant strategic plans, and applicable policies and guidelines.

The Act sets a minimum exhibition timeframe for most types of proposals. Leeton Shire Council will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe in some circumstances, based on the scale and nature of the proposal. The mandatory exhibition requirements are set out in Appendix (i).

Key points to note about public exhibitions

- A public authority is not required to make available for public inspection any part of an environmental impact statement 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.
- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday, Council may extend the exhibition to finish on the next available work day.
- The period between 20 December and 10 January every year (inclusive) is excluded from the calculation of a period of public exhibition.

Complying developments and other occasions where exhibition will not occur

Council will not publicly exhibit the following development applications:

- Single storey residential outbuildings and single storey residential additions and alterations that comply with the relevant height, floor space ratio, setback, and cut and fill requirements.
- Subdivision of existing buildings (ie the subdivision of an existing dual occupancy etc).
- Changes from one commercial use to another, excluding changes for licensed premises.
- Internal Alterations to dwellings, commercial premises and industrial buildings.
- Strata or community title subdivision of an approved development.
- A modified application which is substantially the same as an application which has been previously notified.

Council will not publicly exhibit the following proposed modifications of development consent:

- Modification fixing minor error (ie wrong plan numbers, error in approval details etc).
- Modification involving minor environmental impact only where no public submission/s was received to the original development application.

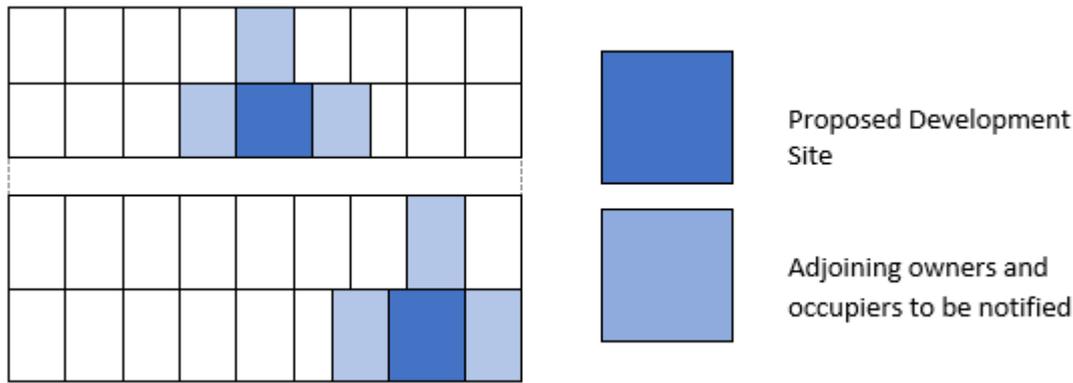
Council will not publicly exhibit a review of a planning decision, except where a public submission/s was received to the original development application.

b) Who is notified?

Neighbour Notification

For Development Applications where the Manager Planning, Building and Health or their delegate determines that only Neighbour Notification is required the following process applies:

- Potentially impacted neighbours are notified of the development application in writing, and submissions are invited for a period of not less than 14 days, including a minimum of 7 working days.
- The notification period may be increased at the discretion of the Manager Planning, Building and Health or their delegate having regard to the potential impacts of the proposed development.
- Potentially impacted neighbours may include those with shared boundaries and directly adjacent across roads and laneways, as described below:



Written notice of development applications is sent as a mailed letter to applicable neighbouring property owners, as identified in Council's records.

- For a property with multiple owners, written notice to one owner is considered notice to all owners (as per clause 88(2)(c) of the Regulations). Council notifies all owners if aware of their address details in association with the property.
- If land is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1986*, written notice to the owners' corporation is considered written notice to the owners of each lot within that strata scheme.
- If land is a lot within the meaning of the *Strata Schemes (Leasehold Development) Act 1986*, written notice to the lessor under the Leasehold Strata Scheme concerned and to the owners' corporation is considered written notice to owners or occupiers of each lot within that Scheme.

Council reserves the right to give individual notice to owners within strata schemes.

For other planning matters

For other planning matters, including policies, plans, strategies and other non-development related matters, Council will focus on extensively advertising the matter through a variety of means rather than mailing out individual notification letters. This is done for efficiency and avoidance of waste (that occurs in sending out individual notification letters to large parts or all of the local government area each time a planning matter is placed on exhibition).

