Attachment 2 to item 217

Draft Community Participation Plan 2019

Hawkesbury City Council

LAND USE PLANNING
Draft Community Participation Plan
September 2019

Hawkesbury City Council

Hawkesbury City Council

Address: 366 George Street
Windsor NSW 2756
Mailing Address: PO Box 146
WINDSOR NSW 2756
Phone: (02) 4560 4444
Fax: (02) 4587 7740
Email: council@hawkesbury.nsw.gov.au
Council Website: www.hawkesbury.nsw.gov.au
Office Hours: Monday to Friday 8:30am-5pm

September 2019

Hawkesbury City Council acknowledges the Darug and Darkinjung people as the Traditional custodians of the land of the Hawkesbury.

We pay respect to all Elders, past, present and emerging and acknowledge all Aboriginal and Torres Strait Islander peoples as the first peoples of this Country.

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1. What is a Community Participation Plan?

Hawkesbury City recognises the uniqueness of its vibrant and collaborative community. This Community Participation Plan (CPP) aims to ensure that the area continues to support and enable a rich heritage and inclusive community spirit through great urban design.

Community input and participation is crucial for creating great places and thriving communities across the City of Hawkesbury in the face of growth and change. This CPP is an invitation to the community to participate in planning so better economic, social and environmental outcomes can be achieved for today's community and future generations.

There are many pathways for planning approval depending on the size and scale of development, and just as many opportunities for community participation. The CPP provides guidance on how the community can have a say on different types of planning documents on a general level (for example Local Environmental Plan) to a specific level (e.g. development assessments).

This CPP provides transparency and clarity for the community to clearly understand its role in the development assessment and plan making process.

1.1 Where does this CPP apply?

- This CPP applies only to Hawkesbury Local Government Area (LGA) and the exercise of its planning functions under the *Environmental Planning & Assessment Act 1979* (EP&A Act)

- This CPP has been developed in accordance with the requirements of the EP&A Act, and the planning framework for Greater Sydney, the Western City District Plan, Council's Community Strategic Plan and Council's Community Engagement Plan.

How did Council develop this CPP?

Hawkesbury City Council has undertaken a thorough review of planning related legislative requirements guiding public participation as well as a review of Council specific guidelines on participation and engagement.

This review has resulted in the development of a consolidated process for engaging with the community on planning matters.

The development of this CPP is in accordance with the legislative requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the council charter in the *Local Government Act 1993* (LG Act), and Council's own Community Engagement Policy and Plan, as outlined in the figure below

Figure 1: Council's engagement framework

Community Strategic

Community Engagement Framework

Community Participation Plans

Planning functions
Local Strategic Planning Statement,
Local Environmental Plan,
Development Control Plan,
Contributions Plan

Local Government Act 1993

Environmental Planning and Assessment Act 1979

1.2   What is included in the CPP?

The CPP provides detail on both mandatory and best practice approaches to ensure meaningful and timely participation in planning across the Hawkesbury LGA for developments and plans where Council is the delegated authority. It also explores opportunities for participation in matters external to Council but recognises this as optional and where the external agency is undertaking sufficient engagement, it would not require Council to take any further action.

This CPP also forms Council's approved 'Submissions Policy' as referenced under Council's Local Planning Panel delegations. This allows Council (as the delegated authority) to direct certain DAs to the local planning panel based on number of submissions. Referrals to the Local Planning Panel remain as per Council's delegations unless otherwise specified in this document.

1.3   How will the CPP be used?

The CPP will provide the community with certainty over the level of engagement for particular types of development and planning projects. It will ensure transparency and accountability on planning and development decisions through an appropriate and consistent engagement method and timeframe.

The CPP integrates with Council's Community Engagement Framework. While the Community Engagement Framework provides general guidance and principles for engaging the community, this CPP specifically focuses on community participation in urban planning as there are a range of engagement and notification requirements that apply to planning under the EP&A Act.

1.4   New Planning Framework

The Local Strategic Planning Statement (LSPS) will interpret the vision captured in The Hawkesbury Community Strategic Plan 2017-2036, and turn this into a land use planning blueprint to guide the future of Hawkesbury up to 2036.

The LSPS will provide the framework for developing a new Local Environmental Plan (LEP) and Development Control Plan (DCP). This provides another way of ensuring the voice of the community is heard and considered in the planning system.

HAWKESBURY COMMUNITY
STRATEGIC PLAN
The Hawkesbury 2036.... It's Our Future
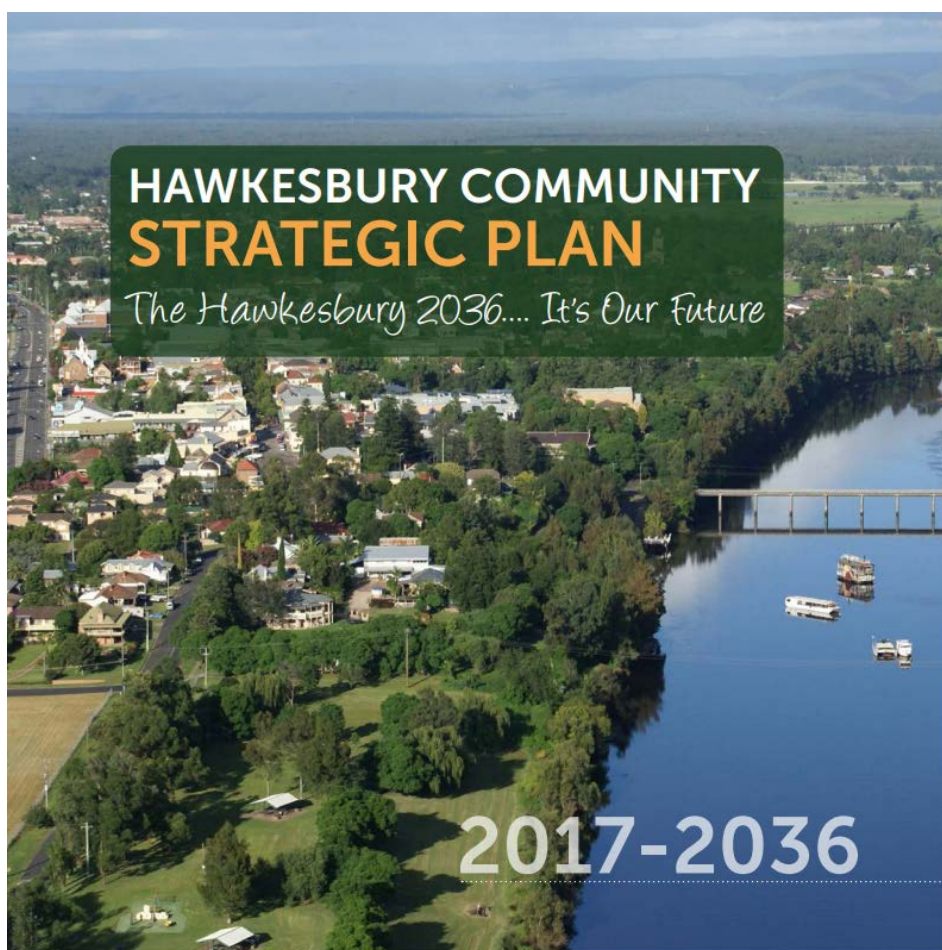
2017-2036

