

# COMMUNITY PARTICIPATION PLAN



Developed in accordance with the principles set out in Section 2.23(2) of the EP&A Act



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# COMMUNITY PARTICIPATION PLAN

“JOIN THE CONVERSATION AND HELP UNLOCK OUR REGION'S FUTURE”

## **What is a Community Participation Plan?**

A Community Participation Plan (CPP) is intended to make it easier for the Tamworth regional community to understand how to participate in planning matters, relevant to our region. The CPP communicates to the community their rights to information about planning matters and contains a number of guiding principles and approaches to participation which aim to encourage **open, inclusive, safe, easy, relevant, timely** and **meaningful** opportunities for participation in the NSW planning system, Tamworth Regional Council's specific planning functions and individual proposals.

In accordance with Section 2.23 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) a planning authority (in this instance Tamworth Regional Council) is required to prepare a CPP which describes how and when it will promote and encourage community participation when undertaking strategic planning; e.g. rezoning land or identifying new land release areas and statutory planning; e.g. development assessment (development applications). A CPP must also set out the minimum public exhibition timeframes relevant to Council's planning functions, in accordance with the legislation.

## **Relationship with the Tamworth Regional Council Community Strategic Plan -Keychange 2017-2027**

The Community Strategic Plan - *Keychange 2017-2027* is the major strategic document developed by Council to guide the delivery of services and facilities to the region over a ten year period. The Community Strategic Plan (The Plan) is produced by Council in partnership with, and guided by, the vision and priorities of the regional community. The Plan incorporates a suite of documents including a Delivery Program, Resourcing Strategy and Community Engagement Strategy.

The Community Engagement Strategy underpins the Community Strategic Plan by identifying pathways for the community to engage in the preparation and periodic review of the Community Strategic Plan. The Community Engagement Strategy describes Council's **ongoing** commitment to community engagement and participation in the many and varied functions Council performs. The Community Engagement Strategy provides a framework for participation methods and engagement principles which are specific to our region.

It is intended that the Community Participation Plan (CPP) will be an extension of Council's existing policy framework and further reinforce our community engagement principles. The CPP will provide information to the community on Council's community participation commitments and requirements under the **planning legislation**.

### **What functions does the Community Participation Plan apply to?**

In accordance with the requirements of the EP&A Act, Council's planning functions are primarily divided into two streams, strategic planning and statutory planning (development assessment). Key aspects of these functions are summarised as follows:

<b>STRATEGIC PLANNING</b>	<b>DEVELOPMENT ASSESSMENT</b>
Strategic planning is an essential function of Council whereby we set the strategic direction, vision and goals for the region from a land use perspective. Examples of this work include amendments to the <i>Tamworth Regional Local Environmental Plan 2010</i> , the <i>Tamworth Regional Development Control Plan 2010</i> , contributions plans and plans for rural environments, village settlements and urban growth areas.	Council is the consent authority for local development (other than for complying development, designated development or State significant development). Local development is the most common type of development in NSW and involves consideration and assessment of a wide range of development types from subdivisions to large scale commercial, retail and industrial developments.

### **Who does the Community Participation Plan apply to?**

The CPP applies to the planning functions undertaken by Tamworth Regional Council in accordance with the requirements of Division 2.6 and Schedule 1 of the EP&A Act as well as planning functions delegated by the Minister of Planning.

### **Why is community participation important?**

We believe that involving the community, organisations and groups in Council's decision-making processes is crucial to achieving better outcomes. Council's Community Engagement Strategy describes the principles of equity, access, participation and rights. These principles are reflected throughout this Community Participation Plan reinforcing how community input into planning improves and strengthens the relationship between Council and the community.

## How can the Tamworth Regional community participate in the planning functions of Council?

### Community Participation Objectives

Table 1, below, describes the types of actions we will undertake to deliver our community participation objectives. These objectives have been developed having regard to the community participation principles set out in Section 2.23 (2) of the EP&A Act and in consideration of Council's existing Community Strategic Plan social justice principles.

