







Lithgow Community Participation Plan 2019

Lithgow CITY COUNCIL

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Table of Contents

1. Community Participation in the planning system 3
   1.1 What is a Community Participation Plan 3
   1.2 Objectives of the Community Participation Plan 4
   1.3 Why is Community Participation Important? 5
   1.4 Our approach to Participation 6
   1.5 Expectations of Council and Community in Consultation 7
      1.5.1 Council 7
      1.5.2 Community 7
   1.6 What is a Public Exhibition? 8
   1.7 What are Lithgow City Council's Planning Functions 9
   1.8 Land to Which the Community Participation Plan Applies 9
2. Development Applications 10
   2.1 Objectives of Consultation for Development Applications 10
   2.2 Public Exhibition 11
      2.2.1 Mandatory 11
      2.2.2 Council Prescribed 12
      2.2.3 Christmas Holiday Period 12
   2.3 Notification 13
      2.3.1 Who will be notified about a development application 13
      2.3.1.1 Landowners/occupiers 13
      2.3.1.2 Strata Plans 14
      2.3.1.3 Persons in adjoining Council areas 14
      2.3.2 Information provided by Council for notification of development 14
      2.3.3 Notification over Christmas Holiday period 14
      2.3.4 Notification for amended application prior to determination 14
      2.3.5 Notification for modification of development consent 15
      2.3.6 Notification of applications to review a determination of a development application 15
      2.3.7 Applications for which notification will not be given 15
   2.4 Consultation Feedback 17
   2.5 Determination 17
3. Strategic Planning 19
   3.1 Objectives of Consultation for Strategic Planning 19

3.2 Consultation Channels 20
3.3 Consultation Tools.....21
3.4 Consultation Feedback.....21
3.5 Public Exhibition.....21
3.5.1 Mandatory.....21
3.5.2 Council Prescribed.....22
3.5.3. Christmas Holiday Period 22
3.6 Notification.....22
4. Glossary 23
5. Definitions 23
6. Amendments.....24



1. Community Participation in the planning system

1.1 What is a Community Participation Plan

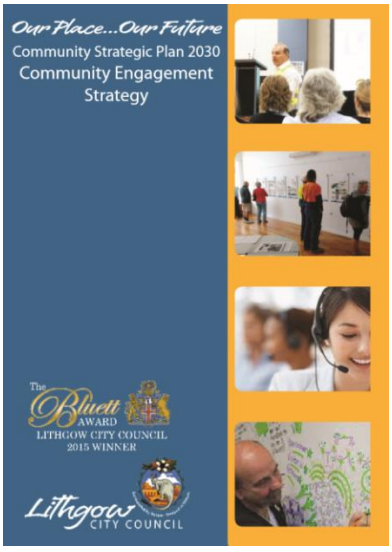
The Community Participation Plan (CPP) is a new requirement under the Environmental Planning and Assessment Act 1979 (EP&A Act) and is designed to inform residents on how and when they can interact with the planning system.

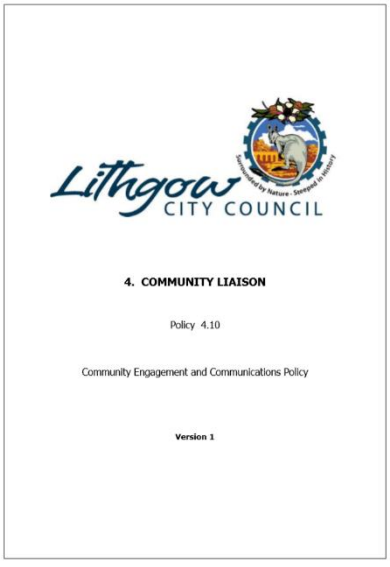
Community participation in relation to this CPP is how the planning division of the Lithgow City Council will engage the community, including plan making and development assessment that is covered under the EP&A Act.

The community is a broad term which includes anyone who is affected by the planning system including individuals, community groups, aboriginal communities, peak bodies representing a range of interests from public to private entities.

The level and extent of community participation will vary per proposal, taking into consideration the size, scope, and potential impacts of development.

The CPP has been prepared as a standalone document as per the EP&A Act but will be supported by Council strategies and policies. Our CPP will become a supporting document to the Community Engagement Strategy, which provides the Council a strategic framework for how and when it undertakes engagement. It takes into consideration existing Council policies and procedures which can be found on the Lithgow City Council website under '*Policies*'.