1.5   The Hawkesbury Community Strategic Plan - 2017-2036

The Hawkesbury Community Strategic Plan 2017-2036 is the Community Strategic Plan for the Hawkesbury LGA and forms the roadmap and primary reference document for all other plans developed by the Council. The CPP reflects the aspirations of the community strategic plan and in particular, the community's desire for ongoing participation in decision making.

The CPP ensures that everyone has a chance to be heard on planning matters. Engagement will have particular regard to transcending language, culture, age, mobility or other barriers to active participation.

1.6   Community Engagement Framework

The Hawkesbury City's Community Engagement Framework ensures Council delivers a consistent and best practice approach to engagement with the community of Hawkesbury.

The Community Engagement Framework outlines when and how community engagement should occur; who should be engaged; and how outcomes that Council is responsible for should be reported.

The CPP has been designed to complement the framework and guide a consistent, best- practice engagement in the planning process.

2. Why is community participation in planning important?

Planning helps to define Council's local communities. It impacts on the quality of daily experiences for those who live, study, work or visit Hawkesbury. Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve this experience.

The planning system seeks to effectively leverage local knowledge, ideas and expertise to create better urban environments while protecting the natural landscape and environmental values. By engaging with the community and seeking to better understand how we live in the city, how we connect with each other and what we want the future to be like, we can achieve planning outcomes that are better attuned to community values, concerns, dreams and hopes. Meaningful and authentic community participation creates a shared sense of purpose and understanding of the need to manage growth and embrace change while protecting the natural environment and preserving local character.

The encouragement of greater participation in the planning system will also reduce confusion and ensure a more consistent approach to how people interact (at various levels) with planning matters across the Hawkesbury. Council wants to strengthen its relationships and increase engagement within the community, local businesses, community groups and other stakeholders, with a particular emphasis on communities that may be challenged by language, mobility or socio- economic issues that may prevent them from actively participating and being heard. Council also wants to promote shared ownership and strengthen pride within and between suburbs.

The planning system seeks to effectively leverage local knowledge, ideas and expertise

Why does Council engage with the community?

On a broad level Council engages with the community to help build trust and achieve better outcomes. As identified in the Community Engagement Framework, the objectives of good engagement are to:

- Identify and understand what is important to the community - their needs, priorities and aspirations;

- Ensure that Council's services best meet the range of community needs - inclusive of cultural and social backgrounds;

- Allow a range of voices to be heard, not just those people who are articulate, angry, loud or powerful;

- Identify shared values, benefits and outcomes and how Council and community can work together to realise Council's goals; and

- Manage risks by understanding and anticipating issues before they escalate

2.1 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.

2.2 What are the principles of community participation?

The CPP considers the principles outlined in the EP&A Act, the objectives provided in the Department of Planning and Environment's CPP and Hawkesbury's Community Engagement Framework.

Table 1: Principles of community participation

Department of Planning and Environment objectives (developed from EP&A Act Principles)	Hawkesbury Engagement Policy Principles (developed from IAP2 core values)	CPP implementation of objectives and principles
Open and inclusive	Collaborative Respectful	Explore opportunities in planning where participation is sought and diverse community groups and people of all backgrounds can contribute. Identify and implement inclusive engagement techniques for people of all abilities.
Easy	Embedded Flexible	Prioritise the importance of communicating planning matters in plain English and with visual aids while identifying diverse and accessible opportunities for participation. This CPP also encourages greater digital and electronic engagement.
Relevant	Credible	Identify participation techniques that are relevant to the appropriate planning function and are guided by purpose. This CPP also aims to target participation opportunities based on geography and where residents reside across the Council area.
Timely	Consistent	Ensure planning matters are communicated early with opportunities for ongoing participation or closing of feedback loop.
Meaningful	Evaluated Educational	Consider all community feedback and support ongoing planning education of Council staff and general community through tools, processes and expertise.
Transparent	Credible	Ensure all planning processes are underpinned by the community's right to be informed about the planning matters that affect it.

2.3   How can we understand different levels of participation?

The International Association for Public Participation (IAP2) defines engagement as "any process that involves the public in problem solving or decision-making and uses public input to make sustainable decisions".

Engagement or public participation as IAP2 terms the practice, "includes all aspects of identifying problems and opportunities, developing alternatives and making decisions" (IAP2, 2016: 2). Table 2 below outlines the IAP2 spectrum for engagement that has been considered and applied to this CPP.

Table 2: Application of IAP2 spectrum to the CPP

Increasing level of public impact

	Inform	Consult	Involve	Collaborate	Empower
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed, and provide feedback.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Frequency of use across planning projects	HIGH	HIGH	MEDIUM	LOW	RARE
Application to planning	Focuses on communications, notifications and closing of feedback loop.	Widely used across a variety of projects.	Focused use on complex projects.	Applied to more strategic and 'place making' projects.	This is difficult to achieve within a planning system that had a multi layered policy framework.

