



INVERELL
SHIRE COUNCIL

Inverell Shire Community Participation Plan

for planning functions under the EP&A Act 1979



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1 INTRODUCTION

1.1 What is our Community Participation Plan?

The Inverell Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*. It applies to the entire Inverell Local Government Area.

The Inverell Shire Community Participation Plan has been prepared in accordance with Section 2.6 and Schedule 1 of the *EP&A Act 1979*.

An effective community consultation program does not necessarily mean that all interested parties will be satisfied with an outcome. Rather, effective community consultation is about ensuring that a proposal has been fully explored and that community concerns are identified and considered.

1.2 What planning functions does our Community Participation Plan apply to?

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

Strategic planning is an essential aspect of Council's work where we set the strategic direction, vision and context for the planning system in the Inverell Local Government Area.

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

This Community Participation Plan applies to the following planning functions:

Strategic Planning	Development Assessment
<ul style="list-style-type: none">•Community Participation Plans•Local Strategic Planning Statements•Local Environmental Plans•Development Control Plans•Contribution Plans	<ul style="list-style-type: none">•Development Applications (other than Complying Development Certificates)•Applications for modification of development consents•Environmental Impact Statements under Division 5.1 of the <i>EP&A Act 1979</i>

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation or consultation. This Plan does not relate to applications that fall within the following development categories:

- Development which is **exempt development** under the provisions of the *Inverell Local Environmental Plan 2012* or any applicable State Environmental Planning Policy; or
- Development which is **complying development** or **development permitted without consent** (Part 5) under the provisions of any applicable State Environmental Planning Policy.

1.3 What are the principles of community participation?

Inverell Shire Council 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 Inverell Shire.

Community participation is an overarching term covering how we engage the community in our town planning work under the *EP&A Act 1979*, 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 decision.

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 *EP&A Act 1979* guides Council to ensure that it will be clear and easier for the Inverell Shire community to understand how it can participate in town planning decisions. Section 2.23 of the *EP&A Act 1979* outlines the principles that underpin the Inverell Shire Community Participation Plan. These principles are outlined below:

- (a) The community has a right to be informed about planning matters that affect it;
- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning;
- (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning;
- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered;
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community;
- (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made;
- (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account); and
- (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

Consistent with Council's Community Strategic Plan, the above principles support Council's vision: **A Community for Everyone.**



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 Inverell 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 types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in the **Table 1 (Strategic Planning)** and **Table 2 (Development Assessment)**. These are mandatory and the same as under Section 2.21(2) and Schedule 1 of the *EP&A Act 1979* respectively. Council will always exhibit a proposal for this minimum timeframe and may consider an extended timeframe for exhibition based on the scale and nature of a proposal.

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 given to the property owner, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;
- If a property is owned by more than one person, a written notice to one (1) owner is taken to be a written notice to all the 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.



2.1 Strategic Planning - Community Participation Requirements

2.1.1 Mandatory Minimum Public Exhibition Timeframes for Strategic Planning Functions

Planning Matter	Minimum Exhibition Timeframe
Draft community participation plan	28 days
Draft Local Strategic Planning Statements	28 days
Planning proposals for Local Environmental Plans subject to a gateway determination	<ul style="list-style-type: none"> • 28 days; or • as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plans	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 may be used to inform the community for the strategic planning functions of Council, depending on the specific strategic planning matters being exhibited:

- Council Notices within the Inverell Times;
- Council's website;
- Council's social media; and
- Static display at Council's Administration Centre and other locations (as applicable).
- Targeted stakeholder consultations/meetings;
- On-line surveys;
- One-on-one engagement with Council staff;
- Open days/drop in sessions;
- Notices to stakeholders;
- Notices within other regional newspaper/s;
- Notices on the land; and
- Any other suitable method advised by the NSW Department of Planning, Industry and Environment.

Stakeholders include, but are not limited to:

- Landowners
- Business owners
- Developers
- Real estate agents
- Chamber of Commerce
- Community groups
- Members of Parliament
- Local Aboriginal Land Councils
- Council committees
- Other Councils
- Sporting groups
- Government agencies
- Village associations

2.2 Development Assessment - Community Participation Requirements

2.2.1 Mandatory Minimum Exhibition Timeframes for Development Assessment

Planning Matter	Minimum Exhibition Timeframe
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	<ul style="list-style-type: none"> • 14 days; or • in accordance with Sections 2.2.2 and 2.2.3 below.
Application for development consent for designated development	<ul style="list-style-type: none"> • 28 days; <u>and</u> • in accordance with the <i>EP&A Regulation 2021</i>
Application for development consent for nominated integrated development	
Application for development consent for threatened species development	
Application for development consent for State significant development	
Environmental Impact Statement under Division 5.1	
Environmental Impact Statement for State significant infrastructure under Division 5.2	
Council Related Development Applications	

Table 2 – Minimum Exhibition timeframe for Development Applications

2.2.2 Notification of Development Applications

A “**written notice**” of a Development Application will be sent to the persons who own adjoining land and/or neighbouring land when a Development Application has been received, where, in Council’s opinion, the enjoyment of the adjoining land or neighbouring land may be affected by the development in relation to:

- 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 effect 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.

The notification period/public exhibition will be a minimum of **fourteen (14) days**.

