

Community Participation Plan

2019



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City of
Newcastle

Acknowledgment

City of Newcastle acknowledges that we are meeting on the traditional country of the Awabakal and Worimi peoples.

We recognise and respect their cultural heritage, beliefs and continuing relationship with the land, and that they are the proud survivors of more than two hundred years of dispossession.

Council reiterates its commitment to address disadvantages and attain justice for Aboriginal and Torres Strait Islander peoples of this community.

Disclaimer

Due to Covid 19, face-to-face engagement methods will temporarily be unavailable. Council will provide appropriate online engagement alternatives where this previously occurred, adhering to recommended health advice and public health orders.

Published by
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This Community Participation Plan has been prepared in accordance with Sections 2.21(2), 2.23(2) and Schedule 1 of the Environmental Planning & Assessment Act 1979.



Shaping positive change

It is the intent of the City of Newcastle (CN) to engage with the community, using effective engagement practices, on development and plans affecting the future of the city and activities that have significant impact on the community.

The Newcastle 2030 Community Strategic Plan (CSP) 2018–2028 identifies, “Open and Collaborative Leadership: a strong local democracy with an actively engaged community and effective partnerships”, as one of its strategic directions. Within this strategic direction are strategies to:

provide opportunities for genuine engagement with the community to inform the elected Council’s decision-making; and

provide clear, consistent, accessible and relevant information to the community.

City of Newcastle recognises the value to be gained by engaging with the community beyond the statutory requirements.

1.00 Community participation in the planning system

Community participation refers to the level or degree to which the community is involved in planning and decision making. The Community Participation Plan (The Plan) covers how and when City of Newcastle (CN) will engage with the community across the planning functions it performs under the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Planning functions include plan making (such as the preparation of a planning proposal to amend the Newcastle Local Environmental Plan 2012) and making decisions on proposed development.

The level and extent of community participation will vary depending on the community, the nature of the proposal under consideration and potential impacts of the decision. The community includes anyone who is affected by planning in CN.

Recent legislative changes, under the EP&A Act 1979 are intended to enhance opportunities for the community to participate in planning decisions to achieve better planning outcomes. In doing so, The Plan intends to make it easier to be involved and supports:

input into the Council’s decision-making by providing mechanisms for understanding and responding to community opinions and perspectives;

consistent and clear engagement practices; and

enhancement of CN’s ability to listen, respond and engage with residents and stakeholders and make evidence-based decisions.

1.1 What is our Community Participation Plan?

The Plan contains principles to guide our approach to engagement and sets out minimum public exhibition timeframes (including notification of development applications) as provided under the EP&A Act 1979. **Table 1** lists the planning functions that the Community Participation Plan apply to.



2.00

How can the community participate in the planning system?

Table 1: What planning functions does the community participation plan apply to?

Plan making and strategic planning	Strategic planning is an essential aspect of our work where we set the strategic direction, vision and context for planning in CN. It involves planning with our community and integrates social, environmental and economic factors with an area's special attributes. Examples of this work include amendments to or the creation of strategic planning statements or strategies, planning proposals to amend the local environmental plan, updates to the development control plan, local infrastructure contribution plan and planning for catalyst or growth areas.
e.g. amendments to the Local Environmental Plan (Planning Proposals); Development Control Plans; Local Infrastructure Contributions Plans and Planning Strategies.	
Development Applications – assessing plans for individual sites.	When making decisions on a proposed development or planning enquiry/proposal, consideration is given to whether proposals are in accordance with strategic priorities including those contained within strategic plans prepared by the DPE or CN, applicable policies and guidelines.

1.2 Who does this community participation plan apply to?

The Plan is a requirement of the EP&A Act 1979 (see division 2.6 and Schedule 1) and applies to the exercise of planning functions undertaken by CN.

2.1 Our community participation objectives

Table 2 lists our community participation objectives and the actions we will take to deliver the objectives. It also provides descriptions of our current practice. The objectives have been developed having regard to the community participation principles set out in Section 2.23(2) of the EP&A Act 1979 (see **Appendix A** for extract) and CN Community Engagement Policy, 2018.

These objectives will be supported by measurable actions that we will use to:

further develop specific community participation/engagement/consultation strategies

embed best practice community participation at CN

evaluate the effectiveness of our community participation.

