eurobodalla
shire council

Community Engagement Framework & Participation Plan

Introduction

Purpose of this document

This document guides the engagement process with the community when Council is developing plans, policies and programs. The document combines the principles, objectives and approaches set out in the Community Engagement Framework and and requirements for a Community Participation Plan (CPP).

The CPP specifically details requirements Council must follow in engaging the community through its planning functions.

Background

Council began research on developing a community engagement framework in April 2015, with the aim of identifying how Council's current practices could be improved. This included exploring research into best practice, Council's current practices, how councils similar to Eurobodalla engage with their communities and standards advocated by the International Association for Public Participation (IAP2). Council's Audit Committee recommended Council seek independent advice and undertake a situation analysis to determine the best way to improve communication and engagement. The development of the framework was also a key recommendation in the Fit for the Future Action Plan and the 2013-17 Delivery Plan.

In July 2015, Council engaged KJA consultancy to proceed with interviewing community representatives and councillors in preparation of a draft community engagement framework with a view to:

- build a culture of effective engagement across the organisation
- understand the roles and responsibilities of internal stakeholders
- build a relationship of trust with external stakeholders
- deliver a consistent approach to engagement
- deliver change within the current available resources.

The project progressed in three phases. The first was a situation analysis capturing an initial overview of stakeholder perspectives on Council's performance and operations. KJA then completed a draft Community Engagement Charter, draft Community Engagement Framework and draft Planning Tool using research into best practice and incorporating feedback from councillors, staff and community members. KJA also completed an Outcomes Report, which identified further opportunities for Council to consider to continue to strengthen its community engagement practices.

The draft community engagement charter, draft framework and draft planning tool were exhibited in mid-2016 to seek feedback from the wider community. This feedback was incorporated into the final documents.

In August 2019, Council reviewed the framework with the purpose of incorporating requirements for a CPP in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). In keeping with Section 2.23 of the EP&A Act, Council sought to include the CPP within this document - Community Engagement Framework. The key directive of the EP&A Act is to ensure Council is engaging the community through its planning functions, establishing a single document for how and when community members can participate in the planning system.

The original Community Engagement Framework was prepared in accordance to section 402 of the *Local Government Act 1993*, incorporating social justice principles and provides adequate process for informing the community. The framework was publicly exhibited between 16 June to 29 July 2016 and was adopted by Council on 16 February 2017.

Community Engagement Framework

Purpose of the community engagement framework

A community engagement framework provides guidance for the conduct of best practice community engagement.

The Eurobodalla Shire Council Community Engagement Framework has been designed as a tool for those at Council who have an interest in and responsibility for coordinating, planning, designing, implementing and evaluating community engagement activities. It includes the Community Engagement Charter and Community Engagement Planning Tool, and is supplemented by a staff toolkit.

It is important to remember that community engagement is not a silver bullet solution to ensure that all parties agree with decisions. Ineffective or tokenistic community engagement can be detrimental to the good faith of the community in the long term.

Why community engagement?

Eurobodalla Shire Council is committed to including its community in decisions that affect it.

Eurobodalla's *Community Strategic Plan* identifies the importance of building and maintaining an engaged and connected community that works together to achieve common goals, where thoughts and ideas are valued and community members are empowered with knowledge and have the opportunity to participate.

In some cases, there are legislative requirements to consult with the community, but as well as fulfilling a legal obligation, effective community engagement can lead to:

- a better understanding of community needs and expectations
- identifying issues and perspectives that might not otherwise be known
- building positive relationships between Council and its community
- increasing understanding of Council projects and plans
- the community being better informed about Council responsibilities and actions
- community ownership of decisions and outcomes.

It is the intent of Council to engage with the community, using effective engagement practices, on issues and plans affecting the region and activities that have significant impact on the community.

Defining community engagement

Community engagement is an umbrella term that encompasses a spectrum of activities, ranging from everyday informal discussions, contact with stakeholders during service delivery, group discussions or meetings and formal consultation processes, through to Council supporting community members in taking action on issues themselves.

So often the terms to describe engagement are used interchangeably. To avoid confusion, Council has developed these simple descriptions:

- **Inform – keeping the community informed by providing objective information, regularly.**
- **Consult – seeking feedback from the community on proposals, decisions and analysis.**
- **Involve – addressing public aspirations and concerns through community participation.**

- **Collaborate – partnering with the community to identify preferred solutions.**
- **Empower – giving the community a role in the decision-making process.**

Principles

The following principles guide Eurobodalla Shire Council's approach to engaging the community:

Be open and inclusive

- Recognise that community participation is a right of all citizens.
- Create and promote opportunities for the community to actively and meaningfully participate in the decision-forming process.
- Use engagement activities that are accessible and inclusive to maximise the opportunities for a wide range of community members to participate.
- Commit to informing the community about Council's service delivery, planning and decision-making processes.

Generate mutual trust and respect, and be accountable

- Treat all engagement activity participants with respect.
- Ensure engagement processes are not biased towards any stakeholders.
- Explain how the community's input will be used.
- Be able to demonstrate how the community's input is used.

