

	Community Participation Plan 2019	Doc No. D20.28440	
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1. Community Participation

Balranald Shire Council recognises that community participation within our planning system delivers better planning results for our community. Council's responsibility and objectives under the Environmental Planning and Assessment Act 1979 (EP&A Act) is 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) which sets out how and when we will engage with our community on the planning functions of Council under the EP&A Act. Community participation, in relation to this CPP, is an overarching term covering how we engage the community within our work under the EP&A Act, including legislative reform, plan making and making decisions on proposed development.

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, Local, State and Commonwealth government agencies.

2. What Is Our Community Participation Plan?

This CPP is designed to make participation in planning clearer for the community. It does this by collating in one place, how and when the community will be engaged in the planning system. The CPP also establishes our community participation objectives, which we use to guide our approach to community participation. The plans that this CPP apply to can be found in Table 1.

This CPP does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure. Community engagement of these activities is developed considering the requirements of Council's Community Engagement Strategy, which is currently under development.

3. Integrated Planning & Reporting

Council's initial CPP will be exhibited as an individual document. Council intends to incorporate the principles of the CPP into Council's Community Strategic Plan. This will take place during the next update of the Community Strategic Plan. This approach will make for a more streamlined approach to updating and linking these documents.

4. Principles of The Plan

The EP&A Act guides Council to ensure that it will be 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 ongoing 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 will 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 of likely impact of the proposed development.

5. What Is Community Engagement

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. Community engagement can involve a broad variety of activities. One way to understand the different types of engagement is through a continuum from informing (reflecting a low level of engagement) through to active participation (reflecting a high level of engagement). Council carries out a variety of engagement activities at different points on this continuum.

- Informing takes place when a decision has been made or an action is required, such as a new policy direction or change in services.
- Consulting takes place when a project or activity requires some input or feedback before a decision is made, such as a draft plan or design for a community facility.
- Active participation takes place when we collaborate with or involve specific groups or community.

6. Our Approach to Community Engagement

Meaningful engagement helps to shape the strategic direction of our community, as well as informing the various policies and plans that support this vision. We are committed to providing best practice engagement based on our principles of engagement.

Council's community engagement principles aim to ensure:

- Community engagement will be inclusive, transparent and ensure fair participation.
- Community engagement is about informed decisions – not necessarily full consensus.
- Communities will be engaged around decisions that are yet to be made.
- Engagement activities aim to build trust and understanding.
- Engagement activities will only occur when there is a real opportunity for people to influence or change decisions or services.
- Engagement will have a clear purpose, objectives and approach.
- Activities will be timely, appropriate and not raise unrealistic expectations.

Our approach reflects the social justice principles of equity, access and participation.

7. Our Engagement Aims

Through this Plan, we aim to ensure our community knows when and how they can provide feedback on planning decisions that could affect their future. We also aim to:

- Be proactive and innovative in our approach to overcome barriers to participation.
- Strengthen partnerships between Council, the local community and stakeholders.

- Draw on the knowledge and experience of older generations.
- Provide a consistent and balanced approach to ensure all engagement activities are focused and effective.
- Make use of contemporary and traditional engagement tools and social media to reach the broad community.
- Create opportunities to engage with the harder to reach including young people and families.
- Deliver engagement activities at various locations across the local government area.

8. Planning Documents

Table 1 highlights the planning functions, strategies and minimum exhibition timeframes that this CPP applies to, as set out in Schedule 1 of the EP&A Act.