2.4   Why do we need to apply different levels of participation to different scales of development?

Council has identified various scales of development to assist with the application of appropriate participation opportunities. It is important that Council understands the 'scale' of development to appropriately determine the IAP2 level of community participation required. The three primary scales used in this CPP are development assessment; plan making and other matters external to Council is shown in Table 3 on page 10.

Table 3: Primary scales for determining participation levels

	STATUTORY **Development assessment**	**STRATEGIC** **Plan making**	**Other matters** **external to Council**
Why is this important to participation?	• Improving efficiencies – enhancing systems Council has control over. • Building trust with the community. • Providing clarity and consistency. • Involvement in local matters.	• Opportunities for embedding community in submissions or exhibition of Council led projects.	• Advocating for the community. • Opportunity for innovation in community participation for projects outside Council's control.
When?	Primarily during exhibition. In some circumstances, Council will undertake 'post' determination notification.	Pre, during and post exhibition.	During exhibition as part of ongoing advocacy.
How?	Decision making in the public interest.	Provide a Council managed platform for consolidating community feedback and incorporating into Council reporting.	• Notify the community of the opportunity to submit. • Informing the community on how to make submissions. • Council to advocate on behalf of the community.
Example	Submit a response to a DA notification.	Attend a workshop or participate in a survey to provide feedback on a plan or design-led process.	Make a submission directly to the external agency or provide feedback to Council for consideration in their formal submission.

3. What are the exhibition timeframe and notification requirements?

This section outlines all exhibition and notification requirements under the EP&A Act.

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 development assessments and draft plans or policies during formal public exhibition towards the finalisation of the project.

There are 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).

> ## 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.

3.1 What are the requirements for exhibition?

Public exhibition of draft planning documents and development applications requires Council endorsement before being released for comment. Exhibition requirements are shown in tables 4 to 8 below.
Engagement for these planning documents will include (and will not be limited to):

• Public exhibition at Council's Administration Building;
• Notice on Council's website;
• Notification via letters to neighbours and adjoining property owners and occupiers and;
• A sign exhibited on the land and displayed on signpost or board, visible from public space (certain development applications).

In addition, Council is also required to notify the public via an advertisement in the local paper for all planning documents except for smaller scale DAs as well as those plans listed in Table 7, though it is considered good practice to do so for key planning and policy documents.

3.2 Can Council extend the engagement for Development Applications?

For assessment of development applications, there may be exceptional circumstances that require an extension of the notification distribution area for engagement and/or the time frames.

Council's discretion is required for elevating a project if more consultation is considered appropriate in particular circumstances. In most cases, additional engagement means a wider distribution of advertising and notification rather than longer exhibition timeframes; however this is subject to discretion on a case by case basis.

The officer with delegated authority will take the following into consideration:

- 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

Table 4: Plan making exhibition timeframes - mandatory

Planning document	Mandatory timeframes
Draft Community Participation Plan (CPP)	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days - unless otherwise specified in the gateway determination
Draft Development Control Plan (DCP)	28 days
Draft contributions plans (including growth centres and planned precincts)	28 days
Local Strategic Planning Statement (LSPS)	28 days
Planning Agreement	28 days

Table 5: Exhibition timeframes - mandatory/best practice

Planning document	Mandatory timeframes
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 regulation but not covered Tables 7 and 8 (including modifications)	28 days
Integrated Development	14 days
Environmental Impact Statement (under division 5.1 or 5.2)	28 days

Table 6: Other planning matters exhibition timeframes - best practice guidelines

Planning document	Best practice guidelines
Policy or guidelines	28 days
Plans for urban renewal areas and master plans	42 days
Re-exhibition of any matter referred to above	As per the original exhibition period
Development Exempt from notification	As a guide, development not subject to Type A or B procedures (see below) will be exempt from notification.

Table 7: Development Assessment (DA) exhibition timeframes

Notification Table

Land Use / Development Type	Letters to Adjoining Occupiers/Owners	Site Sign	Notice in Local Newspaper
agriculture			
animal boarding or training establishments	✓	▲	X
aquaculture	✓	▲	X
extensive agriculture	✓	▲	X
farm buildings (within 10m of a boundary)	✓	X	X
forestry	✓	✓	▲
intensive plant agriculture	✓	▲	X
intensive livestock agriculture	✓	▲	X
residential accommodation			
attached dwellings	✓	X	X
boarding houses	✓	✓	X
dual occupancies	✓	X	X
Dwelling houses (two storey) including alterations and additions to existing two storey dwelling houses within residential zones.	✓	X	X
Dwelling houses (two storey) including alterations and additions to existing two storey dwelling houses within 10m of a boundary within a rural or environmental protection zone.	✓	X	X
group homes	✓	✓	X
hostels	✓	✓	X

residential accommodation			
multi dwelling housing	✓	✓	X
residential flat buildings	✓	✓	X
rural worker's dwellings	✓	X	X
secondary dwellings	✓	X	X
semi-detached dwellings	✓	X	X
seniors housing	✓	✓	X
shop top housing	✓	✓	X
home-based child care	✓	X	X
home business	✓	X	X
home occupation (sex services)	✓	✓	X
tourist and visitor accommodation			
backpackers' accommodation	✓	✓	X
caravan parks including camping grounds	✓	✓	X
bed & breakfast accommodation	✓	X	X
farm stay accommodation	✓	X	X
hotel or motel accommodation	✓	✓	X
serviced apartments	✓	✓	X
commercial premises			
amusement centres	▲	X	X
bulky goods premises	▲	X	X
cellar door premises	▲	X	X
function centres	✓	▲	X
funeral homes	✓	▲	X
garden centres	✓	▲	X
industrial retail outlets	▲	X	X
kiosks	▲	X	X
landscaping and material supplies	✓	▲	X
markets	✓	▲	X
neighbourhood shops	▲	X	X
office premises > 5000m^2 GFA	✓	✓	X
entertainment facilities	✓	▲	X
plant nurseries	✓	▲	X
pubs	✓	✓	✓
retail premises > 5000m^2 GFA	✓	✓	X
registered clubs	✓	✓	✓
restaurants or cafes	▲	X	X
restricted premises	▲	X	X
roadside stalls	▲	X	X
rural supplies	✓	▲	X
service stations	✓	✓	X
shops	▲	X	X
take-away food & drink premises	▲	X	X
hardware and building supplies	✓	▲	X
sex services premises	✓	✓	▲
timber yards	✓	▲	X
vehicle sales or hire premises	✓	▲	X
veterinary hospitals	✓	▲	X
wholesale supplies	▲	X	X
rural industries [eg. use of composting facilities and works]			
agricultural produce industries	✓	✓	X
livestock processing industries	✓	✓	X
sawmill or log processing industries	✓	✓	X
stock & sale yards	✓	✓	X