1.2 Objectives of the Community Participation Plan

As part of Lithgow City Council's commitment to working with the local community to make the Lithgow local government area a better place to live, work and play, the Council has adopted seven key objectives of social equity and justice which guide how we go about community participation and compliance with the EP&A Act.

- Community engagement will be **INCLUSIVE** and represent the **DIVERSITY** of all that live within our community.
- Our engagement with the community will be **OPEN**, **RESPECT** all opinions, and show **ACCOUNTABILITY** for how decisions are made.
- To show **LEADERSHIP** in guiding the future of Lithgow and managing community expectations.
- Engagement will have a clear **PURPOSE**, with both objectives and goals established.
- To provide **INFORMATION** to the community about how Council comes to informed decisions, but to also listen and use community expertise.
- Council will provide **FEEDBACK** and **EVALUATION** of informed decisions where and when appropriate to do so.
- To use Council and community **RESOURCES** to engage at a **TIME** where real opportunities for effective community participation can occur.



1.3 Why is Community Participation Important?

Planning's core function is to shape our built and natural environments to prepare for future challenges and opportunities. As part of the shaping process, it is important to establish what our community envisions as the future of the Lithgow City Council area. Council must then leverage local community expertise and knowledge in an effective manner to deliver sound planning outcomes.

Community participation in the planning process is an established right under legislation to ensure that individual voices are heard. Through purposeful discussion between Council and local community members we seek to manage growth, embrace change while preserving local character and environment whist providing high quality design outcomes.

Encouraging greater community participation in the planning system will also provide opportunities for the community to learn more about the State and Council planning processes, helping to ease confusion and strengthen bonds and communication with community stakeholders.



1.4 Our approach to Participation

No two developments are the same and as such, the level of community participation must change to suit the differing impacts of development. Lithgow City Council is committed to adhering to best practice in regards to community engagement based on the guidelines of The International Association for Public Participation (IAP2). Table 1 outlines IAP2's spectrum for engagement and how we'll consider participation as per this CPP. The Council will evaluate the impact of a development and determine the most appropriate level of participation having regard to:

- The broader context of the project or issue.
- The history of the project or issue.
- Legislative requirements.
- Existing or past community interest.

INCREASING IMPACT ON THE DECISION

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
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 on how public input influenced the decision.	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.

Table 1: The IAP2 index of community participation

1.5 Expectations of Council and Community in Consultation

1.5.1 Council

When the Council engages the community, Council's staff members are expected to behave in a professional manner and present themselves in accordance with the LCC Code of Conduct. It is Council's responsibility when conducting consultation to listen to your views and to take them into consideration whenever possible.

1.5.2 Community

Community members must respect the right for all participants to engage in a respectful and safe environment and behave in a way which allows others to present their point of view.

Lithgow City Council is aware of the passion its community members have regarding development and that this passion may not be shared by other community members or the Council itself. We ask that those who attend and interact with community participation observe the following:

- Acknowledge and listen to other people's views.
- Engage the issue and ignore interpersonal issues.
- Respect both staff and other attendee's right to be heard and to be involved.
- To act and speak in a polite manner.
- To take consultation as a time to engage in a deeper discussion regarding why you support/reject a proposal.

1.6 What is a Public Exhibition?

A public exhibition (otherwise known as notification, advertising, or submission periods) is the time where the Council's planning department provides the community the ability to give constructive feedback and raise concerns about a proposed development. This process is only required for certain applications applicable to the EP&A Act 1979, listed later in the CPP. The Council's role in the public exhibition process is as following:

- Give notice to individual land owners/occupiers that are deemed to be impacted by proposed application.
- Determine appropriate timeframe to which the community can provide feedback taking into consideration relevant legislation, and the scale of the proposed application.
- Advertising the exhibition notice, including how submissions can be made.
- Making documents publicly available.



Note that signage of public exhibition will not be present on all applications as set by the CPP.

1.7 What are Lithgow City Council's Planning Functions

Under the Environmental Planning and Assessment Act 1979, Lithgow City Council's planning functions include both development assessment and strategic planning. Division 4.2 of the Environmental Planning and Assessment Act 1979 sets out that Lithgow City Council is the consenting authority for the majority of development assessment functions in the local government area.

1.8 Land to Which the Community Participation Plan Applies

The Lithgow City Council Community Participation Plan applies to all land within the Lithgow City Council Local Government Area.