To advertise other planning matters, Council will typically employ the following communication techniques:

- Advertising in the local newspaper.
- Regular posts on Council's social media platforms.
- Use of pamphlets or posters at the Library, Civic Centre and other community locations.
- Use of Council's 'Have your say' webpage.
- Media releases.

Notwithstanding the above, Council will also proactively notify key stakeholders if they represent a group of people that are likely to be significantly impacted by the proposal. Some key stakeholder groups that may be contacted might include:

- Chambers of Commerce.
- Local Aboriginal Land Councils.
- Historical Societies.
- Local planning consultants.
- Individuals affected by a planning proposal (where the planning proposal is not a broader review of the Local Environmental Plan).

c) How to make a submission

Written submissions can be made in the following ways:

- Handed to the Council Customer Service Centre at 23-25 Chelmsford Place, Leeton. Hours are from 8:30am to 5.00pm, Monday to Friday, excluding public holidays.
- Posted 23-25 Chelmsford Place, Leeton, NSW, 2705.
- Emailed to the address specified in the advertisement for the item on public exhibition.
- 'Have your say' page on Council's website for those proposals utilising that method of consultation.

When making a submission towards a development application, it is recommended that you fill in the 'Submission to Development Application' form, available on Council's website. This form will ensure that Council has your contact details and can keep you informed.

Submissions can raise local issues and make a positive contribution to the planning process. The following points provide guidance to those making submissions that will ensure Council able to process the feedback it receives, and expedite our response. Each point should be considered carefully before submitting feedback to Council.

- Ensure that your submission includes the reference number or title of the proposal you are lodging your submission about and is addressed to the contact person listed. If you are lodging a submission in relation to a development application, you should include the development application number (eg DA 26-2019) and the property address.
- Make sure that your submission is lodged by the closing date for public exhibition. The closing date will be on the public exhibition notice, website or notification letter.
- Clearly state and detail the reasons or grounds for your support or objection to the proposal in order that they may be taken into consideration during Council's decision-making. Only include information relevant to the development or planning proposal.
- Section 10.4 of the Act requires you to disclose reportable political donations and gifts if you are making a related public submission to Council. Failure to disclose relevant information is an offence under the Act. Council is required to make publicly available on its website any disclosure made under this section of the Act.
- If submitting in response to a development application, Council may forward your submission to the applicant for a response in addition to any government agency that is a referral authority for the development application.
- Council will send you an acknowledgement of your submission. However, Council does not make individual and personalized responses to submissions. If your submission relates to a development application, Council will also notify you of the outcome of the determination or the likely date of any Council meeting determination (whichever is applicable).
- In accordance with the provisions of the Government Information (Public Access) Act 2009 (GIPA Act), Council may place the public submission you provided on its website in full. Any personal details or contact information will not be redacted on Council's website. Members of the public are entitled to copies of your submission under the GIPA Act. A copy of your submission may be reproduced and published in Council reports or in Court proceedings. Refer to Council's Privacy Management Plan Policy for more information about how your personal information will be handled by Council.
- If a submission is made on behalf of multiple people or it contains a petition, only the designated contact person will be provided with any subsequent acknowledgement or correspondence. The first person with legible contact details will be used if no designated contact is assigned.

If you wish to make a presentation at a Council meeting to discuss a matter listed in the meeting agenda, you must contact Council prior to the meeting and register to speak. However, note that most planning matters are not determined at Council meetings. Council's Development Application Policy identifies when development applications will be determined at a Council meeting rather than being determined by Council staff.

d) Extensions to submission deadlines

If you cannot provide a submission by the advertised closing date, contact Council to request an extension. Extensions are considered on a case-by-case basis and are decided on a discretionary basis.

If no extension is granted, Council may also decide to consider or disregard late submissions on a discretionary basis.

e) What happens to submissions?

Council officers will collate and consider issues identified in submissions made as part of their assessment of a planning application or proposal.

Issues such as a moral objection, commercial competition or the personal circumstances of an applicant or objector cannot be given weight in Council's assessment of the matter. Matters that can be taken into account as part of the assessment include:

- Compliance with the Local Environmental Plan or Development Control Plan.
- Neighbourhood amenity, including noise, odour, privacy and overshadowing.
- Scale and design.
- Ecological impact.
- Parking, traffic and pedestrian access.
- Drainage and engineering matters.
- Cultural, economic or social impacts.
- Any other matter as identified in the Act, State Environmental Planning Policies or other relevant legislation or planning policy.

