



BYRON SHIRE COUNCIL

POLICY 18/XXX

COMMUNITY ENGAGEMENT

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INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		Resolution No.	
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Document History

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#DM630640	24 November 1998	Policy 3.38 Community Consultation and Participation in Council's Decision Making
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#E2015/90484	September 2017	Draft for Consultation
#E2018/10445	April 2018	Revised Draft for Consultation

Further Document Information and Relationships

Related Legislation*	Local Government Act 1993 Environmental Planning and Assessment Act 1979 Privacy and Personal Information Protection Act 1998 Government Information (Public Access) Act 2009
Related Policies	Communication Policy 2013 (E2013/72429) Social Impact Assessment Policy 2009 (DM906183)
Related Procedures/ Protocols, Statements, documents	Byron Shire Council's Community Strategic Plan 2022

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.

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Introduction

Byron Shire Council is fortunate to serve a community that is interested in Council's activities and keen to be involved in our decision-making processes. We value this passion and Council is committed to working with residents to make better decisions.

This Community Engagement Policy aims to provide a clear understanding of how and when Council will engage with residents and other stakeholders. It acknowledges the value of engaging the community and involving people in decision-making and dialogue that shapes and influences outcomes and develops partnerships.

The Policy also recognises the demands on local government under NSW legislation and our obligations in relation to participation, consultation and engagement. Legislation that has a direct impact on Council's community engagement practices include:

- NSW Environmental Planning and Assessment Act 1979
- NSW Local Government Act 1993

Council also has legislative responsibility under the Native Title Act and Land Rights Act to engage with Aboriginal stakeholders to protect cultural heritage and the rights of traditional owners to self determination on their traditional homelands. We have developed a number of processes to ensure these rights are upheld.

Time and again Byron Shire residents have demonstrated their passion, enthusiasm and ability to come up with imaginative and innovative ideas and solutions to a wide range of issues. Council acknowledges the value of this community knowledge and that people in our Shire want community-led governance and to be involved in decision-making.

Council is committed to this relationship with the community and intends to continue to partner with groups and individuals on a wide range of projects and issues and realise community led-governance and decisions that reflect the desires of residents. This is embedded in our Community Strategic Plan, *Our Byron Our Future*, through objectives 5.1 and 5.2:

- 5.1 – Engage and involve community in decision making
- 5.2 – Create a culture of trust with the community by being open, genuine and transparent.

Consistent with this commitment, in March 2018 Council resolved to adopt key principles to assist Council to 'play a valued and effective role in a new system of community-based governance' including:

- *Deepening our understanding of communities, listening to all and engaging with in new and different ways that reflect community diversity*
- *Empowering citizens through participatory and deliberative democracy.*

The elected Council and the Executive Team see good and effective engagement as the foundation of a relationship with the community that is based on honesty, trust and transparency. Meaningful communication and engagement means better outcomes for communities, residents, ratepayers, Councillors, staff and other stakeholders.

Our commitment to working with indigenous stakeholders

Byron Shire acknowledges and is committed to working with the Bundjalung of Byron Bay – Arakwal People as the traditional custodians of land in the Shire. Council also recognises the Widjabal and Mindjungbul people as traditional custodians within the Shire.

Building and maintaining strong, respectful partnerships with Aboriginal owners and the organisations that represent them is a key component of engagement activities undertaken by Council.

Our commitment to working with an informed and engaged community

In addition to our legislative requirements to consult with the community Council recognises that effective community engagement can build trust between Council and the community and help people feel confident their views will be heard and taken into account.

Importantly the community will be better informed about the decision making process, and we will provide explanations as to how and why decisions are made.

This Community Engagement policy is Council's commitment to:

- Strengthen relationships with the community to promote continued conversations.
- Give residents and stakeholders a voice in decision-making whilst acknowledging time, resources and legislative limits.
- Provide people with timely information that is easy to understand and encourages them to make a contribution in a number of ways.
- Explain why, how and when Council will engage.
- Where community has provided input, Council will give feedback on how that has been considered and the reasons for decisions.