Table 1 - Community Participation Exhibition

Scope of Community Participation Plan	Minimum exhibition timeframe
Draft Community Participation Plan (this plan)	28 days
Draft Local Strategic Planning Statement The Local Strategic Planning Statement will set the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. Note, Council is currently developing the draft Local Strategic Planning Statement.	28 days
Planning proposals for local environmental plans, subject to a Gateway Determination Planning proposals can be prepared to rezone land to change the uses allowed on the land and administrative amendments to the Balranald Local Environment Plan (LEP) 2010 –i.e. addition of heritage items, changes to permitted land uses in certain zones, updates to clauses and maps	28 days (or as specified by the Gateway Determination, which may find that due to the minor nature of the proposal that no public exhibition is required or only 14 days exhibition is required)
Reclassification of land Land in Council ownership must be classified for either community or operational use under the Local Government Act 1993. Community land is for land designated for community 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. Example: Reclassification of community land to operational land at various sites across the LGA	28 days and a public hearing scheduled for at least 21 days after the public exhibition occurs
Development control plans and guidelines Development Control Plans (DCP) and Guidelines provide controls to guide new development,	28 days

which are considered in the assessment of development applications.	
Planning strategies, structure plans or master plans that may result in changes to LEP and DCP through implementation Examples include strategies such as parking strategies and structure plans for areas	28 days*
Draft contribution plans A plan that levies new development for facilities such as transport, community and recreational facilities, attributed directly or indirectly.	28 days
Draft planning agreements Planning agreements entered into between Council and a developer. The Planning agreement allows contributions for land dedication, recreation, community and transport facilities in lieu of development contributions under section 7.11 of the EP&A Act.	28 days
Local Development application (DA) – application for development consent (other than for State significant development) Examples include development applications for new dwellings, commercial, retail and industrial development, along with modifications of such proposals.	See Appendix 1: Categories of Development and Note 1
DA – application for development consent for designated development Designated developments are higher impact developments that are identified in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and includes activities such as aquaculture, chemical storage facilities, extractive industries, electricity generating stations and marinas. These developments need to be supported by an Environmental Impact Statement.	28 days
DA – application for development consent for State significant development Some types of development are deemed to have State significance due to the size, economic value or potential impacts. These types of development are identified in the State and Regional Development State Environmental Planning Policy and include development such as new education establishments, hospitals and correction centres, mining and extraction operations, tourist and port facilities.	28 days (State Government process)
Environmental Impact Statement (EIS) – obtained under Division 5.1 An EIS prepared for development under Part 5 of the EP&A Act for certain development such as state significant development.	28 days
Environmental Impact Assessment (EIA) – for State significant infrastructure under Division	28 days (State Government process)

5.2

State significant infrastructure includes major transport and services development such as rail and road infrastructure, pipelines and electricity infrastructure.

* The updates to the NSW Environmental Planning and Assessment Act do not mandate these documents to be part of the Community Participation Plan. However as they relate to planning matters and for transparency, Council has included them.

Note 1: In certain circumstances, Council may dispense with notification. Notification may be dispensed with, except in relation to heritage items or heritage conservation areas nominated within Balranald Local Environmental Plan 2010, when:

- A. Council is of the opinion an amended or substituted application (including applications under s4.55 or s8.2 of the Environmental Planning and Assessment Act) varies in a minor respect from the original application that was previously notified
- B. Council is of the opinion the development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality
- C. The application is for a temporary use as detailed in Balranald Local Environmental Plan 2010 and in the opinion of Council will not adversely affect the amenity of the locality
- D. Development is for a new residential dwelling house and/or ancillary development to a house, provided the development:
 - a) is a maximum of two storey, and
 - b) has a maximum height of 8.5m measured from the existing ground level, and
 - c) the external wall of the building is not built to the lot boundary.
- E. Development is for additions to a residential dwelling house and/or ancillary development to a dwelling house, provided the development:
 - a) is a maximum of two storey, and
 - b) has a maximum height of 8.5m measured from the existing ground level, and
 - c) the external wall of the building is not built to the lot boundary.

9. Exempt and Complying Development

Some development types, such as exempt and complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, do not allow opportunities for community engagement.

10. Land to which this Community Participation Plan applies

The Community Participation Plan applies to all land within the Balranald Shire Council Local Government Area other than land on which exempt and complying development is proposed.