Table 2: Community participation objectives

Objectives	Actions	Examples
Community participation is inclusive	<p>Conduct community engagement opportunities in a safe environment.</p> <p>Ensure information is accessible and seek input from groups who may find it difficult to participate in standard engagement activities.</p> <p>Where possible, increase inclusion through diverse communication and engagement initiatives to support people with disability to participate.</p> <p>Prepare information for the community that is relevant, concise, written in plain language and easy to understand.</p> <p>Use best practice engagement methods and techniques.</p>	<p>Community participation opportunities are promoted widely through a variety of channels including email, social media, press releases, digital advertisements, editorial features, on CN Website – Get Involved.</p> <p>Printed copies of exhibition material for individuals are made available upon request.</p> <p>Auslan Interpreters attend engagement activities where appropriate or at the request of participants. Other communication tools such as easy read documents, which increase access to people with diverse communication requirements will be investigated for identified projects.</p>

Table 2: Community participation objectives

Objectives	Actions	Examples
Community participation is committed, genuine and accountable	Genuine and proper consideration is given to community input.	Planning teams have a presence at community engagement activities where appropriate.
	Regularly review the effectiveness of community engagement.	We undertake evaluation surveys as appropriate and seek feedback from attendees at community sessions.
	Integrate community input into the evaluation process.	Through community engagement we can understand community concerns and preferred project outcomes.
	Build strong partnerships with the community.	We use a range of technology such as 3D models and interactive maps to make it easier to visualise how a plan or project will look and what it will mean for a local community.
	Encourage community participation by:	We use a variety of digital engagement tools, as well as face to face engagement activities to capture community feedback in a diversity of ways.
	<ul style="list-style-type: none"> keeping the community informed promoting participation opportunities - seeking community input. 	We feed back to the community results from initial consultations for input to further refine plans.
	Ensure community engagement accurately captures the relevant views of the community.	
	Clearly establish the purpose for engagement and tailor engagement activities to match the:	
	<ul style="list-style-type: none"> context (e.g. location; type of application; stage of the assessment process; previous engagement undertaken) scale and nature of the proposal and its impacts level of community interest community's preferences about how they would like to participate. 	
	Adjust engagement activities (if necessary) in response to community input.	
Comply with any statutory obligations.		
Protect privacy and respect confidentiality.		

Table 2: Community participation objectives

Objectives	Actions	Examples
Community participation is easy, relevant and transparent	Clearly set out the purpose of any engagement and how and when the community can participate.	Community participation opportunities are advertised through channels including email, social media, press releases, advertisements, editorial features and on CN Website - Get Involved.
	Conversations should be clear on the purpose including what is and is not negotiable.	Specify circumstances when notification of development applications is not required.
	Use visual representations to make it easier to understand the possible impacts of a proposal.	We track planning proposals and development applications on our website.
	Explain how community input was taken into consideration and ensure the response to community input is relevant and proportionate.	The community will be provided with the reasons for planning decisions, including how community views have been taken into account.
Community participation is timely and responsive	Start community engagement as early as possible and continue this engagement for an appropriate period.	Proponents for major developments should consult members of the community affected by the proposal before an application for planning approval is made.
	Keep accurate records of engagement activities and community input.	We target information sessions and surveys to specific audiences using relevant media.
	Ensure the community has reasonable time to provide input.	Consultation reports are distributed to community members who participated in the process or signed up for updates, as well as other channels such as our website, social and mainstream media.
		Our plans, planning proposals or the proposed development may change in response to community feedback.
		Following determination of a development application or finalising a planning proposal or strategy, all persons who made submissions will be advised in writing of the decision.

2.2

Our approach to community participation

CN recognises and abides by best practice principles developed by the International Association for Public Participation (IAP2). The IAP2 Public Participation Spectrum is a useful tool to help identify and select the appropriate level of public participation, select methods of engagement, and identify a range of tools. The model is values based, decision-oriented and goal-driven.

The Public Participation Spectrum has different levels of participation and the Plan does not prescribe exactly how the community will be

engaged for every project or development application. The most appropriate engagement approach will depend on the nature and type of planning project or development application.

CN will consult with the community and keep the community informed of planning matters and applications as required by The Plan. CN will consider submissions received during formal exhibition periods and advise the community of the final decision. In the preparation of planning strategies, CN will involve the community in shaping final decisions.

3.0 What is the role of exhibitions in the planning system?

Opportunities to participate in the planning and assessment process will respond to the nature, scale and likely impact of the proposal/development or project being considered or assessed. Table 3 refers to the types of notifications. A regular and valuable way for communities to participate in the process is by making a submission on a proposal or development during the formal exhibition stage. Submissions can

highlight positive aspects of a plan to be encouraged or raise areas of concern that may require further attention.

A key technique we use to encourage community participation is formal exhibitions. During public exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on.