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

2.2.3 Advertising of Development Applications

In addition to notification/public exhibition requirements (**Section 2.2.2**), the following types of development (as defined in the *Inverell Local Environmental Plan 2012*) will also require additional forms of exhibition, similar to strategic planning functions (**Section 2.1.2**):

- Within the R1 General Residential zone:
 - Multi dwelling housing;
 - Residential flat building;
 - Group homes, boarding houses and hostels;
 - Seniors housing;
 - Health services facility;
 - Health consulting rooms;
 - Neighbourhood shops;
 - Places of public worship; or
 - Community facilities;
- Telecommunication facilities in residential or rural residential settings;
- Backpackers accommodation;
- Hotel or motel accommodation;
- Caravan parks and camping grounds;
- Hospital;
- Education establishment;
- Recreation facility (outdoor);
- Recreation facility (major);
- Sex services premises;
- Licensed club;
- Demolition of a building or work that is an Item of Environmental Heritage or located within a Heritage Conservation Area; or
- Any development Council considers locally or regionally significant.

The advertised period will be a minimum of **fourteen (14) days**. During the advertising period a sign will also be placed at the site of the proposed development (**Refer Photo 1**).

Where in the opinion of Council, the development (including modification) is a minor alteration and/or addition to a development type listed above; advertising of a Development Application may not be required.

The *EP&A Act 1979* and other State Environmental Planning Policies may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.



Photo 1 – Example of advertised Development Application sign at the site of the proposed development

2.3 Council and Community Interaction

2.3.1 How does the community get involved with a town planning matter?

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 Council 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 Council.

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 Council for the purpose of future contact regarding progress of the application.

Anonymous submissions will not be considered by Council.

2.3.2 How does Council consider community input?

Submissions received within the public exhibition, notification or advertising period will be considered in the Council officer’s assessment of the matter.

However, Council’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 Council meeting for consideration. Submissions will form part of the assessment report prepared by Council’s Planning staff for consideration by the Committee or Council. The report forms part of the Committee or Council’s Business Paper which is a public document and available upon request. Business Papers can be downloaded from Council’s website (www.inverell.nsw.gov.au).

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

Following determination of a Development Application, 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 Development Application 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, Council will have consideration for the guidelines published for the *Government Information (Public Access) Act 2009*. If it is not considered in the public interest, Council may not disclose certain personal information, including contact details (mail address, phone numbers and e-mail).

3 CONCLUSION

Inverell Shire Council 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 Inverell Shire.

The Inverell Shire Community Participation Plan sets out how and when Council 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 Inverell Shire Community Participation Plan has been prepared to meet the regulatory requirements contained in Schedule 1 to the *EP&A Act 1979* as well as Division 2.6 of the *EP&A Act 1979* and applies to the entire Inverell Local Government Area.

There are many ways for the community to provide feedback to Council or raise questions outside of formal public exhibition. Council will always consider and respond to the views and concerns of the community. Below are the various ways to make contact with Council.

Council contacts:

- In person: 144 Otho Street, Inverell
 - Phone: 67288200
 - E-mail: council@inverell.nsw.gov.au
 - Post: PO Box 138, Inverell NSW 2360
 - Fax: 67288277
 - Facebook: @InverellCouncil
 - Twitter: @invshirecouncil
- Or contact your local Councillor

GLOSSARY OF TERMS

Complying Development	Complying Development is a combined planning and construction approval for low-impact development that can be determined through a fast-track assessment. Complying development applies to a range of development types like the construction of a new dwelling house, alterations and additions to a house, new industrial buildings, demolition of a building, and changes to a business use (identified in the State Policy for exempt and complying development).
Council Related Development Application	A development application, for which the Council is the consent authority, that is: <ul style="list-style-type: none"> a) made by or on behalf of the Council, or b) for development of land – <ul style="list-style-type: none"> i) of which the Council is an owner, a lessee or a licensee, or ii) otherwise vested in or under the control of the Council
Development Application	A Development Application (DA) is a formal application to Council for carrying out various types of 'development' as defined by NSW Planning Legislation and Local Planning Instruments. Development includes activities such as new building works, alterations, additions, demolition, subdivision and the use of land.
Development Assessment	Development Assessment is the process where Council considers a specific proposal for development and decides whether or not it should be approved having regard to the criteria in the <i>EP&A Act 1979</i> . After this process a recommendation is made to either grant consent to refuse a development.
Development permitted without consent	Not all development requires consent before work can start. Development permitted without consent includes some low-impact or routine activities and are outlined within the Local Environmental Plan and/or State Environmental Planning Policies that apply to the area or activity.
Exempt Development	Exempt Development is low-impact development that can be undertaken on certain residential, commercial and industrial properties, usually minor building renovations or ancillary works. As long as the proposed works meet all of the development standards (identified in the State Policy for exempt and complying development), approval may not be needed.
Exhibition period	An Exhibition Period is the time frame that key documents and information will be displayed for review and comment by the public.
Inverell Shire Community Participation Plan	The Inverell Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the <i>EP&A Act 1979</i> and applies to the entire Inverell Local Government Area.
Strategic Planning	Strategic Planning is the term that refers to the planning functions Council undertakes with regards to the use and development of land for the future of the Shire. It can include Local Environmental Plans, Development Control Plans and a range of other planning research documents which inform these statutory plans.
Written notices	Written notices are letters sent to land owners to notify them of a development and advise of the exhibition period within in which they can review and comment on the proposed development or plan.
Written submission	A written submission is a letter, e-mail or facsimile sent to Council in response to a matter on exhibition and should reference the development or plan, address/es, the views you want considered by Council and the submission makers contact information.