Engage early and provide information that is clear

- Engage the community early in a project, wherever practical.
- Clearly communicate the goals of the engagement process.
- Communicate any limitations of the engagement process to participants from the start; including legislative or policy requirements, conflicting community views, budget constraints and any non-negotiable aspects.
- Provide staff and the community with all the information they need to participate meaningfully.

Be considerate and provide feedback

- Demonstrate that we have considered the community's input and other relevant information before a project decision is made.
- Acknowledge the contributions that participants have made.
- Give feedback to participants at key stages in the project and upon completion.
- Let participants know how they can seek feedback or ask questions in the future.

Value and acknowledge skills and resources

- Recognise that community members have knowledge and experience to contribute.
- Allocate adequate timeframes and resources to engagement processes.
- Coordinate engagement processes to avoid duplication and wasting resources.
- Provide training opportunities for staff to develop community engagement skills.

The Community Engagement Framework helps to bring together and weigh up the considerations to deliver community engagement that finds the balance between community, Council and the project. The framework provides guidance in eight areas:

1. Objectives
2. Stakeholders
3. Impact level
4. Engagement level and methods
5. Engagement plan
6. Tasks to consider
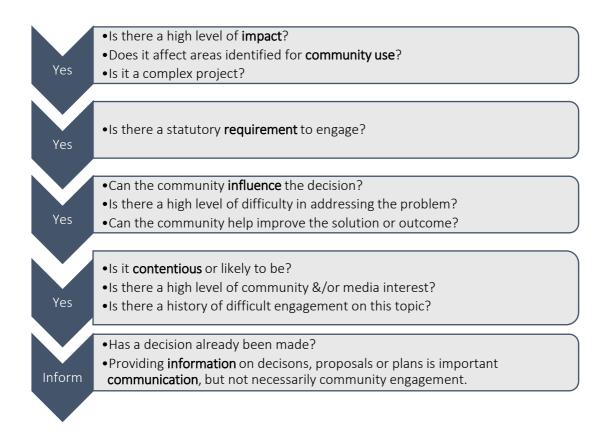7. Evaluation
8. Feedback.

Objectives

Throughout community engagement there are many decisions to be made: When do you engage? Who do you engage with? What are you engaging about? How are you going to capture the information from the engagement? Where are you going to hold the engagement activity? How long should you engage for?

Some of these decisions are functional and others underpin the very nature of the engagement you are trying to undertake. This section will look at some of the most important questions you may need to consider.

To help with this process, a planning tool to assist decision making has been developed to be used in conjunction with the framework.

Do you need to engage?

Determining whether there is a need to engage the community is essential to avoid wasting Council resources and disappointing the community by proposing an engagement process that will not influence an outcome or decision.

Yes	•Is there a high level of **impact**? •Does it affect areas identified for **community use**? •Is it a complex project?
Yes	•Is there a statutory **requirement** to engage?
Yes	•Can the community **influence** the decision? •Is there a high level of difficulty in addressing the problem? •Can the community help improve the solution or outcome?
Yes	•Is it **contentious** or likely to be? •Is there a high level of community &/or media interest? •Is there a history of difficult engagement on this topic?
Inform	•Has a decision already been made? •Providing **information** on decisons, proposals or plans is important **communication**, but not necessarily community engagement.

In most cases, if you answered yes to one or more of these questions, the answer to the question "Do you need to engage?" will also be yes.

What are the community engagement goals?

The purpose or goals of engaging the community defines what needs to be achieved through the engagement process.

To define the purpose for engaging, consider these questions:

- What are the negotiable aspects of the project or plan that can be influenced by the community?
- What do you want the community engagement to achieve?
- What questions would you like the engagement activities to answer?
- Who are the decision-makers?
- What do the decision-makers need from engaging the community?

Community engagement goals can include:

- Providing the community with balanced and objective information
- Identifying stakeholder needs
- Getting feedback from stakeholders on a particular option or decision
- Understanding the community's concerns or perspectives
- Providing different ways for community members to give their input

- Reaching a consensus on a proposal or plan
- Supporting the community to develop a sense of ownership in a project or a decision
- Developing mutual trust and positive relationships with stakeholders.

A project or action can have more than one goal for engaging the community, and might have different goals at different stages of the project.

Clearly defined goals can be easily communicated to participants, Council and the wider community and can provide a direction for all other aspects of the community engagement process to work toward. Clearly defined goals also form the basis of the evaluation of the engagement, i.e. how successful was the engagement process in achieving the engagement goals?

Stakeholders

Stakeholders are people or groups who have an interest in or may be impacted by the project. Stakeholders vary and can be internal or external to Council; organised groups or individuals; easily identifiable or difficult to reach.

Any project or decision can have a wide-reaching impact across the whole of Eurobodalla, or can be specifically related to a particular group of stakeholders or hard to reach groups. Identifying all relevant stakeholders is essential to an inclusive and effective engagement process.