Table 3: Types of notification

	Written notice (if appropriate or as specified as being required in this Plan)	CN website – Get Involved	Site notice	Viewing options at other venues
Planning proposals	✓	✓		✓
Draft development control plans	✓	✓		✓
Draft infrastructure contribution plans		✓		✓
Draft local strategic planning statements		✓		✓
Local development*	✓			
Advertised development including nominated integrated development or threatened species development	✓	✓		
Designated development	✓	✓	✓	✓
Planning Agreements	✓	✓		✓

*There may be some instances where Council will place local development on CN Website – Get Involved, depending on scale and nature of development.



3.1. Public exhibition – for plan making, ie a strategy or planning proposal

As a minimum, exhibition material will be provided on CN's 'Public Exhibition' webpage, and available as a hard copy upon request. For some projects, exhibition material may be available at other library locations. Viewing locations will be detailed on any notification material. Written notice will also be provided to key landowners and affected neighbours.

3.1.1 How to make a submission

Submissions can be made in writing and submitted via CN's online submission form by 5pm on the nominated closing date for submissions. Details will be available on notification material.

3.2 Public exhibition – for development associated applications

Applications associated with development are displayed on CN's 'application tracking' web page. If you require assistance viewing the documents online during the applicable exhibition period, CN's Customer Contact Centre, will be able to assist. If the documents are available at other locations, it will be specified in the written and published notices. See Table 4 for further detail.

Depending on the type of development and likely impacts, notification may include:

- an email or letter
- notice on CN's Website – Get Involved
- a site notice – for a proposed designated development.

Types of development that will be placed on CN Website – Get Involved include:

- demolition or removal of a heritage item
- threatened species development
- nominated integrated development
- demolition or partial demolition of a building or work that is within a heritage conservation area, except where, in the opinion of CN, it is of a minor nature and would not adversely affect the heritage significance of the heritage conservation area.

In forming an opinion to notify adjoining owners and/or occupiers CN will consider the impacts on the following matters:

- obstruction of views
- sunlight
- privacy
- noise, odour, light or other pollution
- visual impact, streetscape and local character
- traffic and access
- ground levels
- social
- stormwater and watercourse issues
- natural and man-made hazards.





3.2.1 How to make a submission

After viewing the information provided on CN's website (see Application Tracking or public exhibitions) and reading the document 'What you need to know about the Development Application Process', if you consider you may be affected by the development, you can make a submission to Council. Submissions should be lodged via CN's [Submission Online Form](#), by 5pm on the nominated closing date for submissions. Persons wishing to obtain more information about an application or applications on a site should contact CN by submitting a [Customer Request Form](#) or by phoning 02 4974 2000 during business hours.



When making a submission in the form of an objection, you should clearly specify the grounds on which you are objecting and the impact the proposed development may have on your property, street or community such as bulk, scale, privacy and solar access.

To qualify as a submission, the submission must:

be in writing, preferably via CN's Submission Online Form (found on CN's website) to support environmental sustainability practices and a timely response.

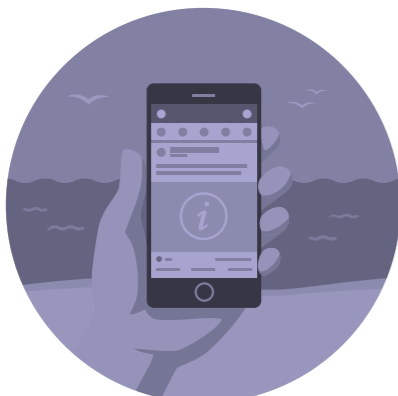
be submitted within the nominated exhibition time period

include details of the subject property

include the application number and description

include the name, address and daytime telephone number of the author, and where possible also include an email address.

be based on planning grounds in support or objection to the proposal. Matters that are not directly relevant will not be taken into consideration in the assessment of the application. In addition, existing issues are generally not matters for consideration.



3.2.2 Applications for modifications

After a development consent has been issued, the applicant, or anyone entitled to act on the applicant's behalf, can apply to CN, or the approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the EP& A Act 1979 provided the development is substantially the same. If CN does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will be required to be submitted for assessment.

In general, notification will occur in the same manner as the original development application, including notification to any persons who lodged submissions to previous versions of the application. However, CN may decide that further notification in relation to a proposed amendment is not required if it does not result in a greater environmental impact and the assessing officer is of the opinion that the amended application differs only in minor respects from the original application.

