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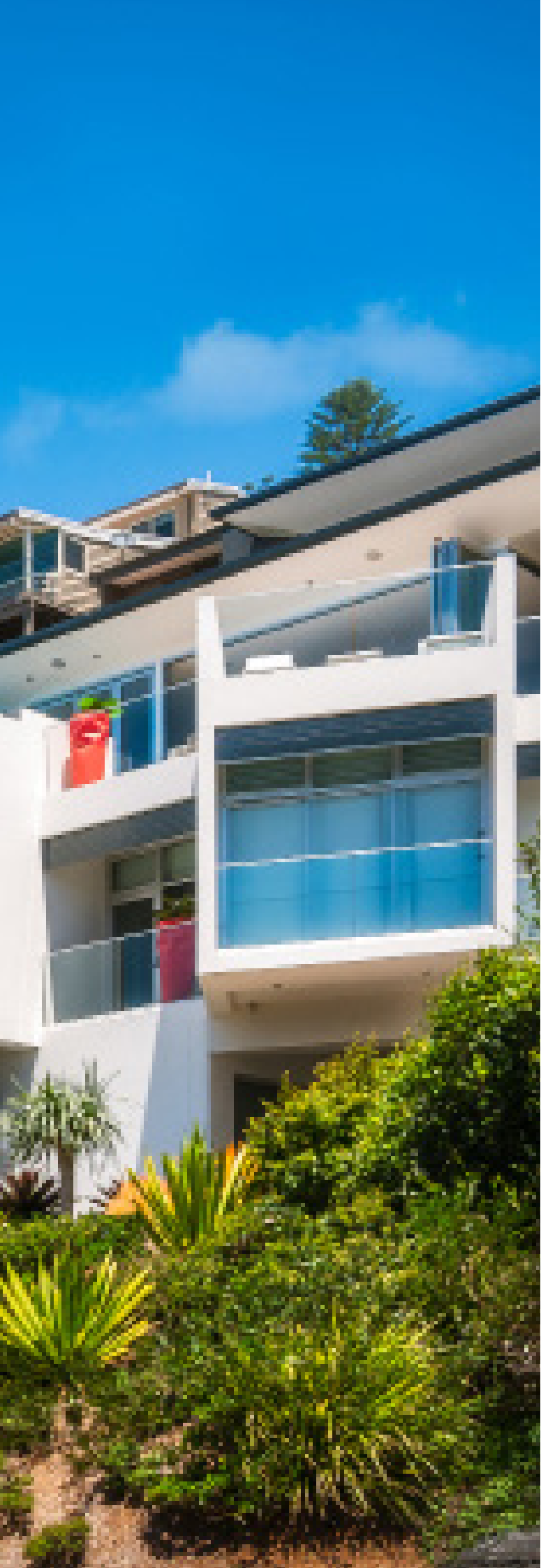
CENTRAL COAST COUNCIL
**COMMUNITY
PARTICIPATION
PLAN**

Central
Coast
Council



COMMUNITY PARTICIPATION PLAN





CENTRAL COAST COUNCIL

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Central Coast Council Community Participation Plan
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Approved by: Karen Tucker
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Assigned review period: 5 years
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INTRODUCTION

Community Participation in Corporate Planning:

Central Coast Council is constituted under the Local Government Act, 1993 (LG Act), which requires that Council engage with its community in corporate strategic planning. It is important for the community to know how Council operates, including how it plans and spends its budget, and how this connects to what the community has told us is important. Our key plans developed under the LG Act outline how we'll identify and plan funding priorities, manage regional challenges and plan for a sustainable future.

The One – Central Coast, Community Strategic Plan 2018-2028 is a 10-year plan developed by Council under the LG Act – but it isn't Council's Plan. It was developed through engagement with the community to help set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future. It is Council's contract with the community.

Land Use Planning Matters:

Council has a responsibility to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act), including the promotion of the orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing. Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including strategy development, plan making and assessing proposals and related submissions to permit appropriate decisions on proposed development.

Our 15 Councillors, 3 per Ward, make objective decisions on behalf of the community at Council Meetings. Councillors also sit on Advisory Committees, which report to the Council.

With the advent of Local Planning Panels (see Part 3), Councillors are predominantly involved with strategic planning and policy matters. Development Applications (DAs) are no longer determined by Councillors – they will either be determined by the Local or Regional Planning Panel, or by staff under delegation from Council. It remains the responsibility of Council to carry out a proper and professional assessment of a proposal prior to a Panel's determination of a relevant DA. This will include the public exhibition of the application and the assessment of submissions received from relevant stakeholders.



