



# COMMUNITY PARTICIPATION PLAN





Figure 1: Mount Yengo, located in Yengo National Park, holds great significance to local Aboriginal people.

## *Acknowledgement of Country*

Cessnock City Council acknowledges that within its local government area boundaries are the Traditional Lands of the Wonnarua people, the Awabakal people and the Darkinjung people. We acknowledge these Aboriginal peoples as the traditional custodians of the land on which our offices and operations are located, and pay our respects to Elders past and present. We also acknowledge all other Aboriginal and Torres Strait Islander people who now live within the Cessnock Local Government Area.

April 2023

© Copyright, Cessnock City Council 2023

### Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of printing, Cessnock City Council, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

### Document History

Revision	Date Approved	Description of Changes
1	20/11/2019	Community Participation Plan adopted by Council
3	19/04/2023	Community Participation Plan revisions adopted by Council

# Community Participation Plan

Community participation in planning matters is central to the creation of thriving communities through a shared vision.

## *What is the Community Participation Plan?*

The Community Participation Plan (CPP) sets out how and when Cessnock City Council (CCC) will undertake community participation as part of its planning functions.

The CPP has been developed in accordance with the requirements of the [Environmental Planning and Assessment Act 1979 No 203](#) (EP&A Act, 1979), the Local Government Act, 1993 (LG Act, 1993) and Council's Community Strategic Plan 2036.

The CPP identifies legislated public exhibition and notification requirements set out in [Schedule 1 Community Participation Plans](#) of the EP&A Act, 1979 and additional requirements set by Council where planning matters may have a broader community impact. Council may meet these requirements via:

- Written notice to individual landowners or occupiers
- Announcement on Council's [Have Your Say](#) website
- Council's Development Application Tracker
- Availability of information and documents online or in public places eg Council's administration building, library etc

## *Where does the CPP apply?*

The CPP applies to the whole CCC Local Government Area and to activities under the [Environmental Planning and Assessment Act 1979 No 203](#) that are being assessed by CCC. All other NSW planning authorities are required to prepare their own CPP.

The CPP is supported by Council's Community Engagement Strategy, which may be used to enhance the minimum requirements set out in this Plan.

## *What planning matters are covered by the CPP?*

The CPP covers planning matters including policy, plan making, planning agreements, development controls and assessments, as defined below.

**Community Participation Plan** (this document) outlines how and when Council engages with the community on land use planning matters.

**Complying Development** is a combined planning and construction approval for straightforward development that meets the pre-specified requirements and are eligible for fast-track approval, without the need for a full development application

**Contributions Plans** are prepared by councils to levy new development to fund additional or improved local, public services and infrastructure needed by the development and used by the whole community.

**Council-related development** means development for which the Council is the applicant developer (whether lodged by or on behalf of Council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

**Development Application** is a formal request for consent under the EP&A Act, 1979. It is required to change the use of land, subdivide land, carry out building, landscaping and other work unless what is proposed is considered exempt development.

**Development Assessment** is the evaluation of an application proposing new development in the Cessnock Local Government Area.

**Development Control Plans** are guidelines prepared by councils that describe the preferred way to undertake development that is enabled by a Local Environmental Plan to get good planning and design outcomes and manage impacts.

**Local Environmental Plans** are the local planning laws prepared by councils but approved by the NSW Government. They set out what development can take place where, the maximum height and density of development, and what places need to be protected for their heritage value. They are amended by preparing a Planning Proposal.

**Local Strategic Planning Statement** sets a vision for the planning direction of the Cessnock Local Government Area for 20 years. The planning priorities outlined within the planning statement reflect future land use directions based on the themes: liveable, productive, sustainable and unique.

**Planning Agreement** a voluntary legal agreement between a developer and a planning authority and is usually negotiated when a developer is submitting a development application or planning proposal.

**Planning Proposal** is a document and supporting information that explains the intended effect and justification of a proposed Local Environmental Plan or an amendment to a Local Environmental Plan.

