



Edward  
River  
COUNCIL

# Community Participation Plan

## November 2019





# CONTENTS

Introduction	6
Development Applications	7
Strategic Planning	12
Other Planning Documents	15
Submissions	16

# 1. INTRODUCTION

## 1.1 What is a Community Participation Plan?

The Edward River Community Participation Plan (CPP) sets out when and how Council 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 Environmental Planning and Assessment Act 1979 (the Act) and relates to the planning functions of Council as set out in Schedule 1 of the Act.

## **1.2 Limitations of the Community Participation Plan**

This CPP is relevant to planning functions only and does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure.

## **1.3 Objectives of the Community Participation Plan**

Council's community engagement objectives are to:

- a. Enhance opportunities for all members of the community to participate in planning decisions to achieve better planning outcomes, in an open and transparent process;
- b. Ensure the community understands how they can participate in planning decisions;
- c. Ensure that the needs and concerns of the community are identified and addressed wherever possible;
- d. Ensure our strategic planning reflects the aspirations of our community and partners; and
- e. Ensure Council meets its legislative requirements for community engagement.

## **1.4 Principles of the Community Participation Plan**

The Act guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions and outlines the principles that underpin the CPP as being:

- a. The community has a right to be informed about planning matters that affect it;

- b. Planning authorities should encourage effective and ongoing 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.

## **1.5 Land to which this Community Participation Plan applies**

The Edward River CPP applies to all land within the Edward River Local Government Area (LGA).

## **1.6 What are Council's Planning Functions?**

Council's planning functions are divided into two streams: development assessment and strategic planning under the Act.

## **1.7 Relationship to other Plans or Strategies**

### **Environmental Planning and Assessment Act**

The Act is the overarching document which establishes Council's legislative requirements. Part 2 Division 2.6 of the Act outlines the requirements in relation to community participation and the CPP is developed in response to Section 2.23 of the Act.

### **Edward River Community Strategic Plan 2018-2030**

The Edward River Community Strategic Plan 2018-2030 (CSP) aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the LGA.

More specifically, this CPP addresses the following key targets of the CSP:

<b>2</b> A prosperous and vibrant economy	<b>2.2</b> We develop our key assets to enhance agriculture, boost tourism and support existing business <i>Streamline processes and identify efficiencies to assist investors, developers, builders and event organisers</i> <i>Promote community and regional growth through effective strategic planning</i>
<b>4</b> A region with quality and sustainable infrastructure	<b>4.1</b> Our built environment is managed, maintained and improved <i>Partner with the community to understand service needs and ensure infrastructure is fit for purpose</i>
<b>5</b> A community working together to achieve its potential	<b>5.1</b> Our community is informed and engaged <i>Engage in open communication with our community</i> <i>Encourage community participation in decision making and planning</i>

## 2. DEVELOPMENT APPLICATIONS

**A development application (DA) is a formal application for development that requires consent under the Act, is usually made to Council and consists of standard application forms, supporting technical reports and plans.**

**An effective consultation program does not necessarily mean that all interested parties will be satisfied with the outcome. Rather, it is about ensuring that a proposal has been fully explored, concerns identified and, where possible, alternatives considered.**

**Council's engagement goal is to:**

**CONSULT with the community to obtain public feedback on the development proposal.**

### 2.1 How will Council consult?

Council will invite the community to participate through public exhibition and will generally advise the community of a public exhibition by one or more of the following methods:

- Sending a notification letter to property owners;
- Providing a public notice in the relevant local newspaper; and/or
- Displaying the public notice as a sign on the property.

The notification letter and the public notice will:

- Describe the planning matter;
- Provide information on how people can inspect the documents or find out more information;
- Advise how people can make comments, if comments are invited; and
- Specify the period in which the matter is available for inspection and comments.

Section 2.8 below summarises the minimum level for neighbour and stakeholder notification for different DA types where Council is the consent authority. There may be occasions when these minimum provisions are increased at the discretion of the Council, considering the possible impacts of a DA.

### 2.2 How does Council determine who will be notified?

Section 2.8 below summarises the minimum level for neighbour and

stakeholder notification for the different application types. The extent of notification depends on the nature and scale of the planning matter and property owners, who in Council's view may have an interest due to proximity or are likely to be affected by the relevant planning matter, will receive a notification letter from Council.

