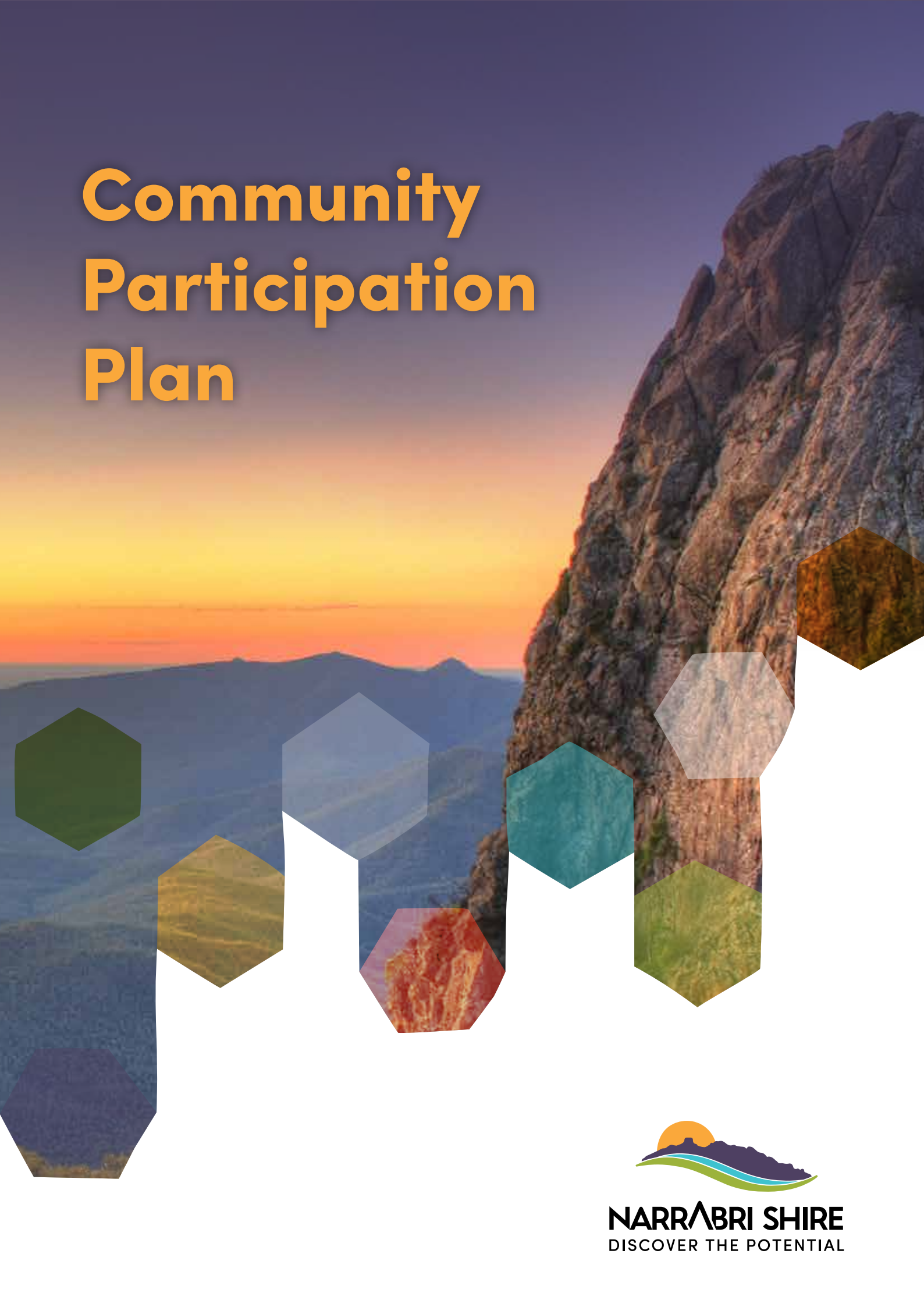


Community Participation Plan



NARRABRI SHIRE
DISCOVER THE POTENTIAL

DRAFT NARRABRI SHIRE COUNCIL COMMUNITY PARTICIPATION PLAN

For planning functions under the EP&A Act 1979.

COMMENCEMENT OF THE COMMUNITY PARTICIPATION PLAN

This CPP came into effect December 17, 2019 by resolution of NSC minute 305/2019.

LAND TO WHICH THIS CPP APPLIES

The CPP applies to all land within the Narrabri Shire LGA.