This policy aims to:

- Improve understanding of local government responsibilities, structure, functions and decision-making processes.
- Improve the quality of decision-making processes.
- Enable the community and stakeholders to express their views and participate in Council's decision-making.
- Enhance the relationship between Council and the community and support effective partnerships.
- Keep elected representatives informed about local concerns and the possible impact of their decisions on the community.
- Support Council and community in working together in a mutually supporting relationship and securing outcomes that ensure the sustainable future of the Byron Shire.
- Achieve outcomes through consensus rather than adversarial processes.
- Ensure that community consultation is guided by principles of honesty, accessibility, equity and transparency.

What is community engagement and what are the benefits?

Community engagement takes in a wide range of activities that are designed to inform, consult, involve, collaborate with or empower the community. Effective community engagement has many mutual benefits including:

- Empowering community to become involved in and influence decisions that affect them.
- Building a better understanding of the community's wants, needs and concerns.
- Strengthening relationships between the community and Council as a result of transparency in decision-making.
- Increasing trust in public administration with community confidence in Council's ability to provide feedback about decisions.
- Building mutual respect for the views of the community and Council's need to make decisions to respond to present and future needs of residents.
- Supporting a valued and proactive community that builds partnerships and a greater sense of ownership.

Council still has to make difficult decisions

Council recognises that community engagement does not replace appropriate decision making by elected representatives but that these decisions can be enhanced through understanding the needs of the community and the impact of these decisions.

Principles for engagement

Council's engagement for projects and processes will be informed by the following principles:

1. Council will improve understanding of communities through engaging with them in new and different ways that reflect community diversity.
2. Information is accessible, timely, relevant, balanced and easy to understand.
3. Identify and seek contributions, feedback and ideas from people/groups that may have an interest in specific issues.
4. Ensure everyone understands the purpose of each engagement and how their contributions will be considered.
5. Inform people about Council's decisions, how and why they were made and how community input was considered.
6. Regularly review and update Council's engagement techniques to learn and improve.

Following the recent success of Council's first Community Solutions Panel deliberative democracy process, Council will develop a "Byron model" for deliberative democracy to empower communities and support community-led governance. This work is currently underway and will be integrated into this Policy when it is complete.

How and when will we engage?

Council is not able to engage on all matters and the level of community involvement in decision making will vary according to the nature of the project or issue. It is acknowledged

that people will have different views on what projects and issues are important. Council will take into account a range of factors when deciding how and when to involve the community. These include the:

- need to involve communities in matters that will affect them
- complexity of the issues, the history of a project or extent of stakeholders
- degree that issues are of importance across the Shire
- need to build trust and respect
- desire to be community-led and making space for communities to develop local initiatives and solutions
- legislative requirements

Examples of projects where we will engage include:

- Corporate plans including the Community Strategic Plan, Resourcing Strategy, Delivery Plan, budget and annual Operational Plan.
- Strategic plans and policies that will have a significant impact on residents, community, the environment, business and the economy.
- Land-use and development plans including the Local Environmental Plan, and Development Control Plans.
- Where legislation requires community notification or consultation.
- When the trigger in the deliberative democracy model that is currently under development applies.

The level of engagement with the community will be determined according to:

- High impact on Local Government Area
- Low impact on Local Government Area
- High impact on local area or group
- Low impact on local area or group

For example:

Level of impact	Examples
High impact on Local Government Area	Community Strategic Plan Coastal Zone Management Plan Rural Land Use Strategy Decisions that could a major environmental impact
Low impact on Local Government Area	Changes to opening times for facilities Street sign strategy
High impact on local area or group	Improvements to playgrounds Changes to specific services Local traffic management
Low impact on local area or group	Minor bridge and road repairs Renewal of street furniture

Council acknowledges it is important to give people time to get informed, become involved and consider their input in Council matters and, when possible, Council will endeavour to go

beyond the minimum timeframes and requirements for engagement to give everyone a chance to contribute to the conversation.