industries			
boat building and repair facilities	▲	X	X
extractive industries	✓	✓	✓
general industries	▲	X	X
heavy industries	✓	✓	▲
light industries	▲	X	X
mine	✓	✓	✓
vehicle body repair workshops	▲	X	X
vehicle repair stations	▲	X	X
heavy industrial storage establishments			
hazardous storage establishments	✓	✓	✓
liquid fuel depots	✓	✓	✓
offensive storage establishments	✓	✓	✓
storage premises			
self storage units	▲	X	X
warehouse or distribution centres	▲	X	X
depots	▲	X	X
sewerage systems			
biosolids treatment facilities	✓	✓	▲
sewage reticulation systems	✓	✓	▲
sewage treatment plants	✓	✓	▲
water recycling facilities	✓	✓	▲
waste or resource management facilities			
resource recovery facilities	✓	✓	▲
waste disposal facilities	✓	✓	▲
waste or resource transfer stations	✓	✓	▲
water supply systems			
water reticulation systems	✓	✓	X
water storage facilities	✓	✓	X
water treatment facilities	✓	✓	X
air transport facilities			
airport	✓	✓	✓
heliport	✓	✓	✓
airstrip	✓	✓	✓
helipad	✓	✓	✓
infrastructure			
car parks	▲	X	X
electricity generating works	▲	X	X
freight transport facilities	▲	X	X
passenger transport facilities	▲	X	X
telecommunication facilities	▲	X	X
transport depots	▲	X	X
truck depots	▲	X	X
educational establishments [eg. TAFE establishment, etc.]	✓	✓	X
health services facilities			
hospitals	✓	✓	✓
medical centres	✓	✓	X
health consulting rooms	✓	✓	X
community infrastructure			
child care centres	✓	✓	X
community facilities	✓	✓	X
correctional centres	✓	✓	✓
emergency services facilities	✓	✓	X
industrial training facilities	▲	X	X
information and education facilities	✓	✓	X
places of public worship	✓	✓	X
public administration building	✓	✓	X
research stations	✓	✓	X
respite day care centres	✓	✓	X

recreation			
boat launching ramps	✓	X	X
boat sheds (within 10m of a boundary)	✓	X	X
charter & tourism boating facilities	✓	✓	X
environmental facilities	✓	✓	X
jetties	✓	X	X
marinas	✓	✓	X
mooring	✓	X	X
mooring pens	✓	X	X
recreation areas	▲	▲	X
recreation facilities (indoor)	▲	▲	X
recreation facilities (major)	✓	✓	✓
recreation facilities (outdoor)	▲	▲	X
water recreation structures	✓	X	X
miscellaneous			
cemetery	✓	✓	✓
crematorium	✓	✓	✓
demolition	✓	▲	X
earthworks (less than 500 tonnes)	✓	✓	X
earthworks (500 tonnes or more)	✓	▲	✓
environmental protection works	✓	X	X
exhibition homes	✓	✓	X
exhibition villages	✓	✓	X
flood mitigation works	✓	X	X
mortuaries	✓	✓	X
temporary use of land	✓	X	X
Torrens title or community title subdivision in residential, rural or environmental protection zone	✓	X	X

Key:

✓ - Notification required.

▲ - Only if within or adjoining a residential, rural or environmental protection zone.

x - Notification not required.

Note:

1. *Where an application is amended before it is determined, the application may be re-notified and/or re-advertised at cost to the applicant, if Council is of the opinion that the amended proposal may be likely to have an additional impact on the environment or the locality.*

2. *Where development is proposed over more than one property and a site sign is required, site signs need not be erected on all affected properties. At a minimum one site sign will be erected in a location which, in the opinion of Council staff, will offer the most public exposure of the sign.*

3.3 How can Development Applications be viewed by the public?

All plans and information lodged with an application can be viewed via DA Tracker on the Council's website.

3.4 How can the public lodge submissions?

The submissions 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.

3.5 How will submissions be considered?

All submissions received within the nominated time frame will be considered when determining an application. 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.

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, Hawkesbury City Council; PO Box 146, Windsor 2756, NSW

- 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.

- Political donation declaration.

3.6 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 instigator 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. The name and address of the objectors will be withheld in the report, however, 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*.

3.7 How should the community be kept informed of outcomes from the engagement?

While the legislation only makes it mandatory to report back to the community on development application determinations, it is good practice to make sure that the community is properly informed of any outcomes from their engagement through clear addressing of their concerns in the assessment process. This helps build trust and may also contribute to better participation in the future as the community can see they are being heard and that their investment of time has been meaningful.

Closing the feedback loop can involve a range of techniques. People who have been actively involved and are directly affected by the plan should be notified of decisions to the relevant matter. For more significant matters, Council may publicise a submissions report, outlining the scope and issues raised in submissions and how issues have been addressed. This is more likely to occur on plan-making projects.

3.8 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.

3.9 Will Council notify owners and occupiers in neighbouring LGA's?

In the instance that a property adjoins the boundary of a neighbouring Council, Hawkesbury City Council obtains the names and addresses from the adjoining Council and sends them the notification.