### **2.3 Consultation feedback**

In all instances, Council will encourage the community to lodge written submissions.

### **2.4 Consultation period**

In relation to the public exhibition or notification of a DA, Council will exhibit it for no less than the time indicated in Section 2.8.

### **2.5 How is the commencement and conclusion of the public exhibition or notification period calculated?**

The commencement of the exhibition or notification period is taken to be the first business day following the publication of the notice in the relevant newspaper or the day following the posting of the letter of notification.

The conclusion of the exhibition or notification period is based on the required number of consecutive days (as outlined in this CPP), inclusive of weekends, following the commencement of the notification period.

For the purposes of this CPP, public holidays that apply to the State of NSW are excluded from the notification period.

### **2.6 Exhibition or notification during the Christmas period**

Public exhibition and/or notification periods over the Christmas period will be extended so as not to include the period between 20 December and 10

January (inclusive).

### **2.7 Notification to properties in adjoining local government areas**

Where adjoining properties fall within the neighbouring LGA area and are considered by Council to be affected by development, Council will notify the property owners in the LGA area and if appropriate, the adjoining Council will be notified of the development.

## 2.8 Minimum Consultation and Notification Requirements

Development Application Type	What	Site Sign	Notice in Local Paper	Neighbour Notification Letters	Exhibition / notification period
LEP 1997 "Deferred Area"	Development listed in Schedule 2 of the Deniliquin LEP 1997 (Deferred Area) - boarding houses, hotels, motels, residential flat buildings, industries (other than home industries and rural industries) in 1(a) General Rural zone, intensive livestock keeping establishments, junkyards, liquid fuel depots, sawmills, stock and sale yards.	Yes	Yes	Yes	14 days*
DA – Where Council is the Applicant	Any development where Council are the applicant, has a financial interest, owner or have the care and/or control of the land on which the application is proposed	Yes	Yes	Yes	14 days*
Designated development	Designated development listed in Schedule 3 of the Environmental Planning and Assessment Regulation.	Yes	Yes (a minimum of 2 separate occasions)	Yes (a minimum of 2 separate occasions)	28 days*
Murray REP No. 2	Clauses 12 and 13 of the Murray REP No. 2 specifies types of development and circumstances when DAs within the Murray REP area are required to be advertised (in which case, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply in the same way as they do to designated development).	Yes	Yes (a minimum of 2 separate occasions)	Yes	28 days

## 2.8 Minimum Consultation and Notification Requirements

Nominated integrated development or threatened species development	<p>Nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:</p> <ul style="list-style-type: none"> <li>a) the Heritage Act 1977 specified in section 4.46(1) of the Act, or</li> <li>b) a provision of the Water Management Act 2000 specified in section 4.46 (1) of the Act, or</li> <li>c) a provision of the Protection of the Environment Operations Act 1997 specified in section 4.46 (1) of the Act.</li> </ul> <p>Threatened species development means development to which section 7.7 (2) of the Biodiversity Conservation Act 2016 or section 221ZW of the Fisheries Management Act 1994 applies.</p>	Yes	Yes	Yes	28 days
Other	To be determined by Council, taking into consideration the nature of the development, attributes of the site and expected level of impact.	To be determined by Council, taking into consideration the nature of the development, attributes of the site and expected level of impact.			14 days*
Modification of development consents	Modification of a development consent under section 4.55 of the Act.	As per original DA or in accordance with the provisions of Part 6 Division 12 of the Environmental Planning and Assessment Regulation.  NOTE 1: If, in the opinion of Council, the proposed modifications will involve minimal environmental impact and will not increase the impact on adjoining or nearby land or development the application will not be notified.  NOTE 2: If a modification is notified, all persons who made a submission to the previous DA will be notified.			