Submission, including personal information included within the submission, may be made available to the applicant, members of the public, or within Council business papers and reports.

f) Notification of outcomes

Council will notify the community of a planning decision depending on the nature of the planning function it relates to.

Decisions associated with the Strategic Planning, Plan Making and Contribution planning functions will be made by the elected Council at Council meetings. These meetings are generally open to the public. Minutes of the monthly Council meeting are recorded and made available on Council's website after each meeting.

Decisions associated with the Assessment planning functions are advertised on Council's DA Tracker, on its website. Copies of the assessment reports, including how the views of the community were taken into account, will be available on Council's DA Tracker. Community members who have made submissions will receive notification of the outcome of the decision. Where appropriate the assessing officer may directly contact the author of the submission as part of the assessment process.

In some instances development applications are reported to the elected Council for formal endorsement as part of their monthly meetings. These meetings are generally open to the public. Copies of the Business reports are also available on Council's website. The Business reports will contain information regarding submissions and how the views of the community were taking into consideration. Minutes of the Council meeting are also published on Council's website.

Community members who have made individual submissions will be notified of the date of the Council meeting and will be provided with an opportunity to address the public access meeting. Community members who have made submissions will also receive notification of the outcome of the Council meeting.

9. Appendices

i. Minimum notification timeframes and advertising requirements

The Environmental Planning and Assessment Act sets a minimum exhibition timeframe for most types of proposals. Leeton Shire Council will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe in some circumstances, based on the scale and nature of the proposal. The mandatory exhibition requirements are set out below:

What is exhibited	Mandatory exhibition timeframe	Method
Draft Community Participation Plan.	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Draft local strategic planning statements.	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Planning proposals for local environmental plans subject to a gateway determination.	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Draft development control plan.	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Draft contribution plans.	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Application for development consent for designated development.	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter - Neighbour notification - Site notice
Environmental impact statement obtained under Division 5.1	28 days	<ul style="list-style-type: none"> - Council website: <i>Have your say page</i> - The Irrigator - Council newsletter
Review of determination	14 days	<ul style="list-style-type: none"> - Council website - The Irrigator

Several of our functions and proposals do not have minimum exhibition timeframes. Where a development is considered to be of a minor nature by the Manager Planning, Building and Health or their delegate, notification and exhibition may not be undertaken.

For other developments, as a matter of course Council will typically notify and/or advertise Development Applications as described in the table below:

Type of Development Application (DA)	Advertising timeframes for DAs	Method
<p>Notification to all landowners considered by the Manager Planning, Building and Health to be impacted* by the Development Application.</p> <p><i>* Impacts may include: the views to and from the land; overshadowing; privacy; noise or odour; the visual quality of the development in relation to the streetscape; the scale or bulk of the proposed development; the siting of the proposed development in relation to site boundaries; the proposed hours of use for the development; light spillage or reflection; means of access to or provision of parking on the proposed development site; the amount of traffic likely to be generated by the proposed development; drainage; and the social and economic impacts of the proposal.</i></p>	14 days	<ul style="list-style-type: none"> - Neighbour notification
<p>Advertisement if deemed to be of public interest* by the Manager Planning, Building and Health.</p> <p><i>*A development application is generally deemed to be in the public interest if it may have environmental impacts that impact a broad section of the Leeton community.</i></p>	14 days	<ul style="list-style-type: none"> - Advertisements in the local paper - Our website - Social media announcements - Letter mail outs - Emails
<p>Integrated and Advertised Development requiring approval under:</p> <ul style="list-style-type: none"> - <i>Heritage Act 1977</i> - <i>Water Management Act 2000</i> - <i>Protection of the Environment Operations Act 1997</i> 	28 days	<ul style="list-style-type: none"> - Advertisements in the local paper - Our website - Social media announcements - Letter mail outs - Emails
<p>All other Integrated Development</p>	14 days	<ul style="list-style-type: none"> - Advertisements in the local paper - Our website - Social media announcements - Letter mail outs - Emails
<p>Amendments to Development Applications In the same manner as the original development application unless varied at the discretion of the Manager Planning, Building and Health.</p>		<ul style="list-style-type: none"> - Advertisements in the local paper - Our website - Social media announcements - Letter mail outs - Emails
<p>Voluntary Planning Agreements</p>	28 days	<ul style="list-style-type: none"> - Advertisements in the local paper - Our website - Social media announcements - Letter mail outs - Emails