2. Development Applications

This section provides the Councils requirements and procedures for the notification of development applications in the Lithgow City Council Local Government Area.

2.1 Objectives of Consultation for Development Applications

- To provide a framework for the notification and advertisement of development applications, modify development consents and review of development determinations and where notification is not required.
- To provide the community with an opportunity to assist Council in its decision making process for development applications.
- To detail the criteria for notifying persons of development applications being considered by Council.
- To assist the public in understanding Council's notification obligations, requirements and procedures.
- To ensure the persons lodging submissions are informed of Council's determination of development applications
- To establish and present how public views and considerations have impacted the determination of an application.

To achieve these objectives, the Council refers to Table 2 in the community consultation process as a guide to community participation for development assessment.

Level	Goal	Promise	Example Techniques
Inform	To provide relevant and objective information for development applications.	We'll provide all relevant information to inform you of what is being proposed where appropriate as identified by Council.	Letters to adjacent properties. Advertising in local paper and online. Online Council application search.
Consult	To obtain feedback on analysis, issues, alternatives, and decisions.	We'll listen to and acknowledge your concerns and work with the DA applicant to address/alleviate said concerns where possible.	Online and written submissions addressed to Council.

Table 2: Level of community participation in the development assessment process.

It is important to note that community participation in the development assessment process is not an avenue for residents to shape said developments to their own liking, but to address the potential impact that a development can have through its design.

2.2 Public Exhibition

2.2.1 Mandatory

Section 2.21 of the Environmental Planning and Assessment Act 1979 identifies the type of proposals planning authorities must be considered in a CPP while section 2.22(2) sets out the mandatory exhibition timeframe which planning authorities must meet for compliance found in Schedule 1. Note that the given timelines are a minimum and can be increased given Councils discretion if a proposal is deemed to have significant impact on the locale. Table 3 mandates that the following applications be given a minimum exhibition timeframe.

Development assessment making minimum mandatory exhibition timeframes	
Application for development consent (other than for complying development certificate, for designated development or for state significant development).	14 days*
Application for development consent for designated development.	28 days
Application for development consent for state significant development.	28 days
Environmental impact statement obtained under Division 5.1 of the EP&A Act 1979.	28 days
Environmental impact statement for state significant infrastructure under Division 5.2 of the EP&A Act 1979.	28 days

*Under Schedule 1 (7b) of the EP&A Act, Council can choose to have no public exhibition for the application of development consent. See 2.3.7 for variations to this clause.

Table 3: Exhibition timeframes for development assessment under the EP&A Act 1979.

2.2.2 Council Prescribed

All other applications for developments not noted in 2.2.1 or 2.3.7 are considered to have a **minimum 14 days** exhibition timeframe.

2.2.3 Christmas Holiday Period

The days between 20th December and 10th January (inclusive) will not be included in the public exhibition period.



2.3 Notification

As part of the community participation process, the Council will notify identified stakeholders who are deemed to be impacted by an application. The notification period commences on the date shown on the notification letter. The following sections identify who is an identified stakeholder.

2.3.1 Who will be notified about a development application

2.3.1.1 Landowners/occupiers

Notice of the application will be sent to person/s who own land (according to Council's Property Information System) adjoining or neighbouring a proposed development site. In certain instances, based on the potential impact of the development; Council will, at the discretion of the Development Assessment Officer, undertake wider notification of a Development Application where property is deemed to be potentially "affected".

Diagram 1 below shows the land to be considered as "Adjoining or neighbouring land" for the purposes of this Policy.

When a site and adjoining land are not in the configuration as shown in Diagram 1 below, Council's Development Assessment Officers will form an opinion based on the potential impact of the development, as to what is to be considered as "affected land" using the criteria listed below.