## 2.8 Minimum Consultation and Notification Requirements

Environmental Impact Statement obtained under Division 5.1	An Environmental Impact Statement obtained under Division 5.1 of the Act.	Yes	Yes	Yes	28 days*
Re-exhibition of any amended application	An amended application is an application where the applicant provides amended plans to Council prior to the determination of the DA.	As per original DA  NOTE: Only those applications where it is considered that there will be additional or significantly altered likely impact will be re-exhibited or re-notified. In some instances, only authors of submissions will be notified.		14 days	
Review of Determination	Review of Determination in accordance with section 8.2 of the Act.	As per original DA  NOTE 1: Only those applications where the DA is amended in a material way and Council considers that the development is likely to have the potential to increase the adverse impact than the development as it was previously considered.  NOTE 2: All persons who made a submission to the previous DA will be notified.		14 days	

\* Mandatory minimum requirement of Schedule 1 to the EP&A Act

# 3. STRATEGIC PLANNING

**Council prepares a range of strategic planning documents including:**

- **Land use strategies and studies relating to specific development issues, for example open space strategies, rural residential strategies;**
- **Local Environmental Plans;**
- **Development Control Plans; and**
- **Developer Contribution Plans.**

**Council also reviews and amends these plans on an ongoing basis, either as a result of internal review of the document, responding to changes in legislation or by a request from property owners.**

Depending of the project being completed, Council's engagement goal will be to either:

**INVOLVE:** Engage with the community and stakeholders to understand their priorities and integrate their aspirations into projects early. This would typically involve a two-stage consultation process:

- a. Visioning or Priority setting: What do you like / not like? What would you change? How should change occur?
- b. Public exhibition of a draft plan or strategy, seeking feedback on draft strategies and alternatives.

**CONSULT** with the community to obtain public feedback on alternatives or the preferred strategy or action. This would generally involve the public exhibition of a draft plan or strategy.

## 3.1 How will Council consult?

Council will provide a public notice in the Pastoral Times newspaper and where necessary, other newspapers circulating within our Council area and/or send a letter to key stakeholders. The letter and the public notice will:

- Describe the strategic project;
- Provide information on how people can inspect the documents or find out more information;
- Advise how people can make comments, if comments are invited; and
- Specify the period in which the matter is available for inspection and comments.

The Council may also invite the community to participate and provide opportunity to have input into strategic projects and policies through any of the following methods:

- Social media posts
- Ratepayers newsletter articles
- Public displays in the Project HQ or another community venue or event
- Council's website
- Workshops and focus groups
- Public meetings and information sessions
- Discussion papers
- Council meetings
- Request for written submissions through a public exhibition process
- Drop in sessions

Section 3.7 below summarises the minimum timeframe for public exhibition for the different strategic document types. There may be occasions when these minimum provisions are increased at the discretion of the Council, considering the possible impacts of the strategic project.

## **3.2 How does Council determine who will be engaged?**

Council will choose the most appropriate audience and stakeholders for the strategic planning projects.

## **3.3 Consultation feedback**

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

## **3.4 How is the commencement and conclusion of the public exhibition or notification period calculated?**

The commencement of the exhibition or notification period is taken to be the first business day following the publication of the notice in the newspaper or the day following the posting of the letter of notification.

The conclusion of the exhibition or notification period is based on the required number of consecutive days (as outlined in this CPP), inclusive of weekends, following the commencement of the exhibition period.

For the purposes of this CPP, public holidays that apply to the State of NSW are excluded from the exhibition period.

## **3.5 Exhibition or notification during the Christmas period**

Public exhibition and/or notification periods over the Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

## **3.6 Consultation period**

In relation to the public exhibition of a draft plan or strategy, Council will exhibit it for no less than the time indicated for the type of plan or strategy listed in Section 3.7 below.

### 3.7 Strategic Plans and Strategies Consultation

CPP	The CPP sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.	28 days*
Local Strategic Planning Statement	The Local Strategic Planning Statement sets 20-year vision for land use in the LGA, the special character and values that are to be preserved and how change will be managed into the future. It supports Council's local land use strategies, will implement actions from the Riverina Murray Regional Plan and priorities identified in the CSP and informs the development controls in the local environmental plan.	28 days*
Local Environmental Plan	<p>The local environmental plan guides planning decisions for the LGA. It does this through zoning and development controls, which provide a framework for the way land can be used. It is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.</p> <p>A planning proposal is required to amend the local environmental plan and must demonstrate the strategic merit of the proposed amendment. It is submitted to the NSW Department of Planning and Environment for a gateway determination which will identify whether there is merit in the proposed amendment proceeding further in the plan making process.</p>	28 days or the time period specified in the gateway determination*
Development Control Plan	A development control plan is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls. Council will periodically amend it to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.	28 days*
Developer and Infrastructure Contributions Plan	Contributions plans allow for contributions to be levied on development consents issued within the LGA to assist with the provision of community facilities or infrastructure to meet demand created by development. Council will periodically amend these plans, reflecting revised population growth, rezoning of additional land, completion of works or to amend the schedule of works to reflect Council's priorities.	28 days*