4. How can the community participate in the planning process

We will tailor community participation approaches for Council's planning functions to achieve the benefits of community engagement across the planning system. It's also important for Council to have a mix of techniques that cater for a broad audience as well as different information requirements or degrees of project complexity. This section is a guide for engaging on planning matters

4.1 What are the different types of engagement?
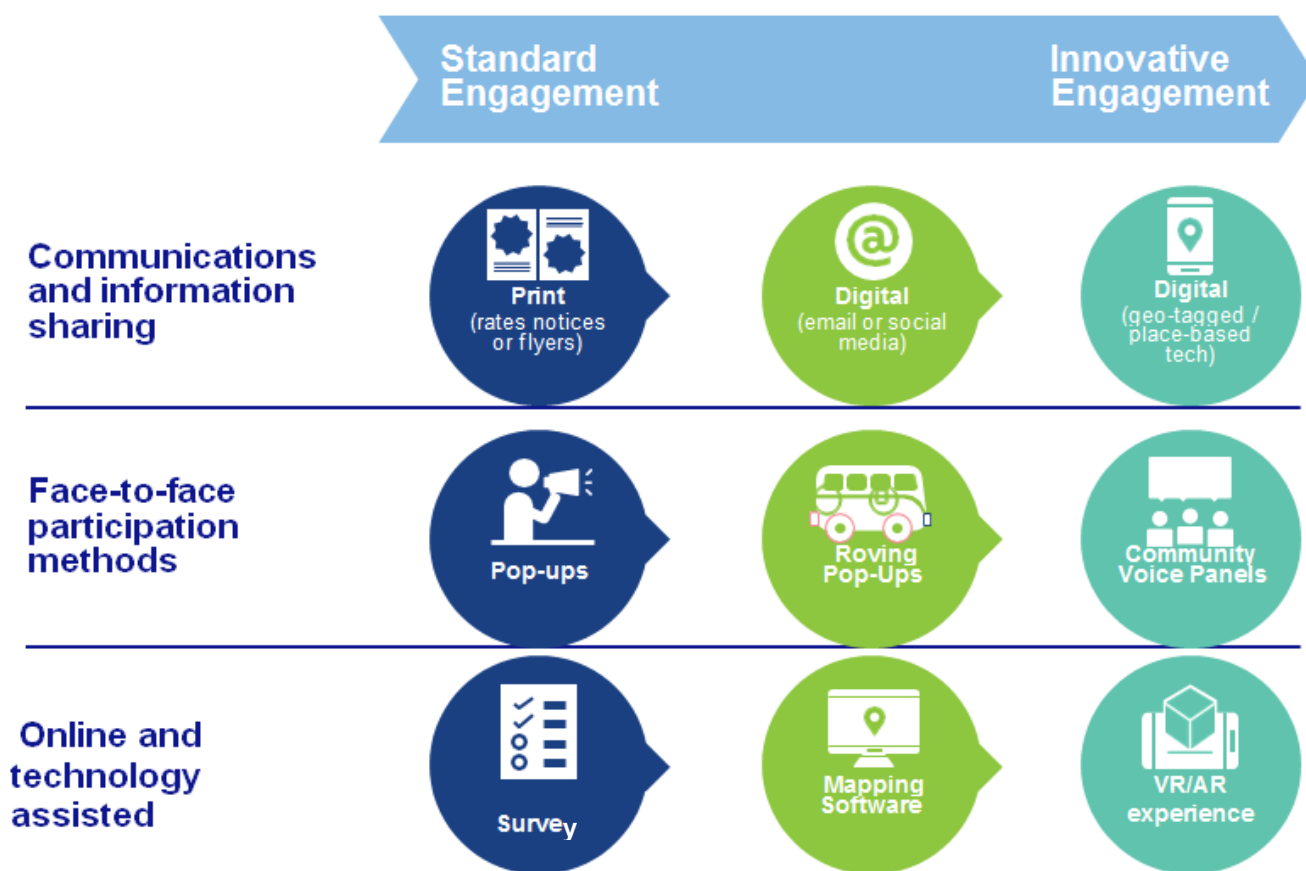
4.2 What are the different pathways for planning?

There are many different planning approval pathways in NSW. The size, scale and nature of the development will determine which of the assessment pathways is appropriate. For the purposes of this CPP, these pathways have been identified as either Statutory or Strategic.

- Statutory planning: manages the assessment of Development Applications (DAs) (i.e. can I get approval for my new house design, apartment block, urban renewal site?). The statutory platforms are informed by controls outlined in the strategic platforms.

- Strategic planning: sets the desired outcomes and provides direction on how to achieve them (i.e. where are we now and where do we want to be?). The strategic platforms enable development and help manage change. This includes planning proposals, preparing planning controls, contributions plans and plans for urban renewal sites.

PART A: STATUTORY

The planning system in New South Wales is supported by legislation, namely the *Environmental Planning and Assessment Act 1979* (or "the EP&A Act"), and the *Environmental Planning and Assessment Regulation 2000* (or "the EP&A Regulation"). The EP&A Act identifies if Council or another authority, such as a panel of experts or the State Government, will assess the development depending on its scale and nature.

The following participation opportunities have been identified based on:

- Development for which the Council is the delegated Authority – (see Table 8 below)

  Development that:
  - has less than 10 submissions;
  - is not listed as having conflict of interest; contentious development; departure from development standards imposed by an environmental planning instrument by more than 10% or sensitive development as listed under Schedule 1 of the Ministerial Direction pertaining to Local Planning Panels;
  - has a Capital Investment Value of less than $5 million.

- Development for which the Local Planning Panel is the delegated Authority as per Schedule 1 of the Ministerial Direction

  Development that is:
  - **Conflict of interest**
    Development for which the applicant or land owner is:

    a) the council,
    b) a councillor,
    c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979,*
    d) a member of Parliament (either the Parliament of NSW or Parliament of the Commonwealth), or
    e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d)

    but not development for the following purposes:

    a) internal alterations and additions to any building that is not a heritage item,
    b) advertising signage,
    c) maintenance and restoration of a heritage item, or
    d) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

  - **Contentious development**
    Development that:

    a) In the case of the Council having an approved submissions policy – is the subject of the number of submissions et by that policy, or
    b) In any other case – is the subject of 10 or more submissions by way of objection

  - **Departure from development standards**
    Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

- **Sensitive development**

    a) Designated development.
    b) Development to which *State Environmental Planning Policy No 65 – Design of Residential Apartment Development* applies.
    c) Development involving the demolition of a heritage item.
    d) Development for the purposes of new licensed premises, that will require one of the following liquor licences:

        (i)   a club licence under the *Registered Clubs Act 1976,*
        (ii)   a hotel (general bar) licence under the *Liquor Act 2007,* or
        (iii)   an on-premises licence for public entertainment venues under the *Liquor Act 2007*

    e) Development for the purposes of sex services premises and restricted premises.
    f) Development applications for which the developer has offered to enter into a planning agreement.