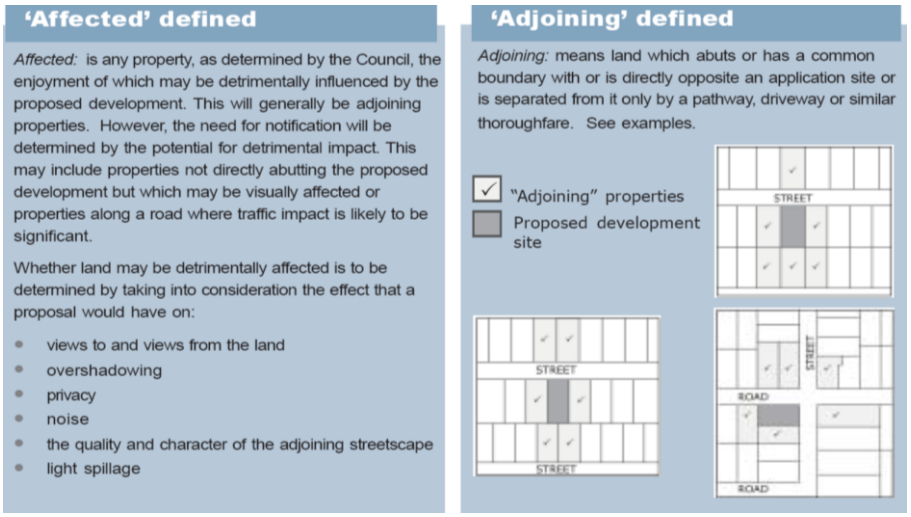


Diagram 1: Definition of affected and adjoining land as per Council's notification policy for development assessment

2.3.1.2 Strata Plans

In the case of the adjoining land being part of a strata plan, notification will be given to individual unit owners and also the Body Corporate.

2.3.1.3 Persons in adjoining Council areas

Some development proposals can adjoin or neighbour land in other Council areas. In this instance, Council will send a notification letter to the adjoining Council asking that they inform its residents/ratepayers likely to be affected. Any submissions from residents in adjoining Council areas will be taken into consideration in the determination of the application.

2.3.2 Information provided by Council for notification of development

If you are deemed impacted by a proposed development, the Council will send a notification letter to your address.

All applications that have been notified will be made available for inspection at Council's customer service centre, 180 Mort Street, Lithgow, during normal business hours. This includes all plans, application form, statement of environmental effects, and any supplementary reports where deemed necessary for planning determination.

2.3.3 Notification over Christmas Holiday period

If a development application is to be notified during the periods where Council is closed over Christmas and New Year holiday period, then the days between 20th December and 10th January (inclusive) will not be included in the notification period.

2.3.4 Notification for amended application prior to determination

Should a development application be amended prior to determination, Council will renotify

- Any persons who were previously notified of the original development application.
- Those who made submissions to the original development application; and
- Any persons who in the opinion of the Development Assessment Officer, may be impacted by the amended development application.

The notification period for the amended application is the same as the original notification for the purpose of public consultation. This will not be the case if the Development Assessment Officer deems the amendments are of minor impact to which no notifications of amendment(s) will be sent.

2.3.5 Notification for modification of development consent

Council will notify an application to modify development consent if the original assessment of the development application was notified or advertised. This includes an application to modify a development consent that was granted by the Land and Environment Court.

Council will notify the application for modification in the same manner as the original development application.

Council will notify those persons who previously made submission(s) and any other person, who in the opinion of the Development Assessment Officer may now be affected by the application for modification.

Notwithstanding the above, Council will **not** notify applications that modify consent for the reasons of minor error, misdescription, miscalculation, or a modification involving minimal environmental impact where the Development Assessment Officer is of the opinion that the application is unlikely to cause:

- prejudice to any person(s) who were originally notified; or
- prejudice to any person(s) who previously made a submission having regard to the matters raised in previous submission(s).

2.3.6 Notification of applications to review a determination of a development application

All applications made under Section 8.2 of the Environmental Planning and Assessment Act 1979, for review of determinations of development applications will be notified in the same manner as the original development application in accordance with this Plan.

2.3.7 Applications for which notification will not be given

The following applications are instances where Council will **not** give notice of an application:

- The proposal is Exempt Development.
- The application is rejected on the basis of inadequate, unclear or illegible information.

