



LACHLAN SHIRE COUNCIL COMMUNITY PARTICIPATION PLAN

Table of Contents

<i>Community participation in the planning system</i>	4
What is community participation and why is it important?	4
What is the purpose of our Community Participation Plan?	4
Who does this Community Participation Plan apply to?	4
Our approach to community participation	4
<i>What is Included in the CPP?</i>	5
<i>What legislation governs Planning in NSW?</i>	5
<i>The role of exhibitions in the planning system</i>	5
Exhibitions	5
Requirements for Exhibition	5
Can Council extend the engagement for Development Applications?	6
Exhibition timeframes	7
Key points to note about public exhibitions	11
When notification is not required	11
How can Development Applications / Planning Documents be viewed by the public?	12
How can the public lodge submissions?	12
How will submissions be considered?	13
Is Council obligated to notify the public of outcomes from the assessment?	13
How will consent modifications or reviews be notified?	14
COVID 19 Pandemic	14

Community participation in the planning system

What is community participation and why is it important?

Community participation is an overarching term covering how we engage the community in our work under the Environmental Planning & Assessment Act (EP&A Act), including legislative reform, plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the project. 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 government, and State and Commonwealth government agencies.

The community participation plan aims to:

- build community confidence in the planning system;
- create a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- provide access to community knowledge, ideas and expertise.

What is the purpose of our Community Participation Plan?

The Community Participation Plan (CPP) is designed to make participation in planning clearer for the Lachlan Shire community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.

Who does this Community Participation Plan apply to?

This CPP is a requirement of the EP&A Act (see Division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions by the General Manager (and their delegates and nominees), when exercising consent authority functions on behalf of Council. The CPP will be reviewed on a periodic basis. The CPP applies only to the Lachlan Shire Local Government Area (LGA) and the exercise of its planning functions under the EP&A Act 1979.

Our approach to community participation

Council encourages open, inclusive, easy, relevant, timely and meaningful opportunities for community participation in the planning system, our planning functions and individual proposals. To achieve this, we provide for an engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be acknowledgment that the process was fair with proper and genuine consideration given to community views and concerns.

What is Included in the CPP?

The CPP provides detail on both mandatory and best practice approaches to ensuring meaningful and timely participation in planning across the Lachlan Shire LGA for developments and plans where Council is the approval body.

What legislation governs Planning in NSW?

Planning in NSW is largely governed by the following two pieces of state legislation:

- Environmental Planning and Assessment Act 1979 (EP&A Act)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).
- Other legislation of relevance to Council's planning functions and community participation in planning are:
- Local Government Act 1993 (LG Act). – the principal legislation in NSW governing the establishment and operation of councils
- The National Parks and Wildlife Act 1974 - Provides clarity on Aboriginal heritage consultation requirements.

The role of exhibitions in the planning system

Exhibitions

A key technique we use to encourage community participation in planning decisions is formal exhibitions. During an exhibition we make available relevant documents that may include a proposed development that we are seeking community input on. In reaching decisions on proposals that have been exhibited, the Council balance's a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Government (both State and Local), the community's input, the land use priorities identified in strategic plans, and any applicable policies and guidelines.

At all levels of government - Commonwealth, state and local - there is an intention to actively involve the community in planning for their places and communities. Participation opportunities include early and upfront engagement during the initial stages of planning, as well as opportunities to provide feedback and input on specific developments and on draft plans or policies during formal public exhibition towards the finalisation of the project.

There are both mandatory and non-mandatory requirements that apply to public exhibition of a development application or plan. The mandatory requirements legally safeguard the community's right to comment on planning that affects them. Non-mandatory requirements reflect best practice in ensuring that the intention to actively involve the community in planning is honoured. For example, it may be worthwhile for Council to extend the notification distribution and/or exhibition timelines for projects of a sensitive or controversial nature to make sure everyone has a chance to be heard.

Requirements for Exhibition

Before a draft planning document/plan or development application can be publicly exhibited, it requires Council endorsement. Exhibition requirements are shown in the tables below.

Public engagement for these planning documents will include (and will not be limited to):

- Public exhibition at Council's administration offices and libraries;

- A notice on Council's website; and
- Notification via letters to neighbours and adjoining property owners and occupiers.

In addition, Council is also required to notify the public via an advertisement in the local paper for certain plans and applications as listed in the tables below.

Can Council extend the engagement for Development Applications?

For assessment of Development Applications, there may be circumstances where the development is considered to require additional engagement above the standard identified in the tables below.