3.2.3 Applications for development that will not be exhibited/notified

The decision to notify an application is considered on a case-by-case basis. However, with the exclusion of development relating to a heritage item or development within a heritage conservation area, the following types of development are considered by CN as being unlikely to warrant public notification:

- alterations or additions to commercial or industrial buildings within a business or industrial zone (respectively), except if the site is in proximity to a dwelling or other activity likely to be affected by the proposal
- changes of use within a business or industrial zone, except if:
 - the proposed use involves sex industry-related activities or
 - the site is in proximity to a dwelling or other activity likely to be affected by the proposal
- single storey dwelling-houses where the allotment area is 450m² or larger
- ground-floor alterations or additions to an existing dwelling
- single storey garages, carports or other residential outbuildings that are at least 600mm clear of property boundaries
- swimming pools and retaining walls associated with a single dwelling house, and that are at least 600mm clear of property boundaries
- internal alterations or renovations
- strata subdivision.

Applications to carry out complying development will not be notified.

3.3 Timeframes for exhibition

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in The Plan and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

The only requirements in this plan that are mandatory are those set out in Tables 4 and 5 and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act.

Table 4: Plan making mandatory exhibition timeframes

Draft community participation plan	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.
Draft development control plans	28 days
Draft infrastructure contribution plans	28 days
Draft local strategic planning statements	28 days

Table 5: Development assessment mandatory exhibition timeframes

Application for development consent or a request to review a determination (other than for complying development certificate, for designated development or for State significant development)	14 days (except when legal requirements specify a longer period). In the case of a request for a review, notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Application for development consent or a request to review a determination for 'designated development'	28 days. In the case of a request for a review, notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Application for development consent or a request to review a determination for 'nominated integrated development or threatened species development'	28 days (commencing on the day after the day on which the notice is published). In the case of a request for a review notification or advertisement will occur in the same manner as the original development application, including notification of any persons who lodged submissions to the original application.
Council-related development application	Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (<i>Environmental Planning and Assessment Act 1979, schedule 1, clause 9B</i>).

Applications to modify a development application

Notification will occur in accordance with Section 4.55 of the EP&A Act 1979. In summary;

Minimum exhibition period:

Modifications involving minor error, mis-description or miscalculation applications will not be notified.

Modifications involving minimal environmental impact:

Applications will generally not be notified. However, if in the opinion of CN the proposed modification has the potential to increase the impact of the development on adjoining or nearby land or development, the application will be notified.

Other modifications, including applications which cause increased environmental impact:

All persons who were originally notified or made a submission to the previous development application will be notified in accordance with this Plan.

3.4 Public voice

Public voice sessions provide an opportunity for members of the community to make presentations to the Council on:

For more information refer to the policy and relevant information on CN's website.

Applications for development that are to be determined by CN's DA committee at a future meeting

3.5 Public hearings

Relevant statutory provisions are provided in Division 3.4 of the Environmental Planning and Assessment Act 1979 and Sections 25 -34 and 47G of the Local Government Act 1993. Specifically, in relation to Public Hearings, Section 29 of the Local Government Act states:

(2) A council must, before making any resolution under section 32, arrange a Public Hearing in respect of any proposal to reclassify land as operational land by such a resolution.

Section 47G (2) of the Local Government Act also states:
The person presiding at a Public Hearing must not be:

1) A council must arrange a Public Hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a Public Hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.

(a) a councillor or employee of the council holding the Public Hearing, or
(b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.

Key Points

Timeframes are in calendar days and include weekends.

CN may resolve to extend the timeframe to accept late submissions

If the exhibition period is due to close on a weekend or a public holiday CN may extend the exhibition to finish on the first available work day.

The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Submissions received from the same person will be considered as a single submission.

Irrespective of the number of submissions received from the occupants of a dwelling, all correspondence will be considered as a single submission.

With respect to lots within a Strata Scheme, a written notice to the Owners Corporation is taken to be a written notice to the owner or occupier of each lot within the Strata Scheme.

If the Owners Corporation of a strata subdivided property consents to the lodgment of a development application relating to that strata subdivided property, the owner or occupier of each lot within the Strata Scheme will not be notified of the application. It is the responsibility of the Owners Corporation to set internal decision making processes to include advising lot owners or occupier of each lot.

Petitions will be considered as a single submission to an application. Irrespective of the number of signatories on a petition.

Any notification of State Significant projects is completed by the State and not subject to this plan.

Persons that lodge a submission will receive an acknowledgment response from CN and be advised when the application is determined.

Submissions are not confidential and will be placed with documents relating to the application on CN's website.