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

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, other local government, and State and Commonwealth government agencies.

Community participation in planning matters is important because:

- It contributes to building community confidence in the planning system;
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- It provides an improved process that generates two-way engagement that recognises and embraces community knowledge, ideas and expertise.

Intention Statement:

The Central Coast Community Participation Plan (CPP) is designed to make participation in planning clearer for the Central Coast community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also reaffirms our community participation objectives which we use to guide our approach to community engagement (detailed within the Central Coast Engagement Framework (EF), adopted January 2017).

The CPP is separated into three parts:

PART ONE: An outline of Council's community participation principles

PART TWO: Minimum community participation requirements.

PART THREE: Consideration and Determination of Planning Matters

PART FOUR: Definitions of Planning Terms



PART ONE COMMUNITY PARTICIPATION PRINCIPLES

Council has the very important responsibility of making decisions for and on behalf of the community, and as such, we are required to ensure that appropriate community input and/or statutory requirements are considered in that process. Operating as an 'open government' that prioritises transparency, collaboration and participation is a key priority for Council.

The following principles are designed to support Council's values and guide its approach to all community engagement activities under Council's Engagement Framework:

ENGAGEMENT MODEL

Engagement is led by both organisation and the community



01 Respect and Transparency

- We will consult when needed and use the information gathered in a meaningful way
- We will respect your time and listen to you
- We will engage at a level that is appropriate to the possibility to influence
- We will share the responsibility, trust and transparency

02 Access and Inclusion

- We will seek a diversity of views and perspectives
- We will provide feedback to the community as to how their input contributed to decision-making
- We will endeavour to identify and remove barriers to participation
- We will use a range of opportunities and techniques to encourage participation, and increase awareness and understanding for all who may be affected by or interested in the outcome
- We will work in partnership with relevant community groups, State and Federal government, local government partners, and / or other stakeholders internally within Council

03 Clarity

- We will have genuine and open dialogue with the community
- We will clearly communicate the intention, scope and outcomes of the consultation
- We will use plain language and avoid jargon to provide clear explanation
- We will make information available in accessible formats

04 Accountability and Improvement

- We will seek to maintain consistent standards and levels of quality
- We will share results internally and work together to avoid duplication and 'over consultation'
- We will evaluate engagement efforts and consistently seek to learn and improve practice

05 Capacity

- We will build the community's capacity to contribute, by educating and empowering both the community and staff so that they may participate in meaningful, two-way collaboration.

PART TWO



PART TWO

MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

Public Exhibitions

Schedule 1 of the EP&A Act identifies minimum requirements for the public exhibition of strategic planning and policy documents, and for applications submitted to Council for determination. These minimum requirements are set out below in Table 1. It should be noted that the days cited are "Calendar Days", not weekdays, and that the period for public exhibitions cannot end on a Saturday, a Sunday or a public holiday. The period must also exclude the dates between 20 December and 10 January.

Strategic Plans, Policy proposals and major developments are displayed on Council's web site (www.yourvoiceourcoast.com/). A variety of engagement tools may be utilised for consultations regarding strategic and policy matters, dependant on the scale of the proposal. For example, in developing Council's LGA-wide Local Strategic Planning Statement (LSPS), Council utilised the following:

- On line submissions;
- Explanatory power point presentation;
- On line Character Statement survey;
- On line discussions – Ward Based;
- 5 Ward Based Live Webinars; and
- A Frequently Asked Questions (FAQ) document.

On occasions, specific arrangements to the proposal would be identified in a notification letter.

Submissions relating to applications and other exhibited documents must be made in writing and be lodged with the Council within the period specified in the notice (the exhibition period). Note that the material is generally removed on the day following the expiration of the public exhibition period.

Impact of COVID19 Pandemic

Having regard to the current COVID19 Pandemic, the NSW Government has amended the Local Government (General) Regulation 2005, to provide that Council will not be in breach of the CPP exhibition requirements by publishing notices and making exhibition materials available electronically.

Amendments have also been made to remove the requirement for Council notices to be advertised in newspapers and instead allow the relevant notice to be published on the Council's website.

This is not a temporary measure and will be ongoing.