In such circumstances, Council's discretion is required for elevating the engagement requirements for a project. In most cases, additional engagement means a wider geographical distribution of advertising and notification rather than longer exhibition timeframes, however, this is subject to discretion on a case by case basis.

The Council officer with delegated authority to vary the engagement process will take the following into consideration (when deciding whether to vary the engagement process):

- Significant public interest demonstrated through the number of submissions, petitions or interactions between Council and the community;
- formal requests for extension with sound justification for the extension;
- the scale of development and;
- the scale and scope of impact of development being greater than the immediately surrounding properties.

If the exhibition period is due to close on a weekend or a public holiday, Council may extend the exhibition to finish on the first available work day. The Christmas period (between 20 December and 10 January, inclusive) is excluded from the calculation of the public exhibition. Other significant religious or cultural festivities may warrant extended consultation where deemed necessary or appropriate.

Exhibition timeframes

Mandatory minimum exhibition timeframes – Plan Making	
Draft community participation plan (this plan)	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days unless otherwise specified in the Gateway Determination
<p>Reclassification of land</p> <p>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.</p> <p>Example: Reclassification of community land to operational land at various sites across the Shire</p>	28 days and a public hearing scheduled for at least 21 days after the public exhibition occurs
Local Approvals Policy – significant changes – new uses added or significant amendment made	14 days
Draft Development Control Plan	28 days
Draft contribution plans	28 days
<p>Local Strategic Planning Statement</p> <p>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.</p>	28 days
Planning Agreement	28 days

Non-mandatory exhibition timeframes – Other Plan Documents

Policy or guidelines	28 days
Plans for urban renewal areas or masterplans	42 days
Re-exhibition of any matter	As per the original exhibition period
State Environmental Planning Policies (SEPPs)	Discretionary based on the urgency, scale and nature of the proposal

Mandatory minimum exhibition timeframes – Development Applications

Application for development consent for Designated Development	28 days
Application for development consent for State Significant Development	28 days
Application for development consent that is required to be publicly exhibited by the EP&A Regulation but not covered in the tables below (including modifications)	28 days/14 days
Integrated Development	28 days
Environmental Impact Statement (under division 5.1 or 5.2)	28 days

Development Application Exhibition Timeframes – Type A

Type A developments

This applies to applications for development consent of relatively small scaled developments (compared to Type B below) for which Council is the approval body.

It does not include Complying Development Certificates (CDCs), Designated Development, or State Significant Development.

Type A development includes new applications and modification applications. It includes:

- Dwelling houses, alterations and additions to dwelling houses and ancillary structures that are two storeys or greater in height;
- Secondary dwellings;
- Dual occupancies (attached and detached);
- Attached dwellings (less than 10 dwellings);
- Change of uses that may result in impacts to adjoining properties; and
- Any other development not subject to larger scaled development notification and advertising (as per below) and where, in the opinion of the relevant Council Officer, it is likely to have off-site impacts.

See further detail below regarding viewing of applications, lodgement of submissions and issuing a notice of determination.

14 days

Notification via letters to owners and occupiers of neighbouring properties or authorities deemed affected by Council (as shown in Figure 1)
The notification must include:

- a clear and legible A4 sized plan of the proposed development that depicts its height, external configuration and siting;
- a description of the proposed development;
- the address of the development site;
- the name of the applicant to carry out the proposed development;
- advice that the plans may be inspected at Council during business hours (free of charge); and
- the closing date for written submissions being 14 days from the date of the notice.

As a guiding principle, Council will limit neighbour notification to those adjoining properties affected by a proposal as well as the owners of properties separated by only a walkway, driveway or laneway.

The Council officer with delegated authority may extend the notification distribution or period at their discretion.