Objectives	Actions	Processes
<p><b>Information – the community has a right to be informed about planning matters that affect it.</b></p>	<p>Facilitate open communication by:</p> <ul style="list-style-type: none"> <li>• Keeping the community informed about planning matters which may directly or indirectly affect the wider community and/or specific groups or individuals.</li> <li>• Actively promoting participation opportunities and seeking community input in order to facilitate effective and on-going partnerships.</li> <li>• Actively encourage development proponents to engage with the community at the earliest possible stage.</li> <li>• Ensuring community engagement accurately captures and responds to the relevant views of the community.</li> <li>• Ensuring community engagement is an integral component of Council's planning functions and processes.</li> <li>• Using plain language when providing planning information and facilitating ease of access.</li> </ul>	<p>Council's CPP tools:</p> <ul style="list-style-type: none"> <li>• Council's Development Hub provides information on developments at all stages of the determination process. The Hub provides opportunities for preliminary plans/proposals to inform the public prior to submission. Council's newly developed DA Dashboard also provides access to DA information and DA processing statistics.</li> <li>• Social media and Council's "have your say" portal provides an effective communication tool in relation to planning functions and specific projects at the early conceptual or preliminary development phase.</li> <li>• Developer forums are facilitated by Council targeted at industry groups with the aim of informing and educating the development industry of changes to planning legislation and/or best practice initiatives.</li> <li>• Print and electronic media are utilised widely by Council as a means of informing the regional community about issues and developments happening in our community.</li> <li>• Updates to ongoing developments and projects are provided to the community at key points in the development assessment or strategic planning process.</li> </ul>

Objectives	Actions	Processes
<b>Participation</b>	<p>Encourage community participation by:</p> <ul style="list-style-type: none"> <li>• Seeking community participation in strategic planning as early as possible.</li> <li>• Conducting community engagement opportunities in a safe environment.</li> <li>• Tailoring engagement activities to match the context, scale and nature of the proposal, level of community interest and preferences for participation.</li> <li>• Early engagement must be undertaken by the proponent where major developments have the potential to impact members of the community and/or individuals or groups in a significant way.</li> <li>• Adjust engagement activities in response to community feedback or input, if necessary.</li> </ul>	<p>Council's CPP tools:</p> <ul style="list-style-type: none"> <li>• Community participation opportunities are advertised through Council's existing media platforms such as email, social media, press releases, advertisements, editorial features and Council's website.</li> <li>• New or proposed potentially contentious or significant developments in the early discussion or preliminary development phase will be advertised on the Development Hub or notified directly to the community with the aim of informing and encouraging feedback. Advertising and notification will support early engagement undertaken by the proponent.</li> <li>• We facilitate community meetings and information sessions as an important platform for direct engagement and provide opportunities for developers and community members/groups to engage face-to-face.</li> </ul>
<b>Access to Information</b>	<p>Community access to information will be facilitated by:</p> <ul style="list-style-type: none"> <li>• Clearly setting out the purpose of any engagement and how and when the community can participate in respect of a planning function.</li> <li>• Preparing information for the community that is relevant, concise, written in plain English and easy to understand.</li> <li>• Promotion of equal rights of access with opportunities for people from diverse age, linguistic, cultural or religious backgrounds or people with disabilities.</li> </ul>	<p>Council's CPP tools:</p> <ul style="list-style-type: none"> <li>• Planning staff prepare for community engagement and delivery early in the assessment and review process.</li> <li>• Planning staff regularly engage with community groups to ensure that plans and/or proposed developments are understood by all members of the community and equal right of access to information and opportunities is facilitated to the best of our ability.</li> <li>• We facilitate a formal planning education program, targeted at industry groups or community interest groups that the general community can access.</li> <li>• Council provides a range of mediums for communicating planning matters such as online engagement via the TRC DA Dashboard, print media, meetings, one-on-one interviews, visual media such as photos and maps and site visits.</li> </ul>