Notification Provisions Currently in DCPs

Following the merger of the Gosford City Council with the Wyong Shire Council to form Central Coast Council in May 2016, Council adopted a Notifications Policy (January 2017), which consolidates the provisions previously relating to the Gosford Local Environmental Plan (LEP) 2014 and the Wyong LEP 2013. The relevant Development Control Plans (DCPs) currently contain Notification Chapters with identical provisions:

- Gosford DCP, 2013 – Chapter 7.3; and
- Wyong DCP, 2013 – Chapter 1.2.

Council is in the process of preparing a consolidated LEP for the Central Coast. The draft Development Control Plan Chapter 2.1 – Notification of Development Proposals, which is proposed to support this consolidated LEP, includes minor updates to address the following:

- changes made to the EP&A Act in 2018; and
- Council's practice of advertising all development applications for secondary dwellings.

Post Determination

In relation to applications for development consent, and applications for the modification of a development consent which were publicly exhibited, Council will place notification on Council's website of:

- The land and the proposed development; and
- 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 considered in making the decision. This requirement may be satisfied by reference to any document that contains the reasons for the decision.






This public notification is prescribed in cl.124 and cl.137 of the EP&AR 2000 to confirm the validity of a development consent or a complying development certificate pursuant to s.101 of EP&A Act 1979.





Table 1 identifies Council requirements for the public exhibition of documents and proposals.



PART TWO

TABLE 1: MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

MANDATORY REQUIREMENTS (Schedule 1, Part 1, Division 1 (1) of the EP&A Act, 1979)	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
Draft community participation plans	
Draft local strategic planning statements	
Planning proposals for local environmental plans subject to a gateway determination	 <p>or:</p> <ul style="list-style-type: none"> 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	
Draft contribution plans	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	 <p>or:</p> <ul style="list-style-type: none"> 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.
Application for development consent for designated development	
Application for modification of development consent that is required to be publicly exhibited by the regulations	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
Environmental impact statement obtained under Division 5.1	

FROM COUNCIL'S NOTIFICATION DCP	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
<p>The instances and terms for the provision of Notification are identified within Appendix A to Council's Development Control Plans:</p> <ul style="list-style-type: none"> • Gosford DCP, 2013 – Chapter 7.3; and • Wyong DCP, 2013 – Chapter 1.2. <p>These DCPs are intended to be superceded by Development Control Plan Chapter 2.1 – Notification of Development Proposals upon enactment of the Central Coast Consolidated Local Environmental Plan.</p>	<p>Appendix A is presented in a Table format and identifies for various types of Development:</p> <ol style="list-style-type: none"> Whether a Notice of Exhibition will be published on Council's website); Whether a Notice will be issued to adjoining owners; and The minimum period for exhibition and submissions <p>Council's practice of advertising all development applications for secondary dwellings will also be included in the Consolidated DCP Chapter 2.1.</p>
NON-MANDATORY TIMEFRAMES	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
Planning Strategies	
Area / Structure Plans	
Precinct / Masterplans	
Public Domain Plans	

Notes:

1. Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.
2. The days cited are "Calendar Days", not weekdays.
3. The period for public exhibitions cannot end on a Saturday, a Sunday or a public holiday.
4. The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
5. The exhibition material is generally removed on the day following the expiration of the public exhibition period.

PART THREE



PART THREE

CONSIDERATION AND DETERMINATION OF PLANNING MATTERS

Local and Regional Planning Panels

The Central Coast Local Planning Panel (CCLPP) was constituted by Central Coast Council at the Ordinary Meeting of 11 May 2020 and held its first meeting on 11 June 2020. The Panel is responsible to determine a range of development applications on behalf of Council, including applications under the following criteria:

- Conflicts of interest
- Contentious Developments
- Departure from Development Standards
- Sensitive Developments

The Local Planning Panel also provides advice on a range of strategic planning matters, including Planning Proposals. A Ministerial Direction (dated 27 September 2018) outlines the planning proposal applications that are to be considered by the Local Planning Panel. In summary, a Planning Proposal must be referred to the Local Planning Panel for advice prior to the elected Council considering whether to forward the planning proposal to the Minister in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

When the Planning Proposal comes before the Local Planning Panel it must be accompanied by an assessment report prepared by the council officers setting out recommendations in relation to the matter, including whether or not the council officers recommend that the proposal should be forwarded to the Minister.

