MIDCOAST
council



COMMUNITY PARTICIPATION PLAN

Community Engagement Strategy, Appendix B

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This Community Participation Plan has been created to meet the requirements of the Environmental Planning and Assessment Act 1979.

Adopted by MidCoast Council at the ordinary meeting of 27 November 2019.

Introduction

MidCoast Council recognises that community participation in our planning system delivers better results for our community.

Our Community Participation Plan has been developed to set out how and when we will engage with our community on the planning functions we perform under the *Environmental Planning and Assessment Act 1979*.

When delivering these functions it is our responsibility to ensure the objectives of the Act, including: ensuring the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing are met.

Our Community Participation Plan will help the community clearly understand how they can participate, by outlining when and how Council will engage with the community and stakeholders across all planning decisions.

Engagement on planning matters outlined in this plan will be undertaken in line with our community engagement principles and objectives, as documented in the MidCoast Community Engagement Strategy, and our approach will follow the MidCoast Engagement Framework, outlined in the strategy.

Participation principles

The EP&A Act outlines the principles that underpin Council's Community Participation Plan. These principles are:

- 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 developments 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.

Exhibition timeframes

Mandatory exhibition timeframes

The following table sets out the minimum exhibition timeframes for our documents.

We will always exhibit a proposal for the minimum timeframe, however at times will consider an extended timeframe based on the scale and nature of the proposal.

Plan type	Minimum timeframe
Draft community participation plan This plan sets out when and how Council will engage with their communities on planning functions and sets the minimum timeframe for participation in each type of document.	28 working days
Draft local strategic planning statements Local Strategic Planning Statements 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.	28 working days
Draft development control plans A plan that provides detailed planning and design guidelines to support the planning controls in the Local Environmental Plan.	28 working days
Notice of intention of repeal of development control plan	28 working days
Draft contribution plans A plan that levies new development for facilities such as transport, community and recreational facilities required to service new development.	28 working days
Notice of intention to repeal contribution plan	28 working 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, or to facilitate administrative amendments to the Local Environmental Plan	28 working days Unless otherwise directed by the gateway determination
Planning agreements Planning agreements are entered into between Council and a developer to allow contributions for land dedication, recreation, community and transport facilities in lieu of development contributions under section 7.11 of the EP&A Act.	28 working days Unless in conjunction with a development application or planning proposal gateway determination
Draft regional strategic plans Regional plans are developed to plan for future population needs for housing, jobs, infrastructure and a healthy environment.	45 working days

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, works depots or land that is being retained for strategic reasons.	28 working days
Local Approvals Policy – significant changes – new uses added or significant amendment made The identification of low impact activities that can be undertaken without approval from Council, such as community events, footway dining and mobile vending provided they meet certain criteria	28 working days
Applications for development consent (other than for a complying development certificate, for designated development or State significant development) Examples include development applications for subdivision, new dwellings, commercial, retail and industrial development.	14 working days
Applications for modification of development consent (other than for a complying development certificate, for designated development or State significant development)	In the same manner in which the original application was exhibited
Application for development consent for designated development Designated developments are higher impact developments that are detailed in Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and includes activities such as aquaculture, coalmines, chemical storage facilities, extractive industries, electricity generating stations and marinas. These developments need to be supported by an Environmental Impact Statement.	28 working days
Environmental Impact Statement An Environmental Impact Statement is a publicly available document that provides information on a project, including its environmental impacts and mitigation measures, and is used to inform development consent decisions.	28 working days

Non-mandatory exhibition timeframes

Plan type	Minimum timeframe
Council development on Council owned land	28 working days
Council policies, plans and strategies	28 working days

Exempt and complying development

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

Key information relating to public exhibition periods

There are a number of key points to note about public exhibition, including:

- Timeframes are in business days and do not include weekends;
- If the exhibition period is due to close on a public holiday we will extend the exhibition to finish on the first available work day after the public holiday;
- The period between the end of the third week in December and the beginning of the third week in January (inclusive) is excluded from the calculation of a period of public exhibition for mandatory exhibition timeframes
- We will not undertake community consultation activities, including the public exhibition of Council policies, plans and strategies, as outlined in the non-mandatory exhibition timeframes listed, from the end of the second week of December to the first working day after Australia Day.
- Decisions on publicly exhibited plans and applications are not to be made until after the exhibition period;
- Submissions with respect to a plan, application or other matter must be made during the public exhibition period;
- Council is not required to make available for inspection any part of an environmental impact statement where the publication would be contrary to the public interest because of its confidential nature or for any other reason.

Public exhibition periods

During an exhibition period we make available relevant documents, such as draft plans or proposed developments we are seeking input on.

In reaching decisions on proposals that have been exhibited, Council balance a wide range of factors to ensure decisions are made in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of Council, community input, the land use priorities identified in strategic plans and applicable policies and guidelines.

How you can get involved in a public exhibition

There are a number of ways to get involved in our planning system. A regular and valuable way for members of the community to participate is by making a submission on a proposal during an exhibition period.

You can do this by:

- Making a formal submission on an exhibition by going online to the MidCoast Council website www.midcoast.nsw.gov.au and selecting the ‘have your say’ tab to access all the available information on the proposal or application;
- Submissions can be made online or in writing to the General Manager.

Making a submission

Any person is entitled to make a submission which may object to or support a planning matter within the public exhibition or notification period, whether or not a notification letter has been forwarded to the person. Submissions must be made in writing and delivered to the Council either by email, a have your say submission, by post or by using the form available on our website.

All submissions received within the public exhibition or notification period will be considered in the officer's assessment of the matter. The terms of any submissions will be summarised in the officer's assessment report. The officer's report will involve consideration of the merits of all relevant matters.