Objectives	Actions	Processes
<b>Transparency</b>	<p>Transparency in decision making is reinforced by:</p> <ul style="list-style-type: none"> <li>• Keeping accurate records of engagement activities and community input.</li> <li>• Regularly reviewing the effectiveness of community engagement.</li> <li>• Integrating community input into the evaluation process.</li> <li>• Giving genuine and proper consideration to community input and providing reasons for planning decisions.</li> </ul>	<p>Council's CPP tools:</p> <ul style="list-style-type: none"> <li>• Access to documentation.</li> <li>• Development applications which are to be determined at Council meetings will be advertised in the Northern Daily Leader – "infolink", Barraba Gazette or Manilla Express.</li> <li>• Publishing determinations &amp; decision summaries where appropriate.</li> <li>• Community members whom have provided formal submissions to a development application are invited to attend the relevant Council meeting whereby their view or opinions may be heard in a public forum.</li> <li>• Issues raised during the decision making process are addressed separately &amp; clearly in Council reports with indications of 'weight' and Council's response to the issue.</li> </ul>
<b>Timely feedback on decision making</b>	<ul style="list-style-type: none"> <li>• Ensure the community is given appropriate time to respond or provide input to planning matters.</li> <li>• Ensure responses are attended to in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>• Where potentially contentious or large scale developments are proposed Council will consider extending exhibition timeframes as appropriate.</li> <li>• Council's public response policy ensures that submissions and enquiries are responded to within appropriate timeframes.</li> </ul>



**What is our approach to community participation?**

In line with the community participation objectives defined by the legislation, we encourage **open, inclusive, easy, safe, relevant, timely** and meaningful opportunities for community participation in our planning functions and individual proposals.

To achieve this, we design our engagement approach so that in the event of disagreement in relation to proposals Council's processes aim to ensure that fairness and the consideration of all relevant views and concerns are acknowledged and acted upon where appropriate.

To achieve the benefits of community participation in the planning system, we will tailor the following community participation approaches for all our planning functions:

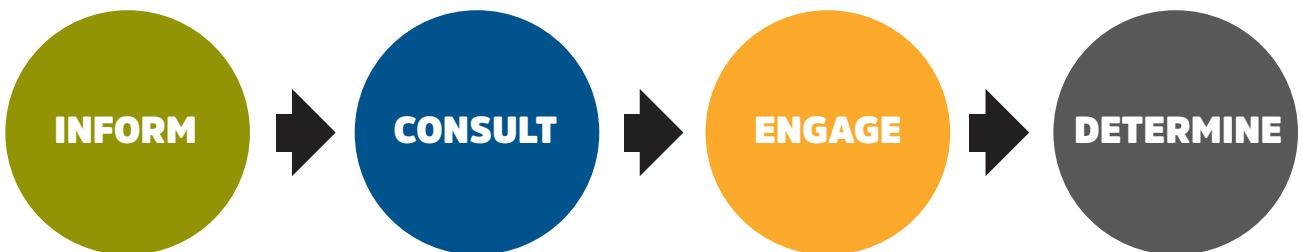


Table 2, overleaf, describes our approach in more detail.