The following list is a guide to help you identify your project's stakeholders:

- Residents
- Ratepayers
- Non-resident ratepayers
- Visitors
- Committees and Advisory Groups
- Councillors
- Council staff
- Funding providers
- Business chambers

- Seniors
- Young people
- People with disability
- Sporting groups
- Community groups
- Environmental groups
- People with diverse cultural backgrounds
- People who identify as Aboriginal and/or Torres Strait Islander

- Service providers
- Utilities
- Not-for-profit groups
- Community leaders or spokespeople
- Subject experts
- Local businesses
- Developers
- Schools and education establishments

Other ways to identify stakeholders include:

- reviewing records
    - People who have made previous submissions, attended forums, volunteers
    - Residents in particular geographic areas
    - People who have expressed interest in the past
- asking the community
    - Call for expressions of interest
    - Consult with key community members or groups and ask who else they think might be interested
- using in-house knowledge
    - Ask project team members or staff in other sections of Council who have experience or knowledge of the project's subject matter
    - Check mailing lists or lists of attendees at past engagement activities
    - Consider Council staff and councillors as potential stakeholders as well
- considering hard to reach groups
    - Consider people or groups who might have barriers to participating or might not usually be involved in community engagement activities

When you start considering all of the stakeholders you *could* potentially engage with, the list could have tens of thousands of people. It's important to determine if all of these stakeholders are impacted by the project in the same way, have influence over the project in the same way and need to be communicated with in the same manner. Detailed stakeholder mapping can assist in capturing this information for further decision making.

STAKEHOLDER MAPPING TOOL:

Stakeholder /group	Potential stakeholder concerns	Impact on stakeholder	Adding value to the project	Influence over the project	Key contacts	Preferred contact method
Individuals, sectors or groups	*What concerns might the stakeholder have about the project or outcome*	*What is the project's likely level of impact or consequence for the stakeholder*	*What can the stakeholder bring to the project*	*What influence can the stakeholder have over the project*	*Contact details for key stakeholder representatives*	*What's the best way to reach this stakeholder*

The level of impact

A project's level of impact relates to how significantly a proposal or action will affect community stakeholders. These guidelines define the degree of impact in five levels, based on the assumption that any project, issue, service or action will have some impact on the community:

Impact level	Description/criteria	Examples
Level 1: (LOW) Low impact, township/ neighbourhood (everything is 'local')	• small change or improvement to a facility or service at a local level and low risk of conflict at the local level	• local playground or area upgrade • street furniture installation • low impact road changes or upgrades • community building upgrades • minor amendment to Local Environmental Plan or Development Control Plan • changes to a local activity or program e.g. time or location • local events, celebrations or festivals • licence, lease, activity approval • assessing development application
Level 2: (LOW - MODERATE) Low to moderate impact, all of Eurobodalla	• recurring large scale programs and activities that impact across all or a large scale of Eurobodalla, but have a lower level or potential for controversy or concern	• improvements to shire-wide services • upgrade of regional facilities/parks • changes to customer services e.g. rate payments, office hours • rezoning/reclassifying land • weed control and Landcare programs • capital works program • road sealing programs • community events e.g. NAIDOC celebrations, Youth Week, Volunteers and Seniors Week
Level 3: (MODERATE) Marginal to moderate impact, specific township/ neighbourhood or all of Eurobodalla	• marginal to moderate level of real or perceived impact or risk to a local area, community or group or all of Eurobodalla	• remove, redevelop or relocate a park/playground • changes to or loss of a service e.g. local youth services • Plan of Management • new or major amendment to Local Environment Plan • Development Control Plan • town centre studies, urban/rural strategies • changes to car parking areas • medium-high impact road closure or updates • Emergency management e.g. bushfire

Level 4: (MODERATE - HIGH) High impact, specific township/ neighbourhood	• high level of real or perceived impact or risk to a local area, community or group • potential for a high level of public interest or controversy or division within the community • loss of or significant change to a local facility or service • significant expenditure or allocation of resources	• major change to strategic policy or operations as determined by Council e.g. service reviews, Delivery Program • remove a shire-wide service e.g. library, recycling, transport • provision of a regional facility e.g. aquatic/sports centre • changes or impact to natural bushland or waterway (impacting nature values)
Level 5: (HIGH) High impact, all of Eurobodalla	• high level of real or perceived impact on the whole or a large part of Eurobodalla Shire • significant impact on attributes of high value to the community (environment/heritage/ landscape) • impact on health, safety or wellbeing of the community • high degree of community interest • potential impact on State or regional strategies or direction • significant expenditure and/or reallocation of resources	• Local Government Election • Community Strategic Plan

Engagement level and methods

The Community Engagement Framework does not prescribe exactly how the community should be engaged for every project or issue. Rather, Council staff may recommend the most appropriate approach based on the nature of the issue, project, plan or decision to be made. Community engagement plans for major projects are approved by Council.

The planning tool is intended as a quick reference guide to help determine the engagement level. It includes a list of common tools and methods Council uses to engage the community and identifies how suitable each activity is for different combinations of impact and engagement levels.