GLOSSARY OF TERMS

CSP	Community Strategic Plan
CPP	Community Participation Plan
DA	Development Applications
DCP	Development Control Plan
EIS	Environmental Impact Statement
EP&A	Act Environmental Planning and Assessment Act 1979
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
NSC	Narrabri Shire Council
NSW	New South Wales
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSI	State Significant Infrastructure

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1. Introduction

NSC recognises that community participation throughout our planning system delivers better planning results for our community. Our responsibility and objectives under the EP&A Act are to ensure the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

1.1 What is a CPP?

The NSW Government requires NSC to prepare a CPP, to set out how and when we will engage with our community on the planning functions NSC performs under the EP&A Act. A CPP is intended to make it easier for the Narrabri Shire community to understand how to participate in planning matters, relevant to our Shire.

Community participation, in relation to this CPP, is an overarching term covering how we engage the community in our work under the 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 scope of the proposal under consideration and the potential impact of the decision.

The NSC CPP sets out when and how NSC will engage with its communities across all the planning functions it performs. The CPP must meet the minimum requirements for community participation set out in the EP&A Act and relates to the planning functions of NSC as set out in Schedule 1 of the EP&A Act.

The NSC CPP has been prepared in accordance with Section 2.6 and Schedule 1 of the EP&A Act.

1.2. What planning functions does our CPP apply to?

NSC's planning functions are divided into two key areas of "**strategic planning**" and "**development assessment**".

Strategic planning is an essential aspect of NSC's work where we set the strategic direction, vision and context for the planning system within the Narrabri Shire LGA.

Once the strategic direction has been established, NSC makes planning decisions on a range of DAs. NSC 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. DAs assessed by NSC include but are not limited to; residential dwellings, unit development, subdivisions, commercial and industrial development, quarries, agricultural developments and infrastructure upgrades.

The CPP applies to the following planning functions:

- Strategic Planning;
 - a) CPPs;
 - b) LSPSs;
 - c) LEPs;
 - d) DCPs;
 - e) Contributions Plans.
- Development Assessment;
 - a) DAs;
 - b) Modification to DAs;
 - c) Review of Determination of DAs

Some development, such as **exempt and complying development** under the SEPP (Exempt and Complying Development Codes) 2008, or **development permitted without consent** (Part 5) under the provisions of any applicable SEPP, does not allow opportunities for community engagement.

1.3. Principals of CPP

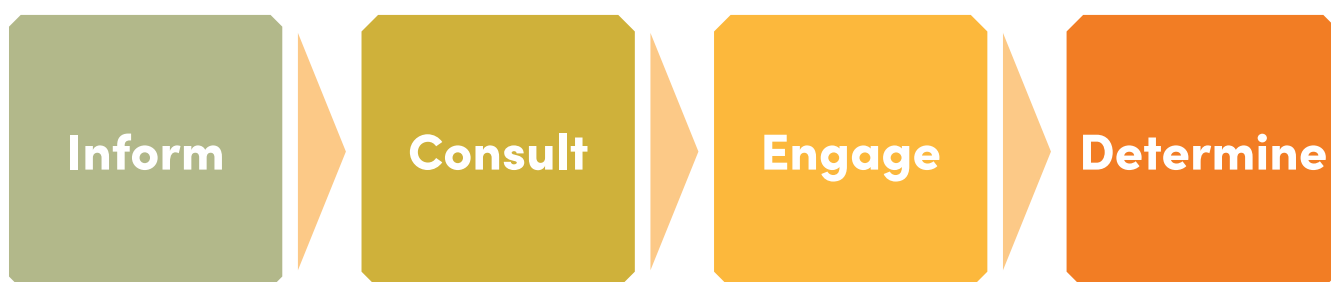
The EP&A Act guides NSC to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions.

The EP&A Act outlines the principles and objectives that underpin NSC's CPP.

These principles are outlined below:

- a) The community has a right to be informed about planning matters that affect it.
- b) NSC will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information will be in plain language, easily accessible and in a form that facilitates community participation in planning.
- d) The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation will be inclusive and NSC will actively seek views that are representative of the community.
- f) 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.
- g) 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).
- h) Community participation methods (and the reasons given for planning decisions) will be appropriate having regard to the significance and likely impact of the proposed development.

In line with the community participation objectives defined by the legislation, NSC encourages open, inclusive, easy, safe, relevant, timely and meaningful opportunities for community participation in our planning functions and individual proposals. To achieve this, NSC have designed 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.





2. Minimum Exhibition Requirements

The opportunity for community participation will vary depending on the community, the scope of the proposal under consideration, and the potential impact of the decision.