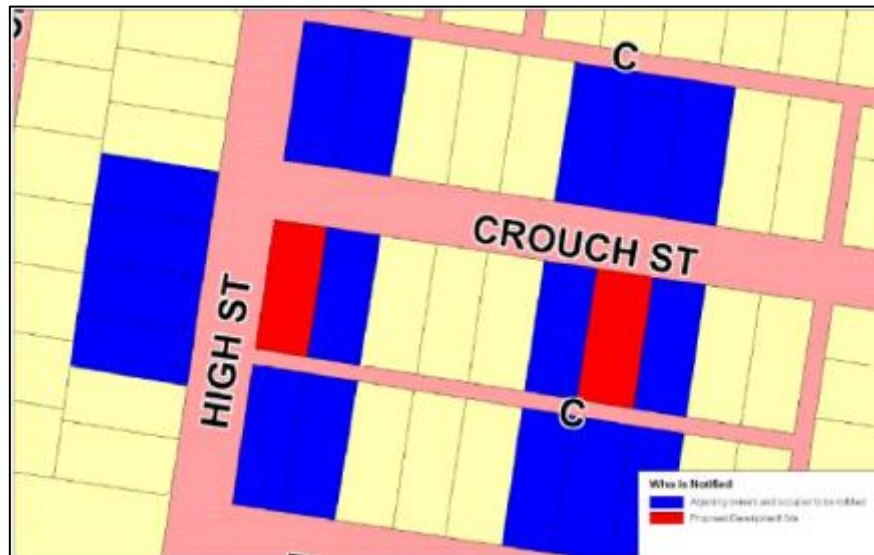
Development Application Exhibition Timeframes – Type B

<p><u>Type B Developments</u></p> <p>This applies to applications for development where a proposal is likely to have a potential impact on a broader scale than Type A above. It does not include Complying Development Certificates (CDCs), Designated Development, or State Significant Development. Type B development includes new applications and modification of existing applications. It includes:</p> <ul style="list-style-type: none"> • Attached dwellings (10 or more dwellings); • Boarding houses; • The complete or substantial demolition of a heritage item • The complete or substantial demolition of any significant feature of a heritage item. • Group Homes; • Hostels; • Multi dwelling housing; • Residential flat buildings and shop top housing; • Seniors Housing; • Hotel or motel accommodation • Serviced apartments; • Public entertainment facilities; • Registered clubs; • Pubs; • Restricted premises; • Sex services premises; • Educational establishments; • Hospitals; • Community facilities; • Places of public worship; • Recreational areas and major recreational facilities; • Amusement centres; • Child care centres; • Funeral homes; • New industrial or commercial buildings; • Development where the hours of operation extend outside the hours of 7.00am-7.00pm (except demolition, subdivision, modification of minor environmental impact); • Any other development not subject to Type A notification, where in the opinion of the relevant Council Officer is likely to have a significant off-site impacts. <p>See further detail below regarding viewing of applications, lodgement of submissions and issuing a notice of determination.</p>	<p>21 days</p> <p>Notification letter sent to all owners and occupiers of adjoining and surrounding properties (as shown in Figure 1) and any other individual, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.</p> <p>Notification Letters will include the following information:</p> <ul style="list-style-type: none"> • Address of the proposed development; • Name of the applicant; • Description of the proposed development; • advice that the plans may be inspected at Council during business hours (free of charge); • A statement that any person may make a submission during the notification period; • The closing date for written submissions, method of delivery of submissions; and • Reference to political donations form, if relevant. <p>As a guiding principle, Council will limit neighbour notification to those adjoining properties affected by a proposal as well as the owners of properties separated by only a walkway, driveway or laneway. The officer with delegated authority may extend the notification distribution area based on the extent of impact considered appropriate for the size and scale of development, and the time of notification if deemed appropriate.</p>
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For the purpose of the above tables, adjoining and surrounding properties means land that is adjacent, opposite to, or in the vicinity of a site where an application for development has been received.

In the diagram below the properties shaded red are subject to a development application. Properties that are shaded blue are classed as 'adjoining land' for the purpose of this CPP.

Figure 1 – Adjoining and Surrounding Properties



Key points to note about public exhibitions

- A public authority is not required to make available for public inspection any part of a Statement of Environment Effects (SEE) or Environmental Impact Statement (EIS) 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.

When notification is not required

Council will not give notice of a application/modification application in the following instances:

- an application is received for Complying Development;
- Council has already given notice under this policy of a development application on the same site which is substantially the same in terms of height and external configuration;
- the proposed building works are internal and not visible from 'adjoining land' and/or there is no alteration to the height of external configuration;
- the application is rejected on the basis of inadequate, unclear or illegible documentation/plans;
- an application is received for an extension of time to start an approved development;
- an application is received to carry out alterations or additions for the purpose of a fire safety upgrade of an existing building;
- a development application is received for subdivision (Torrens title, strata or community title) (except where the Council officer with delegated authority deems it appropriate);
- a development application is received for demolition (other than for heritage

- items/within a heritage conservation area);
- a development application is received for a sign for a commercial or industrial use which would not have a significant and substantiated adverse impact on residential properties, on 'adjoining land' or the safe and efficient operation of the road network;
- an applications under Section 68 of the Local Government Act 1993 is received; or
- a development application for a proposal which has already been considered by Council on a previous occasion;
- a Section 4.55(1) or 4.55(1A) application is received.