The table below describes the five levels of participation. In many cases, more than one level of participation and technique will be required to achieve the engagement goals.

	Inform	Consult	Involve	Collaborate	Empower
Why are we doing this	To provide the public with balanced and objective information to assist them in understanding solutions, alternatives, opportunities and/or problems.	To obtain public feedback on analysis, alternatives.	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 and/or devolved budgets in the hands of the public.
What will we say? What will we do?	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns 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	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions	We will implement what you decide.

		public input influenced the decision.	to the maximum extent possible.	

Resourcing

It is important to take into account available resources when planning community engagement activities. Resources are the things, people, space, time and information you need to build your community engagement plan and deliver engagement to meet the goals you set in the beginning. Resources can also be the boundary on how far a project can go and how much engagement can be done. A workshop with a few key stakeholders is more expensive than a Facebook post to the whole community, for example. Both are valid tools of engagement with their own strengths. The staff toolkit is an internal staff resource that explains community engagement activities that might be suitable for your project in detail.

The engagement plan

Writing down an engagement plan helps communicate the steps and process internally, organise your thoughts and identify gaps in information. The following table is one example of how you could develop a plan. The toolkit includes other engagement plan examples and templates.

Community engagement goals:					
Timing/ schedule	**Key messages**	**Stakeholders/ target audience**	**Method/ activity**	**Tasks/ milestones**	**Engagement Level**
Intended timing of tasks	*Information that stakeholders need in order to participate meaningfully and information that Council needs to communicate*	*Internal and external stakeholders who will be involved/targeted*	*Planned method of engagement for your stakeholder group/s*	*Tasks that must be completed or achieved*	*Which of the engagement levels the activity upholds*

Tips for an effective community engagement plan

1.	Once you have decided to engage, print out a blank community engagement plan. You can fill out the engagement plan as you work through the framework.
2.	Write down your engagement goal on your community engagement plan. As this will form the basis of your engagement plan, it's important to achieve internal alignment and sign off for this goal.
3.	A good plan will change and adapt. Budgets, timeframes, resources, internal support, priorities and the number of stakeholders involved will all influence other elements in the engagement plan.
4.	Stakeholder mapping will help you understand the size and scale of your stakeholders, their issues and preferred contact methods.
5.	Not all stakeholders will experience the same level of impact at the same time. If you expect this will change, make note in the community engagement plan and prepare for the change.
6.	Internal alignment on the level of impact, the level of engagement and how much community stakeholders can contribute to decision making can be challenging. Once you get to this stage in the engagement framework, it's worthwhile checking in to make sure your internal stakeholders are on the same page.
7.	Don't get locked in to doing something the same way because you've always done it that way.
8.	Consider your stakeholders' preferred communication method when matching your communication methods/tools to the stakeholder groups.
9.	Plan when you will let participants know how their feedback will be used.
10.	Remember to let participants know when and how a decision will be made.
11.	Keep your internal stakeholders up to date with the progress of the engagement plan, especially if elements change.

Tasks to consider

This table sets out some suggested tasks for your community engagement project. Ongoing liaison with the project team and reference to your community engagement plan throughout the process is advised.

Implementing the engagement program					
PHASE	**ACTIVITIES**				**MESSAGING FRAMEWORK**
Prepare	Establish Project Team	Workshop with project team around approach, issues, stakeholders and messaging.	Write down your plan	Allocate resources	**Tell them what you are going to do.** *Example: Council will be asking for your feedback on improvements to our parks. Your feedback will help Council develop a Park Improvement Plan. The plan will tell Council and the community how and when our parks will be maintained and improved.*
	Draft key messages	Align engagement activities with appropriate project phases	Prepare communications	Schedule all engagements and communication	
Engage	Deliver engagement activities	Engage with and disseminate information to stakeholder groups	Analyse feedback	Refine approach as needed	**Tell them what you are doing.** *Example: Have your say about improvements to parks in your area by completing our survey.*
Close the loop	Document the engagement and the outcomes	Report back to stakeholders about how their input informed the outcome	Thank stakeholders for their involvement	Evaluate the project and engagement program	**Tell them what you have done and how you used any feedback.** *Example: Council conducted a survey about where improvements should be made. The feedback we received has informed the development of a Park Improvement Plan. The plan tells Council and the community how and when our parks will be maintained and improved.*

Evaluation

Evaluating the effectiveness of the community engagement process can help to improve Council's overall approach to engagement by identifying what went well and what can be improved in the future. Some broad items to consider when evaluating the effectiveness of an engagement process are:

- Did the community feel that Council was genuine in its engagement goals and efforts?
- Was the process implemented as planned? If not, what changed and why?
- Were the goals of a particular activity met?
- Have the overall community engagement aims been met?
- Did the input from stakeholders contribute to a better overall outcome?
- Has Council gained a better understanding of the community's perspective on the issue?
- If a final decision was made, was it generally accepted by the public?
- What challenges or lessons have been identified throughout the process?
- How significant is 'number of people' who participate? Numbers don't necessarily equal effective, but can still be relevant.