A regular and valuable way for the communities of the Narrabri Shire to participate in the planning system is by making a “written submission” on a proposal during an “exhibition period” for both “strategic planning” and “development assessment” projects.

The key method utilised by NSC 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 NSC are seeking community input or comment on. NSC 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.

The types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in Table 1 (Strategic Planning) and Table 2 (Development Assessment). 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. NSC 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.

Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at our discretion.

Minimum Exhibition Requirements

Key points to note about public exhibitions include the following:

- Timeframes are in calendar days and include weekends;
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition 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;
- “Written notices” in regard to either a strategic planning matter or a development assessment matter are sent to the adjoining property owners;
- If a property is owned by more than one person, a written notice will be sent to all legal owners of that land; and
- 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.
- 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.

**‘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.*

Minimum Exhibition Requirements

2.1. Strategic Planning – Community Participation Requirements

Meaningful engagement helps to shape the strategic direction of our Shire, as well as informing the various policies and plans that support this vision.

2.1.1. MANDATORY MINIMUM PUBLIC EXHIBITION TIMEFRAMES FOR STRATEGIC PLANNING FUNCTIONS

Planning Matter	Minimum Exhibition Timeframe
Draft CPP	28 days
Draft LSPS	28 days
Planning Proposals for LEPs 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 a shorter exhibition period no public exhibition is required.
Draft DCPs	28 days
Draft Contribution Plans	28 days

Table 1 – Exhibition Timeframes for Strategic Planning Functions

2.1.2. HOW STRATEGIC PLANNING FUNCTIONS MAY BE EXHIBITED

The following methods of public exhibition will be used to inform the community for the strategic planning functions of NSC:

- NSC Notices Section within local newspapers;
- NSC's website;
- NSC's social media; and
- Static display at NSC's Administration Centre and other locations (as applicable).

Depending on the specific strategic planning matters being considered, NSC may also undertake one or more of the following public exhibition methods:

- Targeted stakeholder consultations/ meetings;
- On-line surveys;
- One-on-one engagement with NSC staff;
- Open days/drop in sessions;
- Letters to stakeholders;
- Notices within other regional newspaper/s; and
- Notices on the land.

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.

Minimum Exhibition Requirements

2.2. Development Assessment - Community Participation Requirements

The CPP is designed to make participation in planning clearer for the community. It does this by setting out, in one place, how and when the community can participate in the planning system, our functions and different types of proposals. We believe that involving the community, organisations and groups in Council's decision-making processes is crucial to achieving better outcomes.

2.2.1. MANDATORY MINIMUM PUBLIC EXHIBITION TIMEFRAMES FOR DEVELOPMENT ASSESSMENT FUNCTIONS

Planning Matter	Minimum Exhibition Timeframe
DAs (other than for Complying Development Certificate, or Designated Development or for State Significant Development)	14 days; or in accordance with Sections 2.2.2 and 2.2.3 below.
Other Advertised Development	Discretion of NSC staff.
DA(s) for <ul style="list-style-type: none">• Designated Development• Nominated Integrated Development• Threatened Species Development• State Significant Development Environmental Impact Statement under Division 5.1 Environmental Impact Statement for State Significant Infrastructure under Division 5.2	28 days; and in accordance with the EP&A Act and Regulations.

Table 2 – Minimum Exhibition timeframe for Development Assessment

2.2.2. NOTIFICATION OF DAS

Where a DA is to be notified, it will be provided in the form of a “written notice”. A “written notice” will be sent to the persons who own adjoining land and/or neighbouring land when a DA has been received, and where there is a statutory requirement to notify the applicant, or in NSC’s opinion, the enjoyment of the adjoining land or neighbouring land may be affected by the development in relation to any of the following:

- The views to and the views from the adjoining land or neighbouring land;
- Overshadowing;
- Privacy;
- Noise;
- The visual quality of the development in relation to the streetscape;
- The location of the proposed development in relation to the neighbouring boundaries;
- The means of disposing of roof drainage water from the building and any potential adverse affect of drainage on adjoining sites;
- Whether any fuel burning equipment or mechanical devices are to be installed as part of the development;
- The relationship of the proposed development to existing development on adjoining land or neighbouring land;
- The amount of traffic likely to be generated by the development and the capacity of the site to handle the associated traffic movements; or
- The effect the development is likely to have on the future amenity of the neighbourhood.

Where in the opinion of NSC, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification/public exhibition of a DA may not be required.