How can Development Applications / Planning Documents be viewed by the public?

All plans and information lodged with a Development Application and all planning documents, that are notified in accordance with this CPP, will be available for inspection at Council's Condobolin Office (58 -64 Molong Street, Condobolin) and by appointment only at Lake Cargelligo Library, Foster Street, Lake Cargelligo and Tottenham CTC Centre (Post Office), Umang Street, Tottenham. The information available will include all DA forms, architectural plans, consultant reports and supplementary documentation submitted with the application.

Council is required by legislation to make available extracts of applications. Note that this is subject to written consent of the applicant's architect or design professional as per the Commonwealth Copyright Act 1968. A fee is charged for the copying of forms or site and elevation plans associated with an application. The list of fees can be found on Council's website www.lachlan.nsw.gov.au

Assistance will be available to those viewing applications and draft planning documents at the Council Chambers. Council staff will be available to assist with the explanation and interpretation of plans. Please make an appointment to confirm available times.

How can the public lodge submissions?

The submission period is the same as the notification period. Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application.

When making a submission to Council, the submission should:

- Be received by Council on or before the last day of the exhibition timeframe (unless otherwise specified)
- Be in writing (via mail, email, fax or hand delivered) and addressed to:

The General Manager
Lachlan Shire Council
PO Box 216
CONDOBOLIN NSW 2877

By facsimile to 02 6895 3478, or
By email to council@lachlan.nsw.gov.au

- Contain the following essential information: the name and address of the person making the submission; the application number and address of the property that is the subject of the development proposal; and detail all reasons for the submission.

A submission could:

- Support an application or draft plan, or
- Object to an application or draft plan, or
- Object to part of an application or draft plan, or
- Suggest ways of overcoming concerns with an application or draft plan, or
- Suggest alternatives to a proposal or element of a proposal or draft plan.

It is recommended that a written submission be lodged if you have a concern about an application or draft plan.

Submissions should be clearly set out and state the actual reasons why you support or object to a proposal or draft plan. Constructive suggestions for overcoming any concerns are encouraged.

There is no restriction on the length of or detail in a submission. All submissions will be considered.

Anyone can write and /or lodge a submission. You do not necessarily need to seek professional advice before lodging a submission, although that is an option available.

Should you be preparing a petition, the petition should clearly identify a head petitioner so that Council can contact that person if further information or other clarification is required. Each page of a petition should also contain the nature of objection of the petition (not just the first page).

How will submissions be considered?

All submissions received within the nominated time frame will be considered when determining an application or considering a plan. Submissions received after the nominated time frame will be considered where possible. Applications will not be determined prior to the expiry of the nominated notification period.

Is Council obligated to notify the public of outcomes from the assessment?

In addition to the requirements to exhibit development applications, plans and other planning documents, it is also a mandatory requirement that Council - as consent authority - formally notify the public of the outcomes from the assessment of the application for development consent (or modification of a development consent that was publicly exhibited). Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the head petitioner will be advised.

This notification must include (directly or by reference to another document):

- The decision
- The date of the decision
- The reasons behind the determination
- How community views were considered in making the decision

Upon assessment of the DA and all submissions received, Council will issue a notice of determination. The notice of determination or Council's assessment report will specifically address matters of concern raised in submissions and give reasons for the determination.

Where a matter is referred to an applicable Planning Panel, every effort will be made to advise applicants and objectors of the time and date of the meeting.

The terms of any objection will be summarised in Council's development assessment reporting process. Persons making submissions should be made aware that details of their submission will be kept on file and may be accessed by other members of the public under the Government Information (Public Access) Act 2009.

How will consent modifications or reviews be notified?

Requests for a modification or review of determination will be notified in the same manner as the original application. If in the opinion of the relevant Council officer a modification application under Section 4.55 of the EP&A Act will have no additional impact on any adjoining or nearby properties, no notification will be required.

COVID 19 Pandemic

During the COVID-19 pandemic Council cannot make planning documents or Development Application (DA) information available for the public to view at Council's offices or Council's libraries. During the prescribed period, within the meaning of section 10.17 of the Environmental Planning and Assessment Act 1979, a requirement in this CPP or the regulations that any document be made available for inspection (however described) at a physical location is satisfied if the document is instead made available on Council's website.