- Development for which the Sydney West Regional Planning Panel is the delegated Authority as per Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2001* - (see Table 10 below):

    1. **General development over $30 million**
       Development that has a capital investment value of more than $30 million.

    2. **Council related development over $5 million**
       Development that has a capital investment value of more than $5 million if;

        a)   a council for the area in which the development is to be carried out is the applicant for development consent, or
        b)   the council is the owner of any land on which the development is to be carried out, or
        c)   the development is to be carried out by the council, or
        d)   the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

    3. **Crown development over $5 million**
       Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than $5 million.

    4. **Private infrastructure and community facilities over $5 million**
       Development that has a capital investment value of more than $5 million for any of the following purposes;

        a)   air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,
        b)   affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.

    5. **Eco-tourist facilities over $5 million**
       Development for the purpose of eco-tourist facilities that has a capital investment value of more than $5 million.

6. **Particular designated development**
   Development for the purposes of;

   a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*, or
   b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*, or
   c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

7. **Coastal subdivision**
   1. Development within the coastal zone for the purposes of subdivision of the following kind;

      a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,
      b) subdivision of land for residential purposes into more than 100 lots, if the land;
         (i) is not in the metropolitan coastal zone, or
         (ii) is wholly or partly in a sensitive coastal location,

      c) subdivision of land for rural-residential purposes into more than 25 lots, if the land;
         (i) is not in the metropolitan coastal zone, or
         (ii) is wholly or partly in a sensitive coastal location.

   2. In this clause
      coastal zone has the same meaning as in the *Coastal Management Act 2016*.
      metropolitan coastal zone means that part of the coastal zone between the northern boundary of the local government area of the City of Newcastle and the southern boundary of the local government area of the City of Shellharbour.
      sensitive coastal location means any of the following that occur within the coastal zone;

      a) land within 100m above mean high water mark of the sea, a bay or an estuary,
      b) a coastal lake,
      c) a declared Ramsar wetland within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
      d) a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth,
      e) land declared as a marine park or an aquatic reserve under the *Marine Estate Management Act 2014*,
      f) land within 100m of any of the following—
         (i) the water's edge of a coastal lake,
         (ii) land to which paragraph (c), (d) or (e) applies,
         (iii) land reserved under the *National Parks and Wildlife Act 1974*,
         (iv) land to which State Environmental Planning Policy No 14—Coastal Wetlands applies,
      g) residential land (within the meaning of State Environmental Planning Policy No 26—Littoral Rainforests) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked "State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)".

      subdivision of land does not include a boundary adjustment, a strata subdivision, or a community title subdivision associated with another development that has been approved.

7A. Certain coastal protection works

1. The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean;

   a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,

   b) development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19 (2) (a) of State Environmental Planning Policy (Coastal Management) 2018).

2. (Words and expressions used in this clause have (in relation to coastal protection works) the same meaning as they have in State Environmental Planning Policy (Coastal Management) 2018.

8. Development subject to delays in determination
Development that has a capital investment value of more than $10 million but less than $30 million;

   a) for which a development application to the relevant council has been lodged but not determined within 120 days after the application was lodged, and
   b) that is the subject of a written request to that council by the applicant for the application to be dealt with by a regional panel,
   c) unless the chairperson of the regional panel concerned determines that the delay in determining the development application was caused by the applicant.

9. Development in council areas where development assessment unsatisfactory
1. Development within the area of a particular council for particular purposes designated by the Minister by order published on the NSW legislation website.
2. Such an order cannot be made unless the Minister is satisfied that the performance of the council concerned in dealing with development matters has not met applicable performance criteria.

Council may also assess master planning to inform capital works. An overview of different engagement techniques and their timing is provided in Table 8 below and explained in more detail in Section 5 below (in regards to exhibition timelines and notification processes for different types of development).

Table 8: Overview of engagement techniques and timing - Minor Development

Level of participation	When	How pre exhibition	How during exhibition	How post exhibition	Regulatory considerations
INFORM	Notifications during and following exhibition phase (or signage once complying development certificate issued by certifier)	n/a	Letters to adjacent properties. Advertising in the local paper and online. Not all DAs are advertised.	Advertising in paper and online. Notification of outcome to submissions received.	Neighbours (adjacent to the site) are to be notified of the DA in print. It is good practice for all DAs to have a sign placed on site (and this is a requirement for some types of DAs that also would require advertisement in local media.) See further detail in section 3.
CONSULT	At exhibition phase for DAs.	n/a	Online submissions and letters received.	As above.	14 days minimum exhibition period for low impact DAs and 28 days minimum for designated development (potential high impact DAs). See further detail in section 3.
	At exhibition phase for master plans.	Advertising of engagement opportunities (i.e. workshops, focus groups etc).	Face to face methods such as workshops or focus groups. Online survey.	As above.	

"We need to involve our communities in a meaningful way in our operations and activities to build community trust"

An Aspiration: Development Assessment to go digital

Hawkesbury City Council has an ambition to increasingly use digital systems for the Development Assessment process.

While the process will still comprise of traditional elements such as the posting of letters and advertising in newspapers, digitisation will significantly improve the DA process for Council, developers, applicants and community members.

This ambition is consistent with the NSW Department of Planning's Development Assessment Best Practice Guide

Medium and major development - local planning panel and regional planning panel.

Local Planning Panels (formerly known as Independent Hearing and Assessment Panels) will determine a number of sensitive development applications. All LPP meetings are held in public and are recorded. Matters are referred to LPP under an instrument of delegation. Certain matters specified in that delegation require that the particular DA be determined by the LPP.