Planning for community consultation and engagement

Council has adopted the community engagement principles of the International Association of Public Participation (IAP2) which is considered the best practice benchmark in the world. IAP2 outlines five different levels of public participation:

- Inform
- Consult
- Involve
- Collaborate
- Empower

The level of engagement is appropriate for a project, will depend on the nature of the project. Council will use the factors detailed above to determine what level of engagement will be used in each case. The table below describes in detail the five levels of participation.

IAP2	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
WHY ARE WE DOING THIS?	To provide the public with balanced and objective information to help them understand solutions, alternatives, opportunities and/or problems.	To obtain public feedback on decisions or ideas on alternative approaches	To work directly with the public throughout the process so public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
WHAT WE WILL 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 public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
HOW WILL WE DO THIS?	<ul style="list-style-type: none"> - Council website - Social media - Media releases - E News - Advertising - Foyer displays - Mailouts - Site signage 	<ul style="list-style-type: none"> - Council website - Social media - Media releases - E News - Advertising - Foyer displays - Mailouts - Site signage 	<ul style="list-style-type: none"> - Written submissions - YoursayByronShire.com.au - Stakeholder groups - Pop-up shops, stalls, drop-in events - Surveys and opinion polls - Community Roundtable and Project Reference Groups - On-site meetings/tours 	<ul style="list-style-type: none"> - Charette - Deliberative processes - Community Reference Group 	Polls & referendum

When considered appropriate, a community consultation/engagement plan will be written for projects and Council will identify the appropriate level of participation depending on the nature and complexity of the project.

Each plan will include:

- An overview/background of the project
- Aims/objectives
- Key messages
- Challenges
- Evaluation
- Key staff involved
- The relationship of the project to the IAP2 spectrum
- Detailed program and budget for engagement activities
- Stakeholders
- Timeframes for consultation and engagement

Council-prepared community consultation and engagement plans for projects can be reported to Council's Communications Panel.

Engagement for land use planning and development control

Council is committed to broad and transparent engagement but when it comes to land use planning and development controls, our ability to engage is limited by State Government requirements set out the NSW Environmental Planning and Assessment Act.

- Local Environmental Plans and Development Control Plans must be advertised for a minimum of 28 days and submissions considered. If possible Council will seek to extend this timeframe and use additional forms of engagement in accordance with this policy but compliance with statutory obligations will be the determining factor.
- Some development applications are classified as 'exempt' or 'complying' development and some development may be assessed by private certifiers rather than Council staff. In these cases there will be little or no consultation. Most classification is done by the NSW Government and cannot be changed by local government or Byron Shire Council.

NOTE: THIS IS UNDER REVIEW AS PER CHANGES TO NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT. Consultation on other development applications (DAs) is carried out in accordance with Council's Development Control Plan and varies according to the scale and expected impacts of each application. Typically DAs are advertised for at least 14 days and submissions are considered before decisions are made, usually by a senior staff member under delegated authority. However, for a small percentage of applications they may be required to

be reported to the elected Council or the elected Council may call them up to a Council meeting in order to make the decision.

- Proposals for large and/or costly developments are determined by the Joint Regional Planning Panel (JRPP) or by the State Government. Consultation on these proposals is determined by the JRPP or State Government, not council. Normally it is guided by the statutory minimum requirements. In some cases the consultation provisions of Council's Development Control Plan may be applied but Council has no authority to make the final decision.

As our commitment to this Community Engagement Policy, Council will provide a statement of reasons for decisions made with respect to the adoption of land-use plans and policies, for DA decisions made by Council and for the determination of DAs under delegated authority where the proposal has been judged to have substantial impacts.

The NSW Government is reviewing consultation processes under the Environmental Planning and Assessment Act which may result in some changes to the above.

Where do development applications sit in this Community Engagement Policy?

Certain types of development applications in specific locations give rise to debate about consultation and engagement. Different DAs trigger different consultation and engagement processes and Byron Shire Council is bound by the NSW Environmental Planning and Assessment Act with respect to public notification and exhibition.