- An application is received to carry out alterations for the purpose of fire safety upgrading of existing buildings in conjunction with a fire safety order from Council.
- Applications to strata subdivide an existing approved building(s).
- An application involving a boundary adjustment.
- Single storey dwellings in all zones (providing this does not involve demolition of an existing dwelling).
- 2 Storey dwellings on land zoned Primary Production (RU1), Rural Landscape (RU2) or Large Lot Residential (R5).
- Additions to single storey dwellings that do not involve adding an additional storey to the dwelling.
- Internal alterations that do not alter the use of a building or its Class under the Building Code of Australia.
- Carports, pergolas and verandas in association with a dwelling.
- Detached garage or shed associated with a dwelling and to be used in conjunction with a dwelling that does not exceed 36 square metres in floor area or 3.6 metres roof ridge height located in General Residential (R1), Low Density Residential (R2), Village (RU5), Environmental Management (E3), and Environmental Living (E4) zones.
- Detached garage or shed associated with a dwelling and to be used in conjunction with a dwelling that does not exceed 100 square metres in floor area located in Large Lot Residential (R5) zone.
- Detached garage or shed associated with a dwelling and to be used in conjunction with a dwelling that does not exceed 200 square metres in floor area located in Primary Production (RU1) and Rural Landscape (RU2) zones.
- Subdivision creating less than 5 new lots on land zoned Primary Production (RU1) or Rural Landscape (RU2).
- Commercial or industrial development comprising non-structural alterations to an existing building (With the exception of Restricted Premises and Sex Services Premises).
- Development involving a change of use that does not involve the change to a Restricted Premises, Sex Services Premises, Funeral Chapel, Funeral Home or Retail Premises involving the sale of firearms within the meaning of the Firearms Act 1996.
- Advertising signage.
- Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.
- Retaining walls less than 1.5-metre-high located in General Residential (R1), Low Density Residential (R2) and Village (RU5) zones.
- Retaining walls located within 1m of a boundary and less than 1 metre high
- Earthworks if exempted under Council Policy – Filling and Levelling Land.

Note: Zones identified by this section are explained in the Lithgow LEP 2014. To find out what your property is zoned, use the land zoning maps in the Lithgow LEP 2014 or contact Council.

Link to Lithgow LEP zone mapping:
https://www.legislation.nsw.gov.au/#/view/EPI/2014/824/maps#LZN

2.4 Consultation Feedback

During the notification period, any person may write a submission to Council in respect to a development application. For a submission to be considered, the following must be provided:

- Be submitted in writing and addressed to the General Manager.
- Be received by Council before closing date of the notification period.
- The name, address, and if possible the email address, of the person making the submission.
- The relevant development application number.
- The address of the property that the submission is targeted towards.
- Details of the submission where the objection must set out the grounds to which the objection is based against.

The Council will also accept petitions as a form of submission of feedback. To assist Council, a petition submission requires the applicant to:

- Clearly identify the application and the nature of the objection/support on each page of the document.
- Ensure name entries to be given in printed form with a relevant signature to verify as well as relevant address details.
- Provide an identified leader or organiser to which the Council can contact the group through.

All submissions made to Council must be provided to Council before 4:30pm (16:30) on the last day of the notification period. An acknowledgment response via email or letter will be provided within 5 days of submission.

The Council will provide assistance to anyone willing to provide a submission that experiences difficulty with placing their concerns in writing, including an interpreter through a telephone service.

2.5 Determination

For those who have submitted feedback against an application, Council will notify the persons by letter dated and posted, or by email, within 14 days past the date of determination with a notice of determination. As a minimum, the notice of determination will include:

- The decision, and
- The date of the decision, and
- The reasons for the decision (having regard to any statutory requirements applying to the decision), and
- How community views were taken into account in making the decision.

Council will provide notice in the local newspaper regularly in accordance with relevant legislation regarding determinations. Further advice regarding determinations can also be found on the Council website under 'DA Determination Statements'.

3. Strategic Planning

This section provides the Councils requirements and procedures for the notification of strategic planning documents that will impact development in the Lithgow City Council Local Government Area. Examples of strategic planning documents include:

- Local Strategic Planning Statement (LSPS) which sets out a 20-year vision for land use, encapsulating the unique values and character of the area and how it will be managed into the future.
- Land use strategies/studies which inform development controls regarding uses such as open space, traffic, heritage, etc.
- Planning Proposals (PP) which aim to amend planning controls in the Lithgow LEP.
- Development Control Plans (DCP) which guides development standards across the local region.

Unlike development assessments, these documents are reviewed, amended, and repealed on an ongoing basis by internal reviews or by requests by public and private bodies

3.1 Objectives of Consultation for Strategic Planning

- To engage the public to ensure that the vision for the future is shared between Council and community.
- To provide effective means of two-way communication.
- Provide a level of appropriate mediation between public and private groups.
- To educate the community on the planning system and issues and how it relates to individuals.

To achieve these objectives, the Council refers to Table 4 to help identify the community consultation process appropriate to a proposal.