Sydney Planning Panels and Regional Planning Panels (formerly known as Joint Regional Planning Panels) operate to provide independent, merit-based decision making on regionally significant development. The Panels may also have a role in planning proposals, to undertake rezoning reviews or to act as the responsible proposal authority (RPA) when directed. Similar to local planning panels, certain matters are referred to the Regional Planning Panels that are deemed regionally significant or have a certain capital investment value. Such DAs are determined by the Panel.

Table 9: Overview of engagement techniques and timing - Medium or major development

Level of participation	When	How pre exhibition	How during exhibition	How post exhibition	Regulatory considerations
INFORM	Advertised on Council's website and local paper.	Council to advertise and promote the opportunity for participation through submissions or public hearing.	n/a	Closing the feedback loop for participants in the process.	The panel must give reasonable notice to the public of the times and places of its meetings.
CONSULT	Consult at any time with Council to assist with LPP deliberations.	n/a	LPP may consult with Council directly requested additional information or to discuss specific impacts of proposed development.	n/a	LPP must consult with Council Staff for a development that may have a significantly adverse impact on the council, these will be reported to Council on an annual basis.
	Written submission or verbal submissions (at the public hearing)	An information session (or public hearing) to discuss the proposed development with the public.	A member of the public can register to speak to the LPP at the public meeting; A written submission can be sent to Council and will be recorded.	n/a	Permitted at the panel's discretion.

PART B: STRATEGIC

Plan Making

Plan making can be undertaken by Council or by another delegated Authority (Department or Panel). A common policy used in plan making is the Local Environmental Plan (LEP) prepared by Councils. A Development Control Plan (DCP) provides detailed planning and design guidelines to support the planning controls (outlined in the LEP) and is prepared and adopted by councils. Other plan making processes may include plans for urban renewal areas, contribution plans, masterplans, Local Strategic Planning Statements (LSPS) and planning proposals.

Table 10: Overview of engagement techniques and timing - Strategic planning (Council)

Level of participation	When	How pre exhibition	How during exhibition	How post exhibition	Regulatory considerations
INFORM	Across the entire project timeframe but focused and targeted for participation opportunities.	Factsheets, letters, Have Your Say website and media releases; Information about the project and its purpose. Education about the planning process and issues relating to the project;	Project updated on website and promotion of participation opportunities.	Provide feedback to participants and wider community. Distribution of participation outcomes, through a report or 'Community Statement';	Publicly exhibit and give public notice in a local newspaper.

Table 11: Overview of engagement techniques and timing - Strategic planning (Council) - Continued

				Communication on next steps.	
CONSULT	At a specific stage or across a series of project stages.	Workshops.	Online survey and opportunities for written submission.	Notification of outcomes from exhibition.	
INVOLVE	A series of project stages that seek feedback and explain evolving outcomes.	Deliberative workshops.	Online survey and opportunities for written submission.	Notification of outcomes from exhibition (and if relevant seeking participation on final issues for clarification).	Provide opportunity for written submissions as a minimum participation opportunity.
COLLABORATE	Multiple opportunities across the project.	Co-design workshops. Advisory committees and participatory decision-making.	Online survey and opportunities for written submission.	Workshops or focus groups that seek participation on finalising the plan.	
EMPOWER	From the inception of the project to its delivery (and where applicable, continuing after adoption of plan)	Citizen juries, ballots and delegated decisions.	Online survey and opportunities for written submission.	Ongoing involvement from participants through the establishment of a place making group.	Projects are bound and informed by regulatory frameworks.

Local government, landscape architecture, disability advocates, industry representatives, parents and educators. Feedback on the guideline was provided through a six-week exhibition period and a series of 11 workshops run across NSW with councils and industry representatives.

Visit **everyonecanplay.nsw.gov.au**

External to Council

The State Government and other government agencies develop policies that may affect or relate to planning matters in the Hawkesbury. These policies include major projects like airports and legislation such as State Environmental Planning Policies (SEPPs).

For these types of development, there are no requirements that Council undertake engagement, though Council may choose to inform the community of any project it deems of particular interest and importance to the community. This can take the form of simply providing a link to the relevant external webpage on Council's own website. Where the external agency is undertaking sufficient engagement, it would not require Council to take any further action.

Some types of development and infrastructure are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Development that is State significant development (SSD) is identified in the State and Regional Development State Environmental Planning

Council's advisory groups represent community interests and provide feedback on matters external to Council.

Examples of matters external to Council include:
- State environmental planning policy (SEPPs)
- State-wide planning and design controls
- Metropolitan strategic plans (new and updates)
- District plans (new and updates)

Table 12: Overview of engagement techniques and timing - Strategic planning (external to Council)

Level of participation	When	How pre exhibition	How during exhibition	How post exhibition	Regulatory considerations
INFORM	Advertise or recruit participation opportunities	Promotion of Council-led participation opportunities.	Promotion of external opportunities.	Report back and keep participants informed.	No legislative requirements
CONSULT	Prior to exhibition to help inform Council's submission or encourage individual submissions.	Workshops or Community voice panels.	Formal written submissions.	n/a	No legislative requirements
	During exhibition or ongoing over the life of the project through advocacy.	n/a	Council's Advisory Groups provide feedback on behalf of the community, particularly when there is a short exhibition window from external agency.	n/a	No legislative requirements

4.3 What type of engagement techniques can be used for different Hawkesbury communities?

This CPP recognises the diverse network of communities that call Hawkesbury home. It aims to apply the place, story and community values to the planning system to identify participation opportunities and engagement ideas to explore when engaging with the varied communities.