**Strategic Planning** includes long term policy and plan making.

**Structure Plans/Place Strategies** provide guidance and principles for the future development of an area by coordinating strategic planning objectives, staging requirements and delivery of essential infrastructure in line with the vision and goals of the area.

## ***Important things to consider***

### ***Privacy***

Council is committed to safeguarding the privacy of individuals and handling of personal information in accordance with the [Privacy and Personal Information Act 1998](#) (NSW) and [Information Privacy Principles](#), the [Health Records and Information Privacy Act 2002](#) (NSW) and [Health Privacy Principles](#), and any subordinate legislation.

Submissions are not kept confidential. Council releases submissions when a request is made in accordance with the relevant provisions under the *Government Information (Public Access) Act 2009*. When a submission is released by law, Council routinely withholds names, contact numbers, email addresses and signatures.

Should you wish for all personal details or any information that may identify you to be withheld from the public, this should be clearly stated in your submission. The supply of personal information with your submission is voluntary, however the submission will not be considered for Development Assessment purposes.

Copies of submissions may be forwarded to the applicant or proponent seeking that they address the issues raised in the submissions, by way of comments or amendments to the proposed application or plan. Submission may be shared with other government agencies associated with the project. Personal information will be kept in Council's Information Management System in accordance with the relevant legislation. If making a submission through Council's webpage, your information will also be held by EngagementHQ and Council recommends you read their privacy statement.

The information collected will be used for the purpose outlined in the notification, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's [Privacy Management Plan](#) and [Privacy Statement](#) which can be found on Council's website. The

intended recipients of the personal information are relevant Council officers and submission may be included, with personal information redacted, in a council report that will be published in the public domain.

To access, correct or update personal information visit [Council's website](#), contact Council's Privacy Contact Officer on 4993 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au). For more information about Council's obligations regarding personal information or personal rights, contact the [Information and Privacy Commission](#) or visit their website [ipc.nsw.gov.au](http://ipc.nsw.gov.au).

### ***Making a submission***

Any individual or organisation can make a submission during the public exhibition period. Submissions must be made in writing, include the address or application number or the name of the exhibited planning matter and submitted to Council via:

Mail: PO Box 152, CESSNOCK NSW 2325; or

Email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au); or

Dropped into the Cessnock City Council Administrative building: 62-78 Vincent Street, Cessnock NSW 2325; or

Have your Say Webpage: <https://together.cessnock.nsw.gov.au/> ; or

Via the Application tracker (Development Applications only): <http://datracker.cessnock.nsw.gov.au/> ; or

Via the NSW Planning Portal: <https://www.planningportal.nsw.gov.au/>

The submission must contain the author's name and address, and their contact details, including a return email or postal address. This will allow acknowledgement letters to be sent.

If you require assistance with your submission, Council's Customer Service Team can assist at the front counter.

### ***Objections Vs Submissions***

There is a difference between a submission and an objection. However whether supporting or objecting to a proposal, the following minimum standards apply to all submissions:

- It must be received within the designated public exhibition period, and
- It must include the author's name and address.
- Must include clear reasons as to why the author objects to the proposed development; or alternatively, must include clear reasons as to why the author supports the proposed development.

### ***What is an Objection?***

An objection must contain clear reasons as to why the author objects to the proposed development or plan. An objection is NOT:

- A submission that only seeks clarification in respect of a proposal;
- A submission that is in support of a proposal;
- An anonymous submission; or
- A submission that is indifferent to a proposal.

### ***How are Objections Counted / Considered?***

- Multiple submissions from one household are considered one objection.
- One petition is considered one objection, notwithstanding the number of individual signatures contained in the petition.

- In the event multiple submissions in the form of pro-forma letters are lodged, each pro-forma letter is considered one objection, but only if the submission clearly addresses the other requirements prescribed in this section of the CPP.

### ***Petitions***

Where a petition is received, the person who submits the petition to Council will be acknowledged as the point of contact for all future correspondence on the progress of the application/project.