Personal information from submissions will be removed in accordance with the Information and Privacy Commission's (IPC) guidelines. A submitter's name and property address are not defined as personal information.

Submissions received in response to notification will be considered against the statutory requirements and the reasonable development rights of the applicant.

During the relevant submission period any person may inspect the development application and any accompanying information, and any person may make written submissions to the consent authority with respect to the development application.

Submissions must be lodged with CN by 5pm on the final day of the exhibition period. Consideration of late submissions will be at the discretion of CN.

How to contact us during exhibition:

write to us using the [Submission Online Form](#)

(02) 4974 2000
12 Stewart Avenue
PO Box 489 Newcastle NSW 2300
newcastle.nsw.gov.au/contact-us

contact the planner responsible for the proposal (details provided on website).

Glossary

Advertised development means development that is defined by this Plan (and includes nominated integrated development or threatened species development) as requiring exhibition.

Contribution plan (or otherwise referred to as a Local Infrastructure Contribution Plan) is a plan developed by CN (and other 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.

City of Newcastle (CN) means Newcastle City Council.

Community Engagement means purposeful dialogue between CN and stakeholders in the development and implementation of decisions that affect them. In this Policy, Community Engagement is a broad term that incorporates aspects of stakeholder or public relations, consultation and information campaigns, and includes public participation.

Council means the elected Council.

Council-related development application is a development application, for which the council is the consent authority, that is—
(a) made by or on behalf of the council, or
(b) for development on land other than a public road within the meaning of the Local Government Act 1993—
(i) of which the council is an owner, a lessee or a licensee, or
(ii) otherwise vested in or under the control of the council.

Designated development refers to developments that are high impact developments (eg likely to generate pollution) or are located in or near an environmentally sensitive area (eg. a coastal wetland).

Development application is a formal application for development that requires consent under the EP&A Act 1979. It consists of a standard application form, supporting technical reports and plans.

Development control plan is a plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan. It is referred to as a DCP.

Gateway determination is issued 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 is an environmental planning instrument developed by a local planning authority, generally a council. A Local Environmental Plan (referred to as a LEP) sets the planning framework for a Local Government Area.

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments. The Newcastle LEP 2012 and other environmental planning instruments outline developments and land uses that require development consent before the development can take place.

Nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:

- a) a provision of the Heritage Act 1977 specified in section 4.46 (1) of the Act, or
- b) a provision of the Water Management Act 2000 specified in section 4.46 (1) of the Act, or
- c) a provision of the Protection of the Environment Operations Act 1997 specified in section 4.46 (1) of the Act.

Threatened species development means development to which section 7.7 (2) of the Biodiversity Conservation Act 2016 or section 221ZW of the Fisheries Management Act 1994 applies.

Planning Agreement also known as a voluntary planning agreement is an offer by a developer to CN to dedicate land, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

Planning proposal is a document that explains the intended effect of a proposed LEP and sets out the justification for making that plan.

Public exhibition is a formal exhibition period, when the public can make formal comment for consideration in finalising the proposal or application.

Public notice may include:

- A letter or email.
- An advertisement in the local newspaper.
- Notice on CN Website – Get Involved. Details of the applications on exhibition will be viewable in 'Application Tracking'.
- A site notice – for a proposed designated development.

Stakeholders means anyone (person or group of people) who can be impacted by the results of a decision made by CN, and may include: the community generally, residents, ratepayers, businesses, community organisations, other government agencies and any other body interacting with CN.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Appendix A

Environmental Planning and Assessment Act 1979 No 203

Section 2.23 Community participation plans - preparation

2.23 Community participation plans—preparation

- (1) A planning authority to which this Division applies is required to prepare a community participation plan about how and when it will undertake community participation when exercising relevant planning functions (subject to this section).

Note. Schedule 1 requires a proposed plan to be publicly exhibited for at least 28 days.

- (2) A planning authority is to have regard to the following when preparing a community participation plan:

- (a) The community has a right to be informed about planning matters that affect it.
- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- (f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.

(g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

(h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

- (3) For the purposes of this Division:

- (a) a community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by the Minister, and
- (b) a general community participation plan prepared by the Planning Secretary applies to the exercise of relevant planning functions by determining authorities under Division 5.1 (other than councils or prescribed public authorities), and
- (c) the regulations may provide that the community participation plan of a planning authority applies to the exercise of relevant planning functions by another planning authority and that the other planning authority is not required to prepare its own community participation plan.

- (4) A council need not prepare a separate community participation plan if it includes all the matters required under this section in its plan and strategies under section 402 of the *Local Government Act 1993*.

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