Were principles met?

It can also be useful to evaluate the community engagement plan and process against Eurobodalla Shire Council's Community Engagement Framework principles:

Be open and inclusive
- Did participants feel that the engagement process was accessible and inclusive?
- Did the engagement process include a balanced range of community members and different views?
- Did participants feel that the process was flexible enough to address issues as they arose?

Generate mutual trust and respect and be accountable
- Did participants feel that they were treated with respect and dignity?
- Did participants feel that the process fairly considered their input?
- Can Council demonstrate that promises to the community were upheld?

Engage early and provide information that is clear
- Did Council make the promise to the community clear for all engagement activities?
- Did Council clearly communicate any limitations about what the community's input could influence?
- Did participants feel that they understood the aims and process?
- Did Council seek community engagement early in the project?
- Did participants get all the information they needed to provide meaningful input?

Be considerate and provide feedback
- Did participants feel that Council listened and allowed all participants to have their say?
- Did Council provide feedback to participants at key stages of the project?
- Is Council able to show how community input has been taken into consideration in decision making?

Value and acknowledge skills and resources
- Did Council allocate the timeframes and resources that were needed?
- As a result of this project, have any staff training or development needs been identified?

Post-project feedback

Providing feedback informs participants about how their input was used and how it impacted the decision or the project's outcome. It also lets them know that Council values their input and experience.

Providing ongoing feedback throughout the project should be considered in the Community Engagement Plan. If participants receive information throughout the course of a project then they are more likely to accept a final decision or outcome.

At the end of the community engagement process, it is important that participants feel that the process was worthwhile and that the promise to the public has been upheld. This can encourage people to participate in engagement activities in the future, and can have a positive impact on the way that the community perceives Council.

Ways of providing feedback will vary depending on the type of project and who participated. Some items to consider for providing feedback are:

- Include plans for providing post-project feedback in your Community Engagement Plan
- Provide information about the outcome or decision
- Provide information that addresses the community engagement aims and the promise to the public
- Provide feedback in a timely manner
- Provide information through credible channels

Providing feedback is also relevant for internal stakeholders such as your Project Team and Director. Be sure to complete the post project feedback report in your Project Management Guide, as well as any other reporting requirements that are relevant to your particular project.

Community Participation Plan

What is the Community Participation Plan?

The Community Participation Plan (CPP) is a plan that establishes when and how the community can participate in planning decisions. A primary objective of the Plan is to ensure that Council's community engagement in the planning process is consistent and clear.

A CPP is a legislative requirement as referenced in Section 2.23 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This document replaces Council's the Advertisement and Notification Code.

Public exhibition and notification

Under the EP&A Act some planning documents (including some development applications) require notification, and some require notification and exhibition. Public exhibition and notification are key methods used by Council to encourage the community to participate in the planning process. Decisions are reached after Council balances a wide range of factors to ensure decisions are in the public interest.

> **Public exhibition** is the process of making a development proposal, plan or policy publicly available for comment. During the public exhibition period the community has opportunity to provide Council with a submission, for or against the proposal, before Council decides whether to endorse, amend or reject it. A decision on a proposed plan, policy or application cannot be determined until after the exhibition period.
>
> It is important to note that development applications have specific exhibition requirements as defined the *Environmental Planning and Assessment Regulation 2000*.
>
> **Notification** is the process of informing the community of a proposed development, plan, strategy or local policy. This can include published and written notice, depending on the proposal. Public notice is an advertisement in the local newspaper and notification on Council's website and written notice is a letter or email sent to property owners of the land adjoining the proposal.

General provisions relating to public exhibition

- Submissions associated to a proposed plan, policy or application must be made during the public exhibition period (unless public exhibition has been specified for a longer period);
- The period between 20 December and 10 January should be excluded from the calculation of a public exhibition period;
- If any planning matter has different exhibition or notification periods, the longer period will apply; and
- There will be various proposals not subject to the mandatory exhibition timeframes and Council will generally apply a minimum public exhibition period of 28 days.

The public exhibition periods are defined in the tables under Attachment 1 and Schedule 1 of the EP&A Act.

Plan making (Strategic Planning)

Council prepares a range of strategic planning documents, including:

- Local Environmental Plans
- Development Control Plans
- Local Strategic Planning Statements
- Community Participation Plans
- Development Contribution Plans
- Land use strategies and studies

The public exhibition period for each of these plans will be placed on public exhibition for a minimum of 28 days (further information on the public exhibition timeframes in provided in Attachment 1).

Development applications (Statutory Planning)

The EP&A Act nominates the following types of development as requiring public exhibition:

1. State Significant Development
2. Designated Development
3. Nominated Integrated Development
4. Threatened Species Development (likely to significantly impact threatened species)
5. Class 1 & 2 Aquaculture Development, as identified in clause 13 of the State Environmental Planning Policy No 62-Sustainable Aquaculture

Other development identified by Council requiring exhibition and/or notification is in Attachment 2.