Important information in relation to submissions:

- All submissions must include the reasons for objection or support;
- Submissions must be in writing, addressed to the General Manager, clearly indicating the names and addresses of the person(s) making the submission, quote the development application number (if relevant), the subject matter and clearly state the address of the property;
- Submissions must include the postal address or e-mail of person(s) making submissions so they can be notified in advance if the matter is to be considered by Council at a Council meeting. This information will remain public and may be included in reports to Council;
- Submissions are considered to be open access information and details of the submissions made to development applications may be reproduced in full in a business paper;
- Anyone making a submission is advised to refrain from including personal and health information about themselves or other people, defamatory statements or abusive language.

Acknowledgement of submissions

All submissions received during the public exhibition or notification period will be acknowledged as soon as practicable by Council.

Following determination of a development application, or the adoption of a strategic plan or strategy, all persons who made a submission shall be notified in writing of the decision regarding the application, strategy or plan.

Anonymous submissions

Anonymous submissions will not be considered by Council.

Notification requirements

The mandatory notification requirements for applications are as follows:

Development Applications

Who do we notify?

Notice of an application will be sent to those who own land adjoining and neighbouring an application site if, in the Council's opinion, the enjoyment of the adjoining or neighbouring land may be detrimentally affected by the development to which the application applies.

In forming an opinion to notify adjoining owners, Council will consider potential impacts on the use and amenity of their land, including such matters as:

- Impact on views;
- Access to sunlight, privacy;
- Impact of noise, odour, light;
- Visual impact, streetscape and local character;
- Traffic and access;
- Compliance with adopted codes and policies.

Where notification is to occur all property owners within 50 metres of the land the development is proposed on will be notified. If we determine there is likely to be a broader public interest we may notify a distance further than 50 metres. Notification will take the form of a written letter, posted to the address the landowner has registered with Council for the purpose of rating. This written notification will direct the recipient to Council's website for further information and to view documentation.

In some cases, outlined below, Council will also advertise development applications in local newspapers. These applications will also appear on Council's website.

Developments we will advertise

Applications for the following types of developments will be advertised:

- major community or public facilities whether publicly or privately owned (including hospitals, libraries, schools, universities, sports and entertainment facilities);
- major development on Council owned or controlled land;
- major shopping and retail centres;
- major transport infrastructure, interchanges and transport depots;
- hotels, taverns, licensed clubs and places of public entertainment;
- caravan parks, mobile home parks and manufactured home estates;
- places of assembly and reception centres;
- churches or similar places of worship;
- neighbourhood centres;
- the demolition of a heritage item;
- the demolition of a building or work within a heritage conservation area;
- the use of a building or land which is a heritage item;
- any development application accompanied by a Species Impact Statement;
- commercial water based activities;
- subdivision of land into 50 or more allotments;
- major tourist facilities;
- residential flat buildings;
- serviced apartments;
- commercial stock and sale yards.

Developments that we will not notify

Development applications that will not be notified include the following:

1. Works in any zone involving alterations to an existing approved building which will not result in changes to the height, elevations or façade of the existing building;
2. Development, which in the opinion of Council will not detrimentally affect the amenity of persons on adjoining and neighbouring land;
3. Unless assessed as likely to detrimentally affect the amenity of persons on adjoining and neighbouring land, the following development will not be notified:
    - Rural agricultural land use activities (except intensive livestock agriculture) and buildings permissible within RU1, RU2, RU3 and RU4 zones;
    - Advertising signs (except illuminated signs);
    - Demolition of buildings (except the demolition of buildings or work within a heritage conservation area);
    - Industrial development within business and industrial zones (except where the site adjoins R1, R2, R3, R4, R5, or RU5 zoned land);
    - Single storey residential development on land having a slope of not greater than 5 per cent and where the development is compliant with the relevant provisions of the relevant Local Environmental Plan and Development Control Plan;
    - Re-cladding of roofs and walls of existing approved buildings, but only where non-reflective materials are used;
    - Boundary adjustments; and
    - Strata subdivisions.

Amended Development Applications

Where an application is amended during assessment, the application will be re-notified in the same manner as the original development application unless Council is of the opinion that the amended, substituted or later application differs only in minor respects from the original application.

Modified Development Applications

Modifications involving minor error, mis-description or miscalculation (Section 4.55(1)): there are no advertising or notification requirements for minor modifications.

Modifications involving minimal environmental impact (Section 4.55(1A)): modifications, which in the opinion of Council will not detrimentally affect the amenity of persons on adjoining or neighbouring land, do not have to be notified.

Other modifications (Section 4.55(2)): all development applications for other modifications will be notified in the same manner as the original development application.

Planning proposals

The public exhibition, submissions and finalisation phase of planning proposals begins after a gateway determination has been made. Activities undertaken include:

- Undertaking consultation with relevant State / Commonwealth public authorities as stipulated under the gateway determination;
- Arranging community consultation in accordance with the requirements stipulated by the Department of Planning, Infrastructure and Environment under the gateway determination. This will generally involve:
    - Advertisement
    - Exhibition material
    - Customer service briefing
    - Public / Precinct meetings / consultation as required
    - Consideration of submissions
    - Other tasks as required
- Where significant submissions are received during community consultation, a report detailing the community feedback will be prepared and presented to Council for resolution. The applicant, land owner and any group or individual that has made a submission will be notified of the Council report and given an opportunity to speak at the meeting;
- Where no significant submissions are received or where these have been addressed, Council makes a request to the Department that a Local Environmental Plan / amendment is made;
- Local Environmental Plan / amendment is published;
- Council notified of gazettal and notifies applicant/owners.