This information including displays, letters to landowners, public exhibition etc is detailed in the [Byron Shire Development Control Plan](#), specifically section A14. It is important to note that there will be changes to the EP&A Act that set strict minimum guidelines for Councils including the development of community participation plans (CPPs) to detail how a council will engage its community in the planning decisions it makes.

In preparing these plans councils will have to take into consideration new community participation principles, which set the standard for how the community should be engaged.

Councils may choose to incorporate it into the broader community engagement strategies they prepare under local government legislation but need to ensure the document meets the requirements of the updated EP&A Act.

The CPP will set out when and how planning authorities will engage with their communities across all the planning functions they perform. While the plans must meet the minimum requirements for community participation that are set out in Schedule 1 to the Act, they can go beyond the minimum requirements if they decide it is appropriate.

The CPP requirements will override the application of this Community Engagement Policy and it will need to be updated when the exact details are known.

Appendix 1 - Engagement Matrix – this matrix is a guide. Depending on the issue/project methods will be adapted to reach stakeholders.

	What to do? 1 = every time 2 = in most circumstances 3 = on specific occasions 4 = on rare occasions	When you are dealing with...			
		Shire wide High impact	Shire wide Low impact	Locality based High impact	Locality based Low impact
INFORM	Byron Shire Council website	1	1	1	3
	Media Release	1	2	2	2
	E-News	1	1	1	2
	Social media (Facebook)	1	2	1	2
	Newspaper advertising	1	1	2	3
	Radio advertising	3	4	4	4
	Street signage (VMS boards)	3	3	3	3
	Flyer	3	3	3	3
	Fact sheet/FAQ	1	3	2	4
	Letterbox drop	3	3	3	3
	Targeted direct mail	3	4	3	4
	Targeted direct email	3	4	3	4
CONSULT	Surveys	3	4	2	4
	Pop-up/market stall	3	4	2	3
	Workshops	2	3	2	4
	Drop-in session	2	3	2	4
	Public meeting	3	4	2	4
	Focus group	3	3	3	3
	Public Exhibition	1	3	1	4
	Site meeting/tour	3	3	3	3
	Personal briefing	2	2	2	2
INVOLVE COLLABORATE	Meetings by invitation	4	3	3	4
	Meetings with Council committees/advisory groups	3	4	3	4
	Large group / stakeholder collaboration	3	4	4	4

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Appendix 2 – Example of Community Engagement and Communication Plan



Communication and Engagement Plan

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Project name XXXXXXXXXXXXXXXXXXXXXXXX	
Goal	
When	
Background	
Governance	
Objectives	
Sensitivities and challenges	
Key messages	

Media spokesperson		
Work contact		
Potential level of impact	Level 1 – high impact on local government area Level 2 – low impact on local government area Level 3 – high impact on local area/group Level 3 – low impact on local area/group	
Our promise IAP2 Public Participation Spectrum	Inform – We will keep you informed. Involve – We will keep you informed, listen to and acknowledge concerns and aspirations. Consult – We will work with you to make sure your concerns are considered and provide feedback on how public input influenced our decision. Collaborate – We will look to you for advice and innovation in formulating solutions and where possible incorporate your advice and recommendation into the decision.	
Stakeholders	Internal	External
Evaluation		
Internal staff		

Submitted to Director or Manager	
Reported to ET	
Reported to Comms Panel/Council	

Task	Audience	Details	Who is doing it?	Cost	Date to start/finish
Briefing of Communications Panel					
Formation of internal working group					
Briefing of Arakwal					
Briefing with Police					
Website information					
Online engagement					
Facebook promotion					
Facebook advertising					
Letters to nearby stakeholders residents)					
Stakeholder meeting if necessary					
Briefings					

Media Release					
School visits					
School newsletter advertising					
E-news / E-flash					
Video content for social media/website					
Graphic design					
Staff update and promotion of project					
Q&As					

Appendix 3 – Community Charter for Good Planning in NSW

thecommunitycharter.org

PLANNING FOR PEOPLE

A COMMUNITY CHARTER FOR GOOD PLANNING IN NSW

Our Vision

A planning system that thinks of both today and tomorrow; is built on fairness, equity and the concept of Ecologically Sustainable Development; guides quality development to the right places; ensures poorly designed developments and those in the wrong place don't get built; and protects the things that matter, from open spaces, bushland and productive agricultural land to much-loved historic town centres and buildings.