If you are unsure, staff will be able to advise if your proposal falls within the categories listed in Attachment 2. For the types of development listed points 1-5 above, the EP&A Act and subsequent Regulations specify what form the notification must take and what information it must contain.

For development applications that require notification, a written notice in the form of a letter or email will be provided to potentially affected landowners containing the following information:

a) A description of the land (including the address) on which development is proposed to be carried out;
b) The name of the applicant and the name of the consent authority
c) A description of the proposed development
d) A statement that the application and the documents accompanying the application may be inspected at the consent authority's principal office specified in the notice during the consent authority's ordinary office hours;
e) A statement that any person during the period specified may make a written submission in relation to the development application;
f) The dates of period specified under paragraph (d);
g) A link to the DA tracker on Council's website; and
h) A statement that information contained within the written submissions will be included in reports in relation to the proposal and that the applicant may have access to copies of the submissions and Council is subject to Government Information Public Access (GIPA) legislation.

For development applications (exhibited development), in addition to the written notice described above, a notice will also be placed on the site of the proposed development and published in the local newspaper.

The notice erected on the site (signage) will be:

a) Exhibited on the land to which the application relates; and
b) Displayed on a signpost or board; and
c) Clear and legible; and
d) Headed in capital letters and bold type "DEVELOPMENT PROPOSAL"; and
e) Contain under that heading the following matters:
   - A statement that the development application has been lodged,
   - The name of the applicant,
   - A brief description of the application,
   - Information that the development application may be inspected at the places, the dates and during the times specified in the notice, being the same places, dates and times specified in the written and published notice.
f) If practicable, be capable of being read from a public road, public place or public reserve.

When is exhibition or notification required for a development application

Attachment 2 shows what development is required to be either exhibited and/or notified. Development not listed in Attachment 2 will be required to be notified if that development does not comply with a relevant development standard, control or acceptable solution. If, in the opinion of Council, the proposed development may have a detrimental impact on adjoining properties it must be notified.

In determining whether there may be a detrimental impact on adjoining properties by a proposed development the following matters will be considered:

- Views – whether the proposed development would unreasonably obstruct any views, taking into consideration controls in any relevant DCP;
- Solar Access – whether the proposed development would unreasonably limit access to sunlight for adjoining properties, taking into consideration controls in any relevant DCP;
- Privacy – whether the proposed development would unreasonably overlook private open space areas or living areas of adjoining properties, taking into consideration controls in any relevant DCP;
- Emissions – whether the proposed development would have an unreasonably adverse impact on any adjoining property in terms of noise, light spill, odour or other emissions;
- Bulk & Scale - whether the design of the development would have a potential impact on the enjoyment of adjoining properties and of the streetscape by virtue of its scale, bulk and height;
- Streetscape - whether the development relates well to the existing streetscape;
- Siting - whether the development would have potential adverse impact on the adjoining properties due to the siting of the development and its proximity to the boundaries;
- Topography - whether development would have potential adverse impact on the natural drainage of the site and adjoining properties; and
- Environment - whether the development would have potential impact on the environment.

Any developments of Council owned or managed land must be exhibited, unless the proposed development is specified within an adopted Plan of Management applying to that land.

Despite the requirements of Attachment 2 a development application that has been exhibited or notified previously by Council and Council is of the opinion that the amended application differs only in minor aspects to

the original application, or the reason for the exhibition or notification no longer exists, the amended proposal will be exempt from requiring notification.
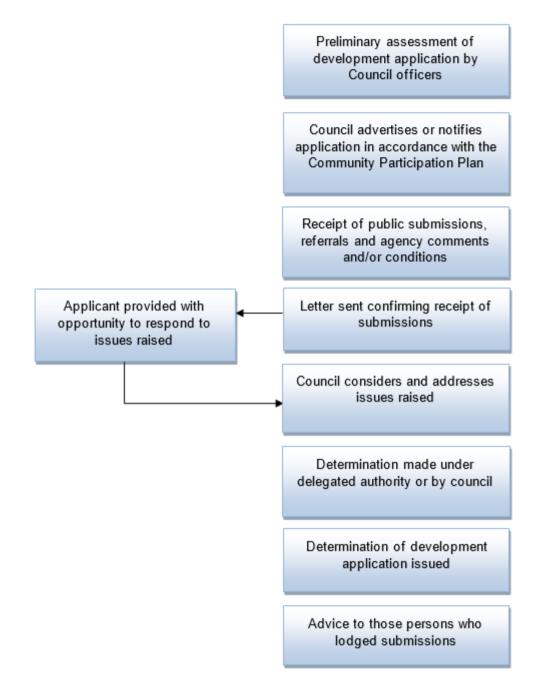
Inspection of development applications

Extracts of a development application relating to the development:

(a) Sufficient to identify the applicant and the land to which the application relates; and

(b) Containing a plan of the development including any buildings that indicates its location, height and external configuration, as erected, in relation to the site on which it is to be erected, if relevant for that particular development, will be made available to interested persons, for viewing free of charge or in hard copy on payment of a reasonable copying charge as nominated in Council's Fees and Charges.