2.2.3. ADVERTISING OF DAS

In addition to notification requirements (Section 2.2.2), the following types of development also require advertisement within the local newspaper:

- Backpackers accommodation;
- Caravan parks and camping grounds;
- Centre-based childcare facility;
- Community facilities;
- Education establishment;
- Group homes, boarding houses and hostels;
- Health consulting rooms;
- Health services facility;
- Hospital;
- Hotel or motel accommodation;
- Licensed club;
- Multi dwelling housing;
- Neighbourhood shops;
- Places of public worship;
- Recreation facility (major);
- Recreation facility (outdoor);
- Residential flat building;
- Seniors housing;
- Sex services premises;
- Telecommunication facilities in residential or rural residential settings;
- Demolition of a building or work that is an Item of Environmental Heritage or located within a Heritage Conservation Area; or
- Any development NSC considers locally or regionally significant.

During the advertising period a sign will also be placed at the site of the proposed development. Where in the opinion of NSC, the development (including modification) is a minor alteration and/or addition to a development type listed above; advertising of a DA may not be required.

The EP&A Act and other SEPPs may specify circumstances where certain applications require advertisement. In certain circumstances, NSC may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.

2.3. Council and Community Interaction

2.3.1. HOW DOES THE COMMUNITY GET INVOLVED?

Any person is entitled to make a “written submission” which may either object to or support a planning matter within the public exhibition, notification or advertising period. Submissions must be in writing and be received by NSC by 4.30pm on the day on which the period for submissions close. All written submissions received during the public exhibition, notification or advertising period will be acknowledged (in writing) as soon as practicable by NSC.

Where a petition is received in respect of a development application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged in writing by NSC for the purpose of future contact regarding progress of the application.

Anonymous submissions will not be considered by NSC.

2.3.2. HOW DOES COUNCIL CONSIDER INPUT FROM THE COMMUNITY?

Submissions received within the public exhibition, notification or advertising period will be considered in the NSC officer’s assessment of the matter. However, NSC’s consideration of a submission is restricted to planning matters. Non relevant planning issues such as civil disputes between neighbours and private rights cannot be considered.

In certain circumstances, a planning matter and any submissions may be referred to a Committee and/or a NSC meeting for consideration. Submissions will form part of the assessment report prepared by NSC’s Planning staff for consideration by the Committee or NSC. The report forms part of the Committee or NSC’s Business Paper which is a public document and available upon request. Business Papers can be downloaded from NSC’s website (www.narrabri.nsw.gov.au).

An opportunity also exists for individuals in the community to participate in the “Public Access Forum” prior to a Committee or NSC meeting. Any persons wishing to exercise this opportunity will need to complete a ‘Public Access Forum Application Form’ prior to the meeting day. NSC will provide prior notice to a submission maker of a planning matter being considered at an upcoming Committee or NSC meeting.

Following determination of a DA, or the adoption of a strategic plan, all persons who made a written submission will be notified (in writing) of the decision, and reasons for the decision, regarding the application, strategy or plan.

2.3.3. PRIVACY

Submissions received on a DA are prescribed as open access information under the Government Information (Public Access) Act 2009. Any person (including the applicant) may obtain copies of written submissions unless the author of the submission can show good reason as to why the details should be kept confidential. If this is the case, this must be addressed in the written submission. Where a submission is provided to another party, NSC will have consideration for the guidelines published for the Government Information (Public Access) Act 2009. If it is not considered in the public interest, NSC may not disclose certain personal information, including contact details (mail address, phone numbers and e-mail).



3. Conclusion

NSC recognises community participation within the planning system is not only the community's right, but it also helps to deliver better planning results for the people of the Narrabri Shire.

The NSC CPP sets out how and when NSC will engage with the community to encourage effective consultation and engagement when undertaking its town planning functions which includes strategic planning and development assessment.

The NSC CPP has been prepared to meet the regulatory requirements contained in Schedule 1 to the EP&A Act as well as Division 2.6 of the EP&A Act.

There are many ways for the community to provide feedback to NSC or raise questions outside of formal public exhibition. NSC will always consider and respond to the views and concerns of the community.

Below are the various ways to make contact with NSC:

- In person to NSC's Administration Building, 46-48 Maitland Street, Narrabri NSW 2390
- Via mail – PO Box 261, Narrabri NSW 2390
- Via email – council@narrabri.nsw.gov.au
- Via the Narrabri Shire Facebook page

www.
narrabri.
nsw.gov.au

Narrabri Shire Council
46 – 48 Maitland Street
PO Box 261, Narrabri NSW 2390

P. (02) 6799 6866
F. (02) 6799 6888
E. council@narrabri.nsw.gov.au



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