Table 2: Community Participation approach

What	When	How
<b>INFORM</b>		
<p>We notify the community of proposed developments, at the earliest stage, where relevant. We provide information on the context of the proposal and update information as proposals progress through the planning process.</p>	<p>Preliminary development applications, development applications and planning proposals which have the potential to impact individuals, groups or organisations will be notified/ exhibited/advertised as early as possible. Proponents are expected to undertake pre-lodgement consultation as appropriate. Feedback will be sought and updates provided on relevant proposals as they make their way through the planning system.</p>	<ul style="list-style-type: none"> <li>• Print media releases,</li> <li>• mail-outs,</li> <li>• Council's website,</li> <li>• social media,</li> <li>• emails, newsletters,</li> <li>• on-site meetings,</li> <li>• public notices,</li> <li>• information sessions; and</li> <li>• forums.</li> </ul>
<b>CONSULT</b>		
<p>We consult with the community and invite them to provide their views and concerns regarding a proposal.</p>	<p>Exhibition of draft plans and proposals are undertaken in accordance with either mandatory or non-mandatory exhibition timeframes. Where necessary consultation periods will be extended.</p>	<p>Public exhibition, online participation forums, Council's online "Have your Say" portal, community meetings and one-on-one engagement with proponents and community members.</p>
<b>ENGAGE</b>		
<p>We engage with the community and respond to the community's views by conducting targeted engagement to seek specific input depending on the scale, nature and likely impact of the proposal.</p>	<p>Through submissions and feedback, we identify your key issues and concerns and conduct tailored engagement activities to find solutions to determine the way forward.</p>	<p>Public meetings and exhibitions, feedback sessions and workshops with proponents, interested community members and other relevant stakeholders.</p>
<b>DETERMINE</b>		
<p>We notify the community of decisions on proposals and describe how their views were considered in reaching the decision.</p>	<p>In reaching a decision we consider your views and concerns, notify you of the reason for the decision and how community views were considered.</p>	<p>Updates to websites, publication of submissions summaries, exhibition reports, decision notices and Council reports.</p>

## **EXHIBITIONS**

The key method utilised by Council to encourage participation in planning functions is by way of public exhibition and/or notification of the application or proposal. During an exhibition we make available relevant documents that may include a draft of the plan or proposed development that we are seeking community input or comment on. We receive and record submissions and adhere to our Privacy Policy and defamation and discrimination laws. In reaching decisions on proposals, a wide range of factors including formal submissions and community input are considered along with regulatory requirements, Council's strategic plans and applicable policies and guidelines.

### ***Exhibition timeframes***

Section 2.23 (2) of the EP&A Act describes the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for at least the minimum mandatory timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

### ***How can you get involved in a public exhibition?***

Make a formal submission on an exhibition or individual development application by going online to Council's "Have your Say" link on the Council website [www.tamworth.nsw.gov.au](http://www.tamworth.nsw.gov.au). Alternatively, written submissions may be submitted by hand to Council, E-mailed or posted. You may also connect directly with the relevant Council staff working on a proposal, plan, project or development application. Contact details are typically provided with the exhibition documentation or on Council's development portal.

Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at our discretion. Details of typical and minimum mandatory timeframes are provided in Table 3.

Table 3: Minimum mandatory timeframes

<b>Plan making mandatory exhibition timeframes</b>	
Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statements	28 days
Planning proposals for Local Environmental Plans subject to a Gateway Determination (or as otherwise specified in Gateway Determination)	28 days
Draft Development Control Plans	28 days
Draft Contribution Plans (including growth centres and planned precincts)	28 days
<b>Development assessment mandatory exhibition timeframes</b>	
Application for development consent (other than for complying development certificate, for designated development or for State significant development), modification and re-exhibition of any amended application or matter required by or under this Schedule	14 days
Application for development consent for designated development	28 days
Environmental impact statement obtained under Division 5.1	28 days

***Advertising and notification periods for development assessment.***

Council's community consultation regime in relation to specific development types are described in Table 4, overleaf. Development applications which require advertising will be advertised in the newspaper, in Council offices and written notice will be provided to adjoining landowners. Notified development applications will be notified, via mail, to all relevant adjoining, adjacent or potentially impacted land owners.

Please note that prior to the production of this CPP advertising and notification periods were previously contained within the Tamworth Regional Council Development Control Plan (TRDCP 2010). This information had now been removed from the DCP.