Note: The applicant who lodges a development application is taken to have indemnified all persons using the development application and documents in accordance with the Act against any claim or action in respect of breach of copyright (section 10.14 of the EP&A Act)

The exhibition and notification process for development applications

The following flowchart provides an overview of the exhibition and notification process for development applications.

Figure 1   Flowchart of exhibition and notification process for development applications
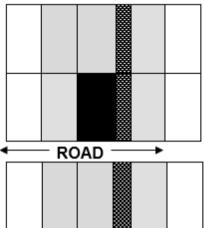

Who will received written notice

A written notice will be given to:
  a) The owners of the land adjoining the land to which the application relates;
  b) Such public authorities as, in the opinion of Council, may have an interest in the determination of the application;
  c) The owners of land located on the opposite side of the street to the land to which the application relates. In this case a minimum of two properties will be notified and such other properties as, in the opinion of Council, may be appropriate in the circumstances of the case;
  d) The owners of land that is separated by a pathway, driveway or similar thoroughfare to the land to which the application relates, if it is considered by Council that the enjoyment of the adjoining land may be detrimentally affected by the proposal; and

e) The owners of land that is within the immediate vicinity of the land to which the application relates, and by virtue of the site topography are considered by Council that the enjoyment of the land may be detrimentally affected.

Figure 2   Examples of who receives written notice
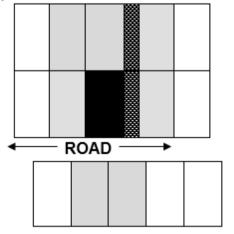
Example Scenario 1

	Proposed Development Site
	Adjoining land
	Driveway or Footpath separating adjoining land

Example Scenario 2

	Proposed Development Site
	Adjoining land
	Driveway or Footpath separating adjoining land

For the purposes of (a) to (e) above:
i)   if land is within the meaning of the Strata Scheme (Freehold Development) Act 1973, a written notice to the owners of the corporation is taken to be written notice to the owner of each lot within the strata scheme;

ii)   if land is a lot within the meaning of the Strata Scheme (leasehold Development) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written notice to the owner of each lot within the strata scheme;
        and

iii)   if the land is within the meaning of the Community Development Act 1989 (Community Title), a written notice to the neighbourhood association is taken to be a written notice to the owner or occupier of the land; and

iv)   if the land is owner by more than one person, a written notice to one owner is taken to be written notice to all owners of the land.

The notification area may extend beyond the 'adjoining/adjacent' land when it is considered by Council that the potential impact of a proposed development may affect persons other than those identified 'adjoining/adjacent' owners and occupiers.

Making a submission

A submission may be in the form of letters, petitions or similar written representations from individuals, groups of people or organisations regarding a development application. A submission may:

- support an application
- object to all or part of an application
- suggest ways of overcoming concerns with an application
- suggest alternatives to a proposal or an element of a proposal

Parties making a submission are advised that their comments should be objective and confined to relevant development standards and controls, adopted strategies, regulations and strategic directions. Submissions must not be subjective in nature and should be confined to agreed standards or legislation. Council may provide copies of the submissions to the applicant.

A submission in regards to an exhibited or notified development can be made online through Council's DA Tracker or emailed to: council@esc.nsw.gov.au. Alternatively, submissions may be posted to the following address:

> The General Manager
> Eurobodalla Shire Council
> PO Box 99
> Moruya NSW 2537

Political Donation Disclosure

Under Section 10.4 of the Act a person who makes a relevant public submission to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined:

a) all reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the application is determined
b) all reportable political donations made to and local councillor of that council
c) all gifts made to any local councillor or employee of that council

A reference in Section 10.4 (4) and (5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

The disclosure of a reportable political donation or gift under section 10.4 of the Act is to be made:

a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
b) if the donation or gift is made afterwards, in a statement of the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

The information requirements of the disclosure are outlined in the Act under Section 10.4 (9) for political donations and Section 10.4 (10) for gifts.

Alternative dispute resolutions
Council will consider and address all submissions to a development application (DA) and will assess the application against the legislation, adopted policy and relevant development standards.

However, there may be an occasions where objectors and an applicant feel it necessary to enter into discussions with a third party present to resolve conflict arising from the proposed development. Any such mediation will be arranged by, and at the expense of, the applicant and objector. Any settlements or agreements made between objectors and applicants must comply with all relevant legislation, adopted policy and development standards as determined by Council through the development assessment process.

In the event that the determination of the DA does not satisfy their concerns, objectors may have the ability to appeal to the NSW Land and Environment Court. A person wanting the appeal a determination should get independent legal advice to determine any potential appeal rights.