The Local Planning Panel is an independent panel comprised of four members:

- The Chair (appointed by the Minister)
- Two professionals (with expertise in urban design, urban planning or other related field)
- One community representative (selected from a pool of members appointed by Council)

Local Planning Panel Meetings are run in accordance with the [Local Planning Panels Best Practice Meeting Procedures](#) and [Local Planning Panels Operational Procedures](#). In addition, there are a range of operational procedures set out in various Ministerial Directions and guidance notes published by the NSW Department of Planning Industry & Environment.

The CCLPP operates concurrently with the Hunter/Central Coast Joint Regional Planning Panel (HCCJRPP). Regional Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters, including:

- Determine regionally significant development applications (DAs), certain other DAs (including coastal protection works on land within the coastal zone (within the meaning of the Coastal Management Act 2016)), and s4.55(2) and s4.56 modification applications
- Act as the Planning Proposal Authority (PPA) when directed
- Undertake rezoning reviews
- Provide advice on other planning and development matters when requested
- Determine site compatibility certificates under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Joint Regional Planning Panel deals with the larger, more 'regionally significant' proposals whilst the Local Planning Panel generally deals with smaller, more localised Development Applications and Planning Proposals (refer Table 2 below).

Section 4.8 of the Environmental Planning & Assessment Act 1979 sets out the role of Councillors in local government areas where a Local Planning Panel has been constituted. In summary, **no applications will be determined by the elected Council – they will either be determined by the Local Planning Panel, the Joint Regional Planning Panel, or by staff under delegation.** However, it is the responsibility of Council to carry out a proper and professional assessment of a proposal prior to a Panel's determination of a relevant development application. This will include the public exhibition/notification of the application and assessment of submissions received.

The public Panel meeting is an important part of the determination process for a development application and meetings for both Regional and Local Planning Panels are public meetings. The purpose of the meeting is for the Panel to hear those who wish to express their view on a matter before a determination/decision is made.

Developments which meet State Significant Development (SSD) or State Significant Infrastructure (SSI) criteria are determined by either the Minister for Planning & Public Spaces (or the Ministers delegate), or the Independent Planning Commission. Further information on the legislation is outlined on the [Department of Planning and Environment's](#) website.

Criteria for Applications

The following Table 2 identifies the criteria which determine the appropriate Panel to consider and determine the Development Application.

PART THREE

TABLE 2: MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

Criteria for Development Applications for Council/LPP/RPP	
Council	<ul style="list-style-type: none"> No Development Applications are now determined by the elected Council. Minor applications, not required to be referred to the Panels, are determined by Council staff under delegation.
JRPP (Regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications)	<ul style="list-style-type: none"> General development CIV > \$30M – Development that has a capital investment value of more than \$30 million. General development CIV of 10 – 30 million – as requested by Applicant where the application has not been determined within 120 days. Council related development over CIV \$5 million Development that has a capital investment value of more than \$5 million if— <ul style="list-style-type: none"> (a) a council for the area in which the development is to be carried out is the applicant for development consent, or (b) the council is the owner of any land on which the development is to be carried out, or (c) the development is to be carried out by the council, or (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council). Crown development over CIV \$5 million Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million. Private infrastructure and community facilities over CIV \$5 million Development that has a capital investment value of more than \$5 million for any of the following purposes— <ul style="list-style-type: none"> (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities, (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship. Eco-tourist facilities over CIV \$5 million Development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million.

Criteria for Development Applications for Council/LPP/RPP

JRPP

(Regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications)

- **Particular Designated Development**

Development for the purposes of—

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

- **Coastal subdivision**

Development within the coastal zone for the purposes of subdivision of the following kind—

- (a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,
- (b) subdivision of land for residential purposes into more than 100 lots, if the land—
 - (i) is not in the metropolitan coastal zone, or
 - (ii) is wholly or partly in a sensitive coastal location,
- (c) subdivision of land for rural-residential purposes into more than 25 lots, if the land—
 - (i) is not in the metropolitan coastal zone, or
 - (ii) is wholly or partly in a sensitive coastal location;

- **Certain coastal protection works**

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

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

LPP	<ul style="list-style-type: none"> • Conflict of Interest – Development Applications where the land owner or applicant is either Council, a Councillor, a Member of Parliament, some Council staff. • Contentious Development – Development Application which is subject to 10 or more unique submissions (across all notification periods in the assessment). • Departure from Development Standards – Development Applications that contravenes a development standard within an Environmental Planning Instrument by more than 10% or non-numerical standards; and • Sensitive Development – Development Applications for a range of nominated ‘sensitive development’ uses, including those involving heritage items, licenced premises, residential apartments (SEPP 65) of 4 or more storeys in height and the like as well as developments where the applicant has proposed to enter into a planning agreement.
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Rezoning Reviews

The Planning Panels may undertake independent reviews of some Council and Department of Planning, Industry and Environment decisions in the plan making process. By providing an opportunity for an independent body to give advice on LEPs, the review processes allow Councils and proponents to have decisions about the strategic merits of proposed amendments reconsidered.