Table 4: Advertising and notification periods

Advertised Local Development	Notified Development Applications
<ul style="list-style-type: none"> <li>Demolition of a building identified as a heritage item in Schedule 5 of the Tamworth Regional Local Environmental Plan 2010;</li> <li>Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the Tamworth Regional Local Environmental Plan 2010;</li> <li>Major Council projects (not including utility service infrastructure) with a value exceeding \$1m, or likely to be of significant community interest;</li> <li>Non-residential uses in or adjacent to the R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential, or RU5 Village Land use Zones;</li> <li>Subdivisions creating 20 or more allotments;</li> <li>With the R1 General Residential, R2 Low Density Residential, R5 Large Lot Residential or RU5 Village Land use Zones, development applications for the purpose of: <ul style="list-style-type: none"> <li>Multi-dwelling housing, attached dwellings, semi-detached dwellings, dual occupancy development located in the East/West Tamworth Character Areas, manor houses, residential flat buildings, seniors housing, hostels, boarding houses, group homes, tourist and visitor accommodation, caravan parks, exhibition homes, exhibition villages.</li> </ul> </li> </ul> <p><b>NOTE: Applications for residential forms of development lodged under “Fast Track Determination” pathway will not be advertised. Neither will those developments where the building and subdivision work is completed by the developer who also owns all adjoining lots.</b></p> <ul style="list-style-type: none"> <li>Any development identified by Senior Council staff that should be advertised in the public interest.</li> <li>Designated development which requires the approval/concurrence of State agencies must be advertised for a minimum period of 28 days.</li> </ul> <p>These developments will be advertised by:</p> <ol style="list-style-type: none"> <li>Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice;</li> <li>Written notice of the proposal to be given to all adjoining<sup>[3]</sup> landowners;</li> <li>Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday.</li> </ol>	<p>The kinds of development that will be notified comprise:</p> <ul style="list-style-type: none"> <li>Any residential development seeking a variation to the DCP which may, at the discretion of senior Council staff, impact on adjoining<sup>[3]</sup> properties, local amenity and/or character;</li> <li>Two storey residential development on land &lt; 2000m<sup>2</sup>;</li> <li>Two storey additions to a house on land &lt;2000m<sup>2</sup>;</li> <li>Subdivisions creating &gt; 5 lots<sup>[1]</sup>;</li> <li>Commercial or industrial development in or adjacent to residential land or sensitive land uses<sup>[2]</sup>;</li> <li>Dual occupancy development located in the East/West Tamworth Character Areas identified in the DCP.</li> </ul> <p>Notwithstanding the above, following a preliminary assessment of factors such as local amenity and character, public interest or land use conflict Council may require notification of the development. Notification fees apply as per Council’s adopted schedule of fees and charges.</p> <p>Any Section 4.55 modification applications or amended plans previously notified may, at the discretion of senior Council staff, be re-notified. Written notice to adjoining landowners shall contain the following minimum information:</p> <ol style="list-style-type: none"> <li>Real property description and address of the land</li> <li>Applicant’s name;</li> <li>Description of the proposal for which consent is sought;</li> <li>The period in which submissions must be made;</li> <li>A notification plan.</li> </ol> <p>[1] All landowners in an existing road intended for use by a new subdivision will be notified.</p> <p>[2] A non residential development in a residential zone will be notified in accordance with this chapter, with discretion available to extend the notification to further landowners as required.</p> <p>[3] Adjoining land generally means land which shares a common boundary with the development site or is separated only by a pathway, driveway, laneway or public road; or is the closest land not owned by the developer.</p>