Appendix 1: Categories of Development

Category 1:

Routine applications notified for 14 days

- New dwelling, dual occupancy, secondary dwellings and boarding houses not exceeding 300m² and 12 persons
- Alterations and additions to a dwelling, dual occupancy, secondary dwelling and boarding houses not exceeding 300m² and 12 persons
- New building or significant alterations and additions to a building on land in Business or Industrial zones. (Alterations and additions are 'significant' if they result in more than 50% of the existing gross floor area)
- New tennis court (including change to lighting) ancillary to residential land use
- New swimming pool ancillary to residential land use
- Minor ancillary structures that require a development application (such as awnings, decks, fences, carports, outbuildings) and, in the opinion of the authorised officer, will have an adverse impact on the adjoining property
- Development below the foreshore building line
- Change of hours of operation which in the opinion of the authorised officer is likely to have an impact on residential properties
- Permits under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 to clear vegetation, prune or remove a tree
- All other development requiring consent that is not elsewhere identified in the development application notification categories and in the opinion of the authorised officer is required to be notified

Notice areas for Category 1

- The property at each side of a site
- 3 nearest properties at the rear
- 3 nearest properties at the front
- For a corner block or where a lane or other public land adjoins a property the next nearest property or properties will be notified by disregarding the road, lane or public land

Category 2

Applications requiring more extensive neighbour notification for 14 days

- External alterations and additions involving a heritage item
- New residential flat building, attached dwellings, multi-dwelling housing, or shop-top housing comprising 10 units or less
- New recreation area and new recreation facilities (indoor)
- New bed and breakfast accommodation
- Alterations and additions to a childcare centre
- New community facility (other than a community facility development detailed in Category 3)

- Development applications under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 to clear vegetation, prune or remove a tree

Notice areas for Category 2

- The 2 properties adjoining each side of the site
- 5 nearest properties at the rear
- 5 nearest properties at the front

Category 3

Significant or higher impact applications requiring notification for 28 days

Council will notify all properties within a 100 metre radius of the application site for applications in this category and advertise in locally circulating newspapers if required by an Environmental Planning Instrument.

- New or major alterations and additions to seniors housing, including SEPP (Seniors Living) 2004
- New or major alterations and additions to a childcare centre (other than Category 2)
- New or major alterations and additions to an educational establishment
- Sex services premises
- New recreation facility (major) and recreation facility (outdoor).
- New place of public worship
- New residential flat building, attached dwellings, multi-dwelling housing or shop-top housing comprising more than 10 residential units
- New or major alterations and additions to a pub
- New or major alterations and additions to a community facility
- New or major alterations and additions to a health services facility
- New or major alterations and additions to tourist and visitor accommodation buildings (other than a bed and breakfast accommodation)
- New or alterations and additions to telecommunications facilities and/or network communications facilities
- Boarding houses
- Designated development*
- Integrated development*
- Referred development*

*Notification requirements for designated development, integrated development and referred development are separately prescribed by the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation (2000) and other environmental planning instruments. In these cases, notification and area of notification may vary.

Category 4

No notice required

We do not notify you about the types of development in this category.

- Exempt development

- Complying development
- Fitout of a building
- Land subdivision of an existing dual occupancy
- Property boundary adjustment
- Strata and/or stratum subdivision
- Building works that involve alterations to an existing building which in the opinion of the authorised officer will have a lesser or same effect as the approved development (excluding works involving a heritage item)
- Applications for development of a minor nature in a heritage conservation area or involving a heritage item that in the opinion of the authorised officer would not adversely affect the heritage significance of the heritage conservation area or heritage item (including repair and maintenance with materials and finishes that match or are compatible with the existing building)
- Applications which in the opinion of the authorised officer, contain insufficient information for a proper assessment under the Act and the application is determined as a refusal for that reason
- Applications that in the opinion of the authorised officer, will have a lesser or same effect as the existing development on site including building certificates for unauthorised works
- Applications where letters of support or written statements of no objection have been received from adjoining property owners, who in the opinion of the authorised officer, may be affected in accordance with the categories within this Plan.