### ***Important public exhibition information***

- Timeframes for all public exhibition are in calendar days and include weekends, exclusive of Planning Proposals which are in working days.
- If the nominated exhibition period is due to close on a weekend or public holiday Council will extend the exhibition to finish on the first available work day, this will be explained in all correspondence relating to the exhibition.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

### ***Conflict of Interest in Council-Related Development Applications***

- a council-related development application must be accompanied by a management strategy, being a statement specifying how CCC will manage conflicts of interest that may arise in connection with the application because the council is the consent authority, or a statement that the council has no management strategy for the application,
- a council-related development application must not be determined by the consent authority unless the council has adopted a conflict of interest policy and considers the policy in determining the application

# Minimum Exhibition / Notification Periods and Formats - Strategic Planning

Table 1 below identifies the minimum timeframes for the public exhibition of Strategic Planning matters. The timeframes for matters denoted by an asterisk (\*) are legislated by the EP&A Act, 1979. The remaining matters are considered best practice timeframes for public exhibitions.

Table 1 also outlines how Council will notify the community of the commencement of the exhibition period.

Table 1: Minimum public exhibition periods for plans

Planning Matter	Public Exhibition Timeframe	Exhibition/Notification Format
Draft <i>Community Participation Plans*</i>	28 days	Council <a href="#">Have Your Say</a> website
Draft <i>Local Strategic Planning Statements*</i>	28 days	Council <a href="#">Have Your Say</a> website
<i>Planning Proposals*</i> for local environmental plans subject to a Gateway determination	(a) if the Gateway determination for the proposal specifies a period of public exhibition—the period so specified, or (b) if the Gateway determination for the proposal specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition, or (c) otherwise—28 days.	Council <a href="#">Have Your Say</a> website, NSW Planning Portal, in writing to affected and adjoining landowners where practicable
Draft <i>Development Control Plans*</i>	28 days	Council <a href="#">Have Your Say</a> website
Draft <i>Contribution Plans*</i>	28 days	Council <a href="#">Have Your Say</a> website
Draft <i>Planning Agreements*</i>	28 days	Council <a href="#">Have Your Say</a> website
Reclassification of land*	28 days or (a) if a different period of public exhibition is specified in the Gateway determination for the proposal—the period so specified, or (b) if the Gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition. and a public hearing to occur after the conclusion of the public exhibition	Council <a href="#">Have Your Say</a> website, NSW Planning Portal

<b>Planning Matter</b>	<b>Public Exhibition Timeframe</b>	<b>Exhibition/Notification Format</b>
Draft policies or guidelines	28 days	Council <a href="#">Have Your Say</a> website
Public Domain Plans, Masterplans and similar plans for urban renewal, structure plans, place strategies	28 days	Council <a href="#">Have Your Say</a> website
Re-exhibition of any matter referred to above	As per the original exhibition period.	Council <a href="#">Have Your Say</a> website

Notwithstanding the timeframes above, Council may choose to extend the public exhibition period relating to any proposal should the scope of the project be determined to require it, or should the elected representatives resolve to do so.

Additionally, Council may use other optional exhibitions/notification formats such as newspaper/written media, hardcopy viewing at other venues, social media, drop in consultation sessions, workshops and community meetings, advisory panels or reference groups or others, determined at the discretion of Council staff and based on the scale of the planning matter.

## Minimum Exhibition / Notification Periods and Formats - Development Assessment

Council is not the only consent authority for development applications in the Cessnock Local Government Area. Regional development is determined by the Hunter and Central Coast Regional Planning Panel. State Significant Development and state significant infrastructure is assessed by the New South Wales Minister for Planning or delegate.

In addition, Private Certifiers are able to approve certain types of development as **Complying Development** under the *State Environmental Planning Policy (Exempt and Complying Development) Code 2008*.

Where Development Applications are assessed by Council, notification is sent in writing to adjoining landowners and additional properties at Council discretion / where practicable.

Table 2 below identifies the minimum timeframes for the public exhibition of Development matters. The timeframes for matters denoted by an asterix (\*) are legislated by the EP&A Act, 1979. The remaining matters are considered best practice timeframes. Where a development type is not addressed in Table 2, Council will defer to [Schedule 1 Community Participation Plans](#) of the EP&A Act, 1979 and the associated EP&A Regulations.