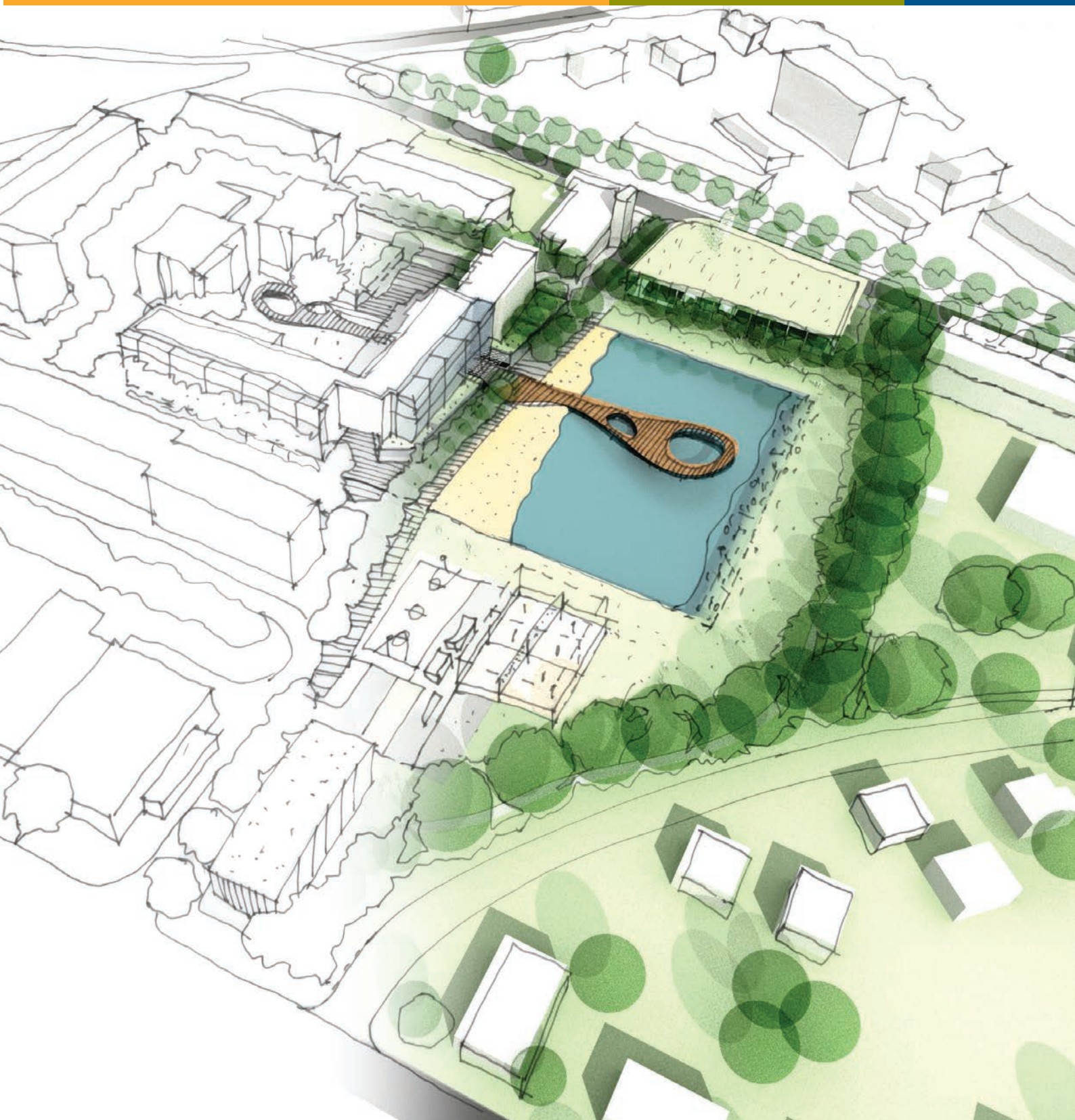
### ***Key points about public advertising and exhibitions:***

- 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. The period of exhibition for advertised development will be a minimum of 14 days from the date the notice is advertised (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).
- If the exhibition period is due to close on a weekend or a public holiday exhibition will be extended to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

### ***Review of determinations and decisions***

Where Council has refused a development application or imposed conditions considered by the applicant to be unsatisfactory, the applicant may request a review. Applications for review are permissible in accordance with Section 8.2 of the EP&A Act and must be completed within 6 months from the date of determination of the development application.





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