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68 COMMUNITY ENGAGEMENT FRAMEWORK & COMMUNITY PARTICIPATION PLAN

Version 03

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Strategic Outcome: Supported and engaged communities

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Responsible Officer: Strategic and Social Planning Coordinator

BACKGROUND

The development of the a *Community Engagement Framework and Community Participation Plan* by the Berrigan Shire Council strengthens its commitment to supporting the participation of individuals, groups and communities in Council planning and decision making.

The Shire recognises that residents, rate payers and frequent visitors to the Shire have diverse opinions, ideas and extensive life experience. Community engagement allows the Shire to facilitate:

- The sharing of this resource; and
- The sharing of the best available information so that better decisions are made about the issues, and challenges, that affect our community.

PURPOSE

The purpose of this framework is to broadly define the Berrigan Shire Council's commitment to Community Engagement and its application to:

- Council's Planning System;
- Council's Delivery Program and Operational Plan activities; and
- The development of the Shire's Community Strategic Plan, other Council Plans, and the Strategies that may from time to time be developed by the Council.



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SCOPE

This framework applies to Councillors, Council employees, and contractors engaged on behalf of the Shire, and who are during the course of their role are engaged in and have responsibility for the planning and delivery of Council activities.

PRINCIPLES

The following principles¹ will be used by the Shire to guide its engagement with our community: the people, who live, work, study in, and visit the Shire.

- **Information:** To provide the community and key stakeholders with accessible, balanced and objective information on decisions, policies, plans and strategies.
- **Consultation:** To obtain feedback from the community and key stakeholders on analysis and alternatives to inform a decision.
- **Involvement:** To work directly with the community and key stakeholders throughout a project to ensure that community concerns and aspirations are understood and considered.
- **Collaboration:** To partner with the community and key stakeholders in each aspect of the decision process – including the development of alternatives and identification of a solution. Responsibility for the final decision rests with Council but may, in some instances as in the development of the *Community Strategic Plan* be shared with the community and key stakeholders.

LEGISLATIVE REQUIREMENTS

This Framework and Community Participation Plan reflects the legislative requirements of the Local Government Act 1993 and NSW Environmental Planning and Assessment Act 1979 (EP&A Act)

Specific provisions from each Act provide the framework and guidance to the Council and our communities on the purpose of our engagement. These provisions describe the Council functions that are subject to Council's Community Engagement Framework and Participation Plan. Moreover, these provisions set out also, how and when our community can participate in the Council's:

- Land Use and Development Planning System; and
- Corporate Planning System.

¹ Adapted from: International Association for Public Participation (2008) *IAP2 Public Participation Spectrum*



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Environmental Planning and Assessment Act 1979 (EP&A Act)

The NSW *Environmental Planning and Assessment Act 1979* controls and regulates the use of and the development of land in New South Wales. Councils are required to develop a Community Participation Plan (CPP) per Division 2.6 of the EP&A Act and in doing so detail how and when a planning authority (the Council) will undertake community participation as part of the exercise of the relevant planning functions described by section 2.21 (2) of the EP&A Act.

Local Government Act 1993

Councils are required 'to facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government' pursuant to Section 7 (d) of the Local Government Act 1993.

This requirement is further reinforced with respect to the Guiding Principles for NSW Councils Section 8a (3) Community Participation. Specifically 'councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures'. Requiring also that a Community Engagement Strategy pursuant to Section 402 (4) of the Local Government Act 1993 guide and inform a council's engagement with its community as part of the development of a Community Strategic Plan, and a Council's suite of Integrated Plans and Council Strategies.

DEFINITIONS

Community: The people who live, work, study in, and visit the Shire. This includes and is not limited to: residents, ratepayers, local business – employees, suppliers, consumers and markets; utility providers; community and environmental agencies that outreach and or undertake activities in the Shire; state, health and education providers; regional, state and federal government agencies and or authorities.

Community Engagement: Community engagement is a process that is best described as an approach to developing and sustaining a working relationship between the Berrigan Shire Council and the wider community.

Community Participation Plan: This Plan describes how the community can participate in the Council's Planning System. Consistent with the objectives of the EP&A Act the Council's CPP aims to increase community participation in environmental planning and assessment and is the Council's tool to deliver this aim.



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Community Strategic Plan: The highest level plan that the Shire will prepare pursuant to the Local Government Act 1993. The planning process considers the issues and pressures that may affect the community and the level of resources that will realistically be available to achieve its aims and aspirations. The Shire Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the local government area. It is not wholly responsible for its implementation. Other partners may also be engaged in delivering the long-term objectives of the plan. (Planning and Reporting Guidelines for local government in NSW 2010)

Council Activities: Shire Council activities are those described in the Council's Annual Operation Plan and 4-year Delivery Program.