Attachment 1 – Public Exhibition Timeframes

Table 1: Public Exhibition for strategic planning documents

Document	Minimum public exhibition requirement
Draft Local Strategic Planning Statement	**28 days**
Draft Development Control Plans	**28 days**
Draft Contribution Plans	**28 days**
Planning Proposals to amend the Local Environmental Plan	**28 days** (unless a different period of exhibition is specified in the gateway determination)
Draft Community Participation Plan	**28 days**

Table 2: Public exhibition for development applications

Document	Minimum public exhibition requirement
Application for development consent (other than for complying development certificate, designated development or State significant development)	**14 days** (if required)
Designated development	**28 days**
State significant development	**28 days**
Environmental impact statement- unless deemed that the publication is not in the public interest eg its confidential nature	**28 days**
Environment impact statement for State significant infrastructure	**28 days**

Table 3: Non-mandatory public exhibition timeframes

Document	Minimum public exhibition requirement
Draft strategies, plans and studies	**28 days** (depending on the scale and nature of the proposal)
Application for modification of development consent that is required to be publicly exhibited by the regulations	**14 days** (depending on the scale and nature of the proposal)
Re-exhibition of any amended application or matters referred to above	Discretionary based on the scale and nature of the proposal

Attachment 2 – Exhibition and Notification Requirements for development applications

Type of Development	Applicable zones	Exhibited	Written notice
Agriculture	All		✓
Air transport facility	All	✓	
Animal boarding or training establishment	All	✓	
Artisan food and drink industry	All		✓
Business premises (except funeral homes)	RU5		✓
Camping ground and caravan park	All		✓
Cellar door premises	All		✓
Cemetery	All	✓	
Centre–based Childcare facility	All		✓
Community facility	All		✓
Crematorium	All	✓	
Depot	All, except IN1		✓
Eco-tourist facility	All	✓	
Emergency services facility	All	✓	
Exhibition village	R2, R3		✓
Extractive industry	All	✓	
Freight transport facility	All, except IN1		✓
Function centre	All		✓
Funeral home	All		✓
Group home	All		✓
Hazardous storage establishments	All	✓	

Type of Development	Applicable zones	Exhibited	Written notice
Helipad	All	✓	
Health services facility	All		✓
Heritage item	All	✓	
Development in a heritage conservation area	All		✓
Highway service centre	All		✓
Hostel	All		✓
Landscape and garden supplies	RU1, RU4, RU5		✓
Light Industry (except artisan food and drink premise)	RU5		✓
Liquid fuel depot	All except IN1	✓	
Livestock processing industry and agricultural produce industries	All	✓	
Manufactured home estate	All	✓	
Market	All	✓	
Mining	All	✓	
Multi-dwelling housing	R2, R3		✓
Neighbourhood shop	R2, R3		✓
Offensive storage establishment	All	✓	
Passenger transport facility	All except IN1		✓
Places of public worship	All	✓	
Pub and small bar	All	✓	
Recreation Facility (indoor)	All		✓
Recreational Facility (major)	All	✓	
Recreational Facility (outdoor)	All		✓
Residential Flat Building	All	✓	

Type of Development	Applicable zones	Exhibited	Written notice
Resource Recovery Facility	All		✓
Restricted Premises	All	✓	
Rural Supplies	All except IN1		✓
Sawmill or log processing works	All	✓	
Seniors housing	All		✓
Service station	RU5		✓
Sex service premises	All	✓	
Stock and sale yard	All	✓	
Subdivision (less than 10 lots) (excluding subdivision of existing approved buildings)	All		✓
Subdivision (10 lots or more) (excluding subdivision of existing approved buildings)	All	✓	
Telecommunications and other communication facilities	All	✓	
Timber and building supplies	RU5		✓
Tourist and Visitor Accommodation (excluding Eco-tourist facilities)	All		✓
Vehicle body repair workshop	RU5		✓
Vehicle repair station	RU5		✓
Veterinary hospital	All		✓
Waste or resource management facility	RU1	✓	
Waste or resource transfer station	RU1	✓	

Attachment 3 – Community Engagement Charter

Community Engagement Charter

eurobodalla shire council

Eurobodalla Shire Council is committed to engaging with its community and stakeholders

Our *One Community: Community Strategic Plan* identifies the importance of building and maintaining an engaged and connected community that works together to achieve common goals, where thoughts and ideas are valued, and community members are empowered with knowledge and have the opportunity to participate.

We will engage with the community and our stakeholders, using effective engagement practices, in regard to major issues and plans affecting the region and activities that will have an impact on the community. Our approach to engagement is underpinned by the International Association of Public Participation's (IAP2) Spectrum.

We believe that good engagement will:

- Give us a better understanding of community and stakeholder needs and expectations
- Help us identify issues and perspectives which would not otherwise be known
- Assist in building positive relationships with the community and our stakeholders
- Help increase understanding of our projects or plans
- Ensure that the community is informed about our responsibilities and actions
- Enable community ownership of outcomes
- Increase awareness in regard to the responsibilities of Council, the community and stakeholders.

We think engagement is a two-way street

We will be:
- transparent
- proactive
- available
- genuine
- consistent

We ask you to:
- get involved
- be prepared to listen to other ideas
- share your thoughts and feedback
- ask questions
- proactively access information

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