Level	Goal	Promise	Example Techniques
Inform	To provide continual updates and inform participation opportunities.	We'll provide you information on upcoming events.	Fact sheets Council website. Public notice in local newspaper.
Consult	To seek public opinion on topics that matter to the community.	We'll take your concerns into deliberation when making decisions.	Online surveys. Drop-in consultation.
Involve	To negotiate with the community to make sure concerns and aspirations are understood.	We'll work with the community to ensure that noted concerns and ideas will be directly reflected in the made decisions.	Workshops.
Collaborate	To partner with the public and facilitate the community's ideas into the plan.	We'll look to the community for personal expertise and knowledge and incorporate it as much as possible.	Community working group.
Empower	To give the community full control of decision-based outcomes.	We'll implement what you decide.	Delegated decisions.

Table 4: Level of community participation in the strategic planning process

3.2 Consultation Channels

Lithgow City Council will communicate opportunities and information regarding the strategic planning process to the public at a time relevant to the project. This could be done by a multiple of forms including:

- Social media posts
- Letters to stakeholders
- Flyers
- Council website articles
- Public displays i.e. library exhibitions

3.3 Consultation Tools

The Council will use a range of tools to enable participation and opportunities for the community to provide input into the project. These tools include:

- Workshops
- Public meetings
- Discussion papers
- Online surveys
- Briefing sessions
- Requests for written submissions

3.4 Consultation Feedback

Depending on the tools used for consultation, the Council encourages the community to provide feedback via written submissions lodged to the Council or engagement in public events conducted on behalf of the Council.

Petitions can be made on behalf of a community group(s), but less consideration will be given than if each signatory were to submit their own individual submission. Council will provide notice to individuals who provide feedback or comments by submissions addressed to Council. Responses will cite where and how their concerns are addressed in the relevant document.

3.5 Public Exhibition

3.5.1 Mandatory

Section 2.21 of the Environmental Planning and Assessment Act 1979 identifies the type of proposals planning authorities must be considered in a CPP while section 2.22(2) sets out the mandatory exhibition timeframe which planning authorities must meet for compliance found in Schedule 1. Note that the given timelines are a minimum and can be increased given Councils determination if a proposal is deemed to have significant impact on the locale.

Strategic plan making minimum mandatory exhibition timeframes	
Draft Community Participation Plan	28 days
Planning Proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.
Draft development control plans	28 days
Draft contribution plans (including growth centres and planned precincts)	28 days
Draft Local Strategic Planning Statement	28 days

Table 5: Exhibition timeframes for strategic planning processes under the EP&A Act 1979.

3.5.2 Council Prescribed

All other strategic plans and reports not noted in 3.5.1 are considered to have a **minimum 14 days** exhibition timeframe.

3.5.3. Christmas Holiday Period

The days between 20th December and 10th January (inclusive) will not be included in the public exhibition period.

3.6 Notification

Notification for strategic plans will be provided via the Lithgow City Council website and the Lithgow City Council Facebook page, providing dates and locations for workshop attendance or contact details for feedback. Notification will also be located in the Councils Column located within the local newspaper.

All documents and plans of a strategic nature approved by Council will be uploaded to the Council website under '*Strategic Plans and Reports'* for public viewing.

4. Glossary

CPP	Community Participation Plan
DA	Development Assessment
DCP	Development Control Plan
EP&A Act	Environment Planning and Assessment Act 1979
LCC	Lithgow City Council
LEP	Local Environmental Plan
LGA	Local Government Area
PP	Planning Proposal

5. Definitions

Community: A group of people, whose members reside in the same geographical area or have a shared background or interest.

Complying Development: Ordinary development to which an EPI is assessed against to meet specified development standards.

Development: as defined by section 1.5 of the EP&A Act 1979.

Development Application: An application for consent under Part 4 of the EP&A Act 1979 to carry out development but does not include an application for a complying development certificate.

Development Consent: Consent given by Part 4 of the EP&A Act 1979 through a Development Application which is assessed by a consenting authority subject to conditions.

Exempt Development: An identified low impact development identified by an EPI which can be carried out without development consent.

Notice of Determination: Legal document issued by consenting authority to either grant or deny development consent.

Planning Proposal: A document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan

Stakeholder: Any entity which may have a vested interest or concern.

Strata Title: Ownership of part of a property which can have a shared common area.

Torrens Title: Ownership of both land and building.

6. Amendments

Amendment No.	Date of resolution	Effective Date	Part	Effect of Amendment