A request for a rezoning review can be submitted by a proponent where Council:

- has notified the proponent that the request to prepare a planning proposal is not supported, or
- has not indicated its support 90 days after the proponent submitted a request accompanied by the required information, or
- has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Planning Panel will determine whether the planning proposal should proceed, or not proceed, for a Gateway determination. The Panel’s decision will be based on the strategic and site specific merits of a proposal.

The Panel will only review the planning proposal initially considered by Council, rather than any amended or updated version.

Further detail on the rezoning review process can be found in the Department’s publication: A Guide to Preparing Local Environmental Plans.

PART FOUR



PART FOUR

DEFINITION OF PLANNING TERMS

PLANNING TERM	DEFINITION
Capital Investment Value (CIV)	The Capital Investment Value (CIV) of a project includes all costs necessary to establish and operate the project (including design and construction costs, but not including land costs or GST).
Contribution plan	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plan	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Gateway determination	A gateway determination is issued by DPIE following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Local Planning Panel	Local Planning Panels assume specified consent authority functions on behalf of Councils. Panels determine certain types of development applications referred to them and those development applications not delegated by Council to Council staff. Panels provide advice on planning proposals prepared by Councils and may also provide advice on any other planning or development matters referred to them by Councils
Regional Planning Panel	Regional Planning Panels were introduced to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters, including: <ul style="list-style-type: none"> • Determine regionally significant development applications (DAs), certain other DAs (including coastal protection works on land within the coastal zone (within the meaning of the Coastal Management Act 2016)) and s4.55(2) and s4.56 modification applications • Act as the Planning Proposal Authority (PPA) when directed • Undertake rezoning reviews • Provide advice on other planning and development matters when requested • Determine site compatibility certificates under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
Regional strategic plan	20-year plans prepared by DPIE, that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPIE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the DPIE, that relates to planning matters that are state significant or are applicable across the state
State significant development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants

PLANNING TERM	DEFINITION
Planning Strategy	Broadly applicable documents prepared by Council that help shape the vision for the Central Coast region. They generally relate to a specific issue.
Area / Structure Plan	<p>Sets the future land use structure and identifies the preferred urban structure for a precinct.</p> <p>They are prepared by Council, and provide illustrative layouts of future land use structure</p> <p>A moderately detailed plan, i.e. provides recommendations for location of public facilities, but does not detail specific to the format of facilities or the material with which such facilities should be constructed.</p>
Precinct / Master Plan	<p>Prepared by Council, and providing guidance for potential development of a particular area within a precinct with development concepts and illustrations.</p> <p>Most often applies to commercial/retail centres</p> <p>A highly detailed plan, e.g. provides recommendations for specific public facilities (such as a public boardwalk), but does not detail the material with which such facilities should be constructed.</p>
Public Domain Plan	<p>Prepared by Council, these plans establish design direction and general criteria to apply to design of the public space network.</p> <p>They provide illustrations of street furniture, materials to be used in public domain such as paving, street plantings and planter boxes etc.</p> <p>A very highly detailed plan, e.g. working towards implementation of public facilities recommended within a Masterplan, including selection of landscaping, paving and street furniture.</p>

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All levels of government have an intention to actively involve the community in planning for their places and communities.

SUBMISSION PROCESS FOR APPLICATIONS

Submission is made to Council and assigned to corresponding DA

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

Submission is considered in assessing the DA

Submitter is formally notified of outcome

TO QUALIFY AS A SUBMISSION, THE SUBMISSION MUST:



be in writing by
email or letter



be submitted
within the
nominated
exhibition time
period



reference the
application,
policy or plan
being exhibited



be based
on planning
grounds in
support or
objection to the
proposal



include the
name, address
and daytime
telephone of
the author

Submissions must be lodged with Council by 5pm on the final day of the exhibition period.

Central
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