\* Mandatory minimum requirement of Schedule 1 to the EP&A Act

## 4. OTHER PLANNING DOCUMENTS

**Council is also responsible for a number of other planning documents and projects that are distinct from the above strategic planning and DA processes.**

Council will assess the level and type of community participation required for other planning projects on a case by case basis and will choose the most appropriate audience and stakeholders. Should it be determined that consultation is required, Council will exhibit the project for no less than 28 days. Public exhibition and/or notification periods over the Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

# 5. SUBMISSIONS

## 5.1 Submission Period

The submission period is the stated exhibition or notification period, calculated in accordance with Section 2.8 and Section 3.7 of this CPP.

## 5.2 Making a submission

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

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

Submissions should include the following characteristics:

- The reasons for objection or support;
- Submissions must be in writing, be addressed to the General Manager, clearly indicating the names, addresses of the person(s) making the submission, quote the DA number (if relevant), the subject matter, and clearly state the address of the property;
- Submissions must include the postal address or email of person(s) making submissions so they can be notified in advance if the matter is to be considered by Council at a Council meeting. This information will remain public and may be included in reports to Council; and

- If persons who lodge submissions do not wish their personal information to be made public, the submission is to clearly make a statement to that effect, however their name and suburb (if available) will remain public.

## 5.3 Petitions

Where a petition is received in respect of a DA or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged for the purpose of future contact as to the progress of the application. Only the head petitioner, or first petitioner, will be advised of any related meeting times or receive written confirmation of the determination of an application or outcome of the matter.

## 5.4 Disclosure of submissions

Submissions may be accessed by the public by way of a request to Council under the Government Information (Public Access) Act. Also, if the proposal is reported to a Council meeting the issues raised in that submission will be summarised in the Council report and the submission will be attached to the report.

## 5.5 How Council deals with submissions

### Acknowledgement of submissions

All submissions received during the public exhibition or notification period will be acknowledged as soon as practicable by Council following the conclusion of the exhibition or notification period. Following determination of a DA, or the adoption of a strategic plan or strategy, all persons who made a submission shall be notified in writing of the decision regarding the application, strategy or plan.

## **Anonymous submissions**

Anonymous submissions will not be considered by Council.

## **Consideration of submissions**

### ***Development Applications***

Details of submissions may be forwarded to the applicant who will be encouraged to address the issues raised in the submissions, by way of comments or amended plans and/or discussions involving the relevant parties and Council will be held to discuss the submissions aiming to achieve better explanation or negation of an intended outcome

Where an objection to an application is not resolved, the DA will be referred to the next available Council meeting for determination. The applicant and all persons who made a submission will be notified of the details of the Council meeting and Council will consider the submissions as part of their assessment of the DA. Opportunities to address the Council are detailed in Council's Code of Meeting Practice.

### ***Strategic Planning***

Council will consider the issues raised in the submissions as part of the development of the plan or strategy. Those who made a submission will be notified of subsequent consultation relevant to the project.

Council will determine how each issue is to be addressed and identify whether the draft plan or strategy should be amended. The issues raised in the submissions will be detailed in a report to Council which will identify how that issue is being addressed, and how the draft plan was amended (if this has occurred). A report will be prepared for the next appropriate Council meeting. Those who made a submission and the applicant (if relevant) will be notified of the proposed Council meeting date. Opportunities to address the Council are detailed in Council's Code of Meeting Practice.



EDWARD RIVER COUNCIL

## COMMUNITY PARTICIPATION PLAN

180 Cressy Street (PO Box 270)  
Deniliquin NSW 2710  
T 03 5898 3000 F 03 5898 3029  
[council@edwardriver.nsw.gov.au](mailto:council@edwardriver.nsw.gov.au)  
[www.edwardriver.nsw.gov.au](http://www.edwardriver.nsw.gov.au)