Principles

Good planning is governed by the following principles:

- The well-being of the whole community, the environment and future generations across regional, rural and urban NSW.
- Effective and genuine public participation in strategic planning and development decisions.
- An open, accessible, transparent and accountable, corruption-free planning system.
- The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment.
- Objective, evidence-based assessment of strategic planning and development proposals.

These principles will guide a planning system that:

- Respects, values and conserves our natural environment and the services it provides.
- Facilitates world-class urban environments with well-designed, resource-efficient housing, public spaces and solar access that meet the needs of residents, workers and pedestrians.
- Provides housing choice, including affordable housing and sufficient housing for the disadvantaged, in a diversity of locations.
- Celebrates, respects and conserves our cultural (including Aboriginal) and built heritage.
- Protects and sustainably manages our natural resources, including our water resources, fragile coastlines and irreplaceable agricultural land for the benefit of present and future generations while maintaining or enhancing ecological processes and biological diversity.
- Retains and protects our crown lands, natural areas, landscapes and flora and fauna for the benefit of the people of NSW.
- Gives local and regional communities a genuine and meaningful voice in shaping their local area and region, its character and the location, height and density of housing. Provides certainty and fairness to communities.

I support the Charter:

Signed: Date:
Name:
Address:
Email: *The principles are interpreted overleaf:*

☐ Please tick this box if you do not want your name published as having endorsed the Charter.

When signing this Charter you acknowledge that an email message will be sent on your behalf to: the Hon. Pru Goward, MP, Minister for Planning, the Hon. Luke Foley, MLC, Shadow Minister for Planning, Mr David Shoebridge, MLC, The Greens NSW Spokesperson for Planning, the Hon. Robert Borsak, MLC, Shooters and Fishers Party, Reverend the Hon. Fred Nile, MLC, Christian Democratic Party and the Hon. Rob Stokes, MP, Assistant Minister for Planning and Minister for the Environment and Heritage.

Individuals can fill in the Charter and return it to us at thecommunitycharter@gmail.com or endorse the Charter online at thecommunitycharter.org. Organisations can only endorse the Charter via email.

The well-being of the whole community, the environment and future generations across regional, rural and urban NSW

We call for a planning system that integrates short and long term social, environmental and economic considerations to create lasting benefits for communities, now and in the future. This is the concept of Ecologically Sustainable Development (ESD) as currently defined in the *Protection of the Environment Administration Act 1991*. ESD must be the overarching objective of the planning system. *For more information about ESD refer to the Charter Companion document.*

Effective and genuine public participation in strategic planning and development decisions

Everyone has the right to participate in decisions that affect their lives. People affected by a planning or development proposal have the right, knowledge and experience to contribute to the final decision. The role of planning authorities includes facilitating community input into the preparation of strategic plans prior to public exhibition and genuine, open dialogue between stakeholders. The role of consent authorities is to consider public comments on development proposals and ensure compliance by developers.

An open, accessible, transparent and accountable and corruption-free planning system

Decision processes must be transparent and accountable. Decisions must be made in public, respond objectively to issues raised in submissions, provide reasons and be subject to the rules of procedural fairness.

The community's ability to seek review of a decision is important in preventing corruption and poor decision-making. All information considered when

assessing a proposal must be publicly available and accessible prior to the decision being made. So called 'fast-tracking' of development does not benefit the public interest. Anti-corruption measures must be effective and enforceable.

Disproportionate influence from vested financial interests has no place in planning decisions. The ability to lobby decision makers is a democratic right. However, it is inappropriate to allow companies, wealthy individuals or lobbyists a greater level of access than is available to the public.

The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment

An integrated approach is the key to achieving the kind of sustainable settlement patterns that are needed now and into the future. This type