Below is a description of the icons representing the different ways to engage

	Mail drops	Flyer mail drops or newspaper inserts with translated text are efficient in areas of lower density.
	Outreach in family friendly locations	Undertaking outreach activities in places that are popular and accessible for families such as parks and playgrounds, is a great way to reach parents, grandparents and children.
	Events	Undertaking highly visual activities in places such as nearby open spaces, parks and town centres is effective in attracting those who live in these areas.
	Outreach at train stations	Undertaking activities at train stations during morning peak hours is effective in communicating with commuters.
	Outreach at community centres	Utilising community centres that are significant for specific communities is a great way to engage target communities.
	Present clear options for consideration	Presenting clear and tangible options for feedback will likely be effective for many members of this community.
	Primary schools	Undertaking engagement with local primary schools is a mechanism to gather insights from young members of the community.
	High schools	Connecting with local high schools is effective in gathering youth insights and buy-in.
	Pre-schools	Establishing partnerships with pre-schools is effective in connecting with parents of very young children.
	Town meetings	Meeting the Community in their towns and villages.
	Social media	Posting updates and information on Facebook.
	On-line	Council has a link called 'Your Hawkesbury Your Say'

5. How should Council measure and record participation?

5.1 Evaluation

The Community Engagement Policy and Plan provide an extensive set of evaluation tools to determine the effectiveness of participation. Evaluation should be undertaken throughout the engagement period, to ensure that improvements to the engagement plan can be implemented throughout the process.
Refer to the Community Engagement Policy and Plan for an example of an evaluation framework.
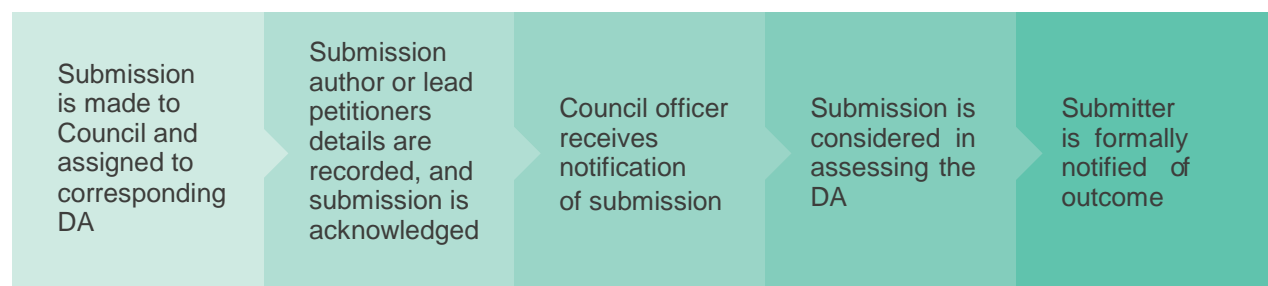
5.2 Submissions

Council has systems setup to manage hard copy and digital submissions. At a minimum, Council commits to:
- Registering each submission (through software or hard copy log).
- Identifying the core issues and responding to these (as they relate to the DA).
- Recording the name and contact details (address or email) for submission to be official.
- Sending an acknowledgement of receipt of submission.
- Outlining how submissions have been considered in the assessment and evaluation of DA's.

See Figure 3 for the DA Submission process. The below constitutes a 'unique submission':

- A written submission from an individual household. Submissions from the same household will be considered as a single submission.
- A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

Figure 3: Submission Process

| Submission is made to Council and assigned to corresponding DA | Submission author or lead petitioners details are recorded, and submission is acknowledged | Council officer receives notification of submission | Submission is considered in assessing the DA | Submitter is formally notified of outcome |

APPENDIX

Appendix 1 - Regulatory Assurance Checklist

EP&A Reference	Checklist	Compliance	CPP Chapter
Part 2, Div 2.6, Section 2.22(1)	A key function of the CPP is to set out the public exhibition timeframes	Yes	Chapter 3
Part 2, Div 2.6, Section 2.22(1)	Councils must list the minimum mandatory timeframes for the planning functions that apply to them in Schedule 1 (Councils should only provide timeframes for planning functions they perform)	Yes	Chapter 3
Part 2, Div 2.6, Section 2.22(1)	It is essential to clearly differentiate between mandatory and non-mandatory timeframes	Yes	Chapter 3
Part 2, Div 2.6, Section 2.22(1)	Reinforce that a reason for the decisions are given for DA determinations as per Schedule 1 of the EP&A Act	Yes	Chapter 4
Part 2, Div 2.6, Section 2.23(2)	Have regard to the community participation principles in section 2.23 (2) of the EP&A Act	Yes	Chapter 2
Part 2, Div 2.6, Section 2.22(1)	Detail how and when a planning authority will undertake community participation when exercising relevant planning functions in section 2.21 (2) of the EP&A Act	Yes	Chapter 4
Part 2, Div 2.6, Section 2.23	Clearly state who it applies to and where	Yes	Chapter 1
Part 2, Div 2.6, Section 2.22(1)	Clearly note that the document relates to planning only	Yes	Chapter 1
Part 2, Div 2.6, Section 2.23(2)	Information should be presented in plain English	Yes	Chapter 2
Schedule 1 and Part 2, Div 2.6, Section 2.24(1)	Be publicly exhibited for a minimum of 28 days and published on the NSW planning portal by 1 December 2019	Subsequent to Council adoption	Chapter 1

Glossary

The below definitions have been sourced from Council's Community Engagement Policy:

Term	Definition
Community	Community refers to the people who have a stake and interest in the Hawkesbury Local Government Area (LGA) and includes people who: live, work, study or conduct business in the LGA, visit, use or enjoy the services, facilities and public places located within the LGA.
Community engagement	The involvement of the community in the decision making process of Council, where the community is encouraged to provide feedback on a range of issues that affect them.
Stakeholder	Individuals or groups who have an interest or are impacted by the decisions of Council, these may include business representatives, professional associations, local community groups, or other levels of Government and Government agencies.
International Association for Public Participation (IAP2)	IAP2 is an international association which seeks to promote and improve the practice of public participation or community engagement, incorporating individuals, governments, institutions and other entities that affect the public interest throughout the world.

The below definitions have been sourced from Community Participation Plan Template:

Term	Definition
Contribution plans	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plans	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Gateway determination	A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Regional strategic plan	20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state
State significant development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants
Urban renewal areas	Includes: • Growth centres: Land identified in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, earmarked for the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity • Planned precincts: Identified locations across Greater Sydney with good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs • State significant precincts: State significant precincts are large areas of predominantly State-owned land, within Greater Sydney, that are identified by the State Government as areas for growth because of their social, economic or environmental characteristics