IMPLEMENTATION

The trigger for the implementation of this policy is guided by:

1. Legislative requirements
2. The assessed impact on our community:
 - i. Upon how we plan and deliver Council activities.
 - ii. Of a proposal or community issue.

Legislative requirements include and are not limited to Integrated Planning and Reporting *Community Strategic Plan* and Council Strategy development, Asset Management Plan development and review, Local Environment Planning, and Development Applications.

For Council Planning System activities (Local Environment Planning and Development Applications) the CPP and the Council's Community Engagement Framework guides Council decision-making on when and how our community can participate in the process of a Council's determination of a project or Application assessed in accordance with the EP&A Act.

For non-planning system, that is Council Integrated Planning and Reporting activities the Council's Community Engagement Framework is used.

COMMUNITY PARTICIPATION PLAN (CPP)

Objectives

The objectives of this participation plan are the principles developed and set out in Section 2.23 (2) of the EP&A Act.

Application



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The Council's CPP applies to the following EP&A Act (Council) Planning System Functions also to the determination roles undertaken by any district, regional or local planning panel. Functions include:

1. **Planning:** activities undertaken by the Council that set the strategic direction, vision or context for the Council's planning system. This includes the development by the Council of planning proposals; the Council's Local Strategic Planning Statements, Local Environment Plan, Community Participation Plans, Development Control Plans and Contributions Plans.
2. **Assessment and Determination of Development Applications & Other Matters:** activities undertaken by the Council where consideration and determinations made under the EP&A Act 1993.

The following table provides an at-a-glance summary of the Council's minimum exhibition requirements. The Council will always exhibit a proposal for the mandated minimum timeframe.

Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
Council Function: Planning	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft development control plans	28 days
Draft contribution plans	28 days
Council Function: Assessment of Development Applications & Other Matters	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.



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Planning and Development Function	Public Exhibition Time Frames – mandatory unless otherwise indicated
Community participation and public exhibition requirements	Refer to Schedule 1 EP&A Act
Council Function: Planning	
Application for development consent for designated development	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	Up to 14 days based on the scale and nature of the proposal
Environmental impact statement obtained under Division 5.1	28 days

* Public Exhibition timeframes are calendar days and include weekends

**The Public Exhibition timeframes exclude the calendar days 20 December to 10 January (inclusive).

The Council in exercising its planning and assessment functions per the Objectives of this CPP will apply these objectives as principles to the application of its Community Engagement Framework and in doing so identify how the community can participate in the Council's Planning System.

Community Participation Principles

- (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).*
- (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. (Section 2.23 (2) of the EP&A Act)*



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CPP and Council Community Engagement Framework

CPP	Extent of Community Engagement	Indicative Tools for Engagement	Risk Assessment: Impact Local / Whole of Shire	Steps for Community Engagement
We will notify the community (affected parties) of planning activities; development proposals and provide relevant and accurate information.	Inform: Sharing the best available information	Correspondence to adjoining property holders, Briefings, Fact Sheets, Council Website, Media campaigns, Displays in Shop fronts, libraries etc.	Level A: High Impact: Whole of Shire	<ol style="list-style-type: none"> 1. Identify likely stakeholders 2. Plan and gather best available information and resources 3. Share information with stakeholders via newspaper, website, correspondence to affected parties. 4. Work effectively together. 5. Feedback the results of engagement as is appropriate and relevant via Council website, social media platforms, and Council Bulletin published in local newspaper 6. Monitor and evaluate the process
For proposals released as draft on exhibition we will invite community comment.	Consult: Exploring options and preferences	Web based consultation, Interviews, Surveys, Public meetings, Focus Groups	Level B High impact: Local area or specific community / user group	
We will respond to community views by conducting targeted engagement to seek input reflecting the scale, nature and likely impact.	Involve: Inclusion of ideas in the decision making	Workshops 'Community Conversations' Interviews with Stakeholders	Level C Lower Impact: Whole of Shire	
	Collaborate: Sharing responsibility either for decision making or service delivery	Community Advisory Groups Participative Decision-making Forums Inter-agency partnerships / consortiums	Level D Lower Impact: Local area or specific community / user group	
CPP Determination				
We will notify the community of decisions and Council Reports will outline the consideration given to community feedback	In its decision-making the Council and its Officers will consider the views expressed and ensure that the reasons for the decision and how community views were considered are reported	Updates to website and the publication of Council Reports		



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RELATED LEGISLATION, POLICIES AND STRATEGIES

- Social Justice Framework 2016
- Policy Asset Management Policy 2016
- Development Control Plan 2014
- Local Policy For Relocation Of Previously Used Residences 2015
- Risk Management Policy And Framework 2017
- Policy For Volunteering In Berrigan Shire
- Naming Of Community Facilities And Open Space Policy 2014
- Legislative Compliance Policy 2014