Any development application that is amended under section 37 of the *Environmental Planning and Assessment Regulation 2021*, that requires re-exhibition under section 23 of the EP&A Act 1979, must be exhibited in accordance with Table 2. The regulations may specify the circumstances in which a plan or other matter is required or not required to be re-exhibited. Re-exhibition is not required if the environmental impact of the development has been reduced or not increased.

Table 2 also outlines how Council will notify the community of the commencement of the exhibition period.

**Table 2: Minimum public exhibition periods for development applications and other matters where CCC is the consent authority**

Application Type	Legislated Timeframes	Exhibition/Notification Format
Application for <b>development consent</b> other than for a complying development certificate, for designated development, for nominated integrated development, for threatened species development or for State significant development	14 days	Notification in writing (discretionary), Council <a href="#">Development Application Tracker</a>
Council-related development	28 days	Notification in writing (discretionary), Council <a href="#">Development Application Tracker</a>
Application for development consent for <b>Designated Development</b>	28 days	Notification in writing (discretionary), Council <a href="#">Development Application Tracker</a> , site notice, viewing at other venues (where practicable)

Application Type	Legislated Timeframes	Exhibition/Notification Format
Application for <i>modification of development consent</i> that is required to be publicly exhibited by the regulations	14 days	Notification in writing (discretionary), Council <a href="#">Development Application Tracker</a>
Environmental impact statement obtained under Division 5.1	28 days	Council Website (including application tracker)
Threatened Species Development	28 days	Council Website (including application tracker)
<i>Nominated Integrated Development</i>	28 days	Notification in writing (discretionary), Council <a href="#">Development Application Tracker</a>
Complying Development	Only where required by relevant provisions in the EP&A Regulations	

## Development Assessment not requiring exhibition

[Schedule 1 Community Participation Plans](#) of the EP&A Act, 1979 allows Council to identify types of development applications that will not require public exhibition.

Public exhibition will not be carried out for the following development types, except where the development application is for works on a *heritage item* or in a *heritage conservation area* as outlined by the Cessnock Local Environment Plan 2011.

1. The application is for a **temporary use** as outlined in clause 2.8 of Cessnock Local Environment Plan 2011 in cases where the number of participants and spectators is less than 2000 people.
2. The application is for subdivision for the purpose of:
  - a) boundary adjustments; or
  - b) a dual occupancy under Clause 4.1C of the Cessnock Local Environment Plan 2011; or
  - c) a strata subdivision; or
  - d) a subdivision of no more than two (2) lots in a residential zone; or
  - e) a subdivision of no more than five (5) lots in a employment zone.
3. Development is for a new **dwelling house** and additions to a dwelling house, provided that the development:
  - a) is a maximum of two storeys;
  - b) is a maximum height of 8.5m from the existing ground level; and
  - c) is setback a minimum of 900mm from the property boundary
4. Ancillary development to a dwelling house excluding sheds exceeding the height of the equivalent Complying Development standard.
5. Development is for a **dual occupancy** or **secondary dwellings** and is located within the R1 General Residential, R2 Low Density or R3 Medium Density zones, provided that the development:
  - a) is a maximum of two storeys;
  - b) is a maximum height 8.5m from the existing ground level; and
  - c) is setback 900mm from the boundary
6. **Commercial premises** and **shop-top housing** in employment zones where the site does not directly adjoin land in a residential zone.
7. Permissible land-uses in employment zones where the site does not directly adjoin land in a residential zone.
8. Development is for **extensive agriculture**, or development that is ancillary to the rural use of the land including but not limited to **farm buildings**, dams etc.
9. Internal works to buildings, where there is no change to the external configuration of the building.
10. Demolition works.
11. Development for the purpose of advertising signage.

**Note:** Notwithstanding any other provision of the CPP, Council may elect to notify or exhibit any proposed development if, in the opinion of Council, it is in the public interest to do so.



62-78 Vincent Street, Cessnock NSW 2325 | PO Box 152 Cessnock NSW 2325  
02 4993 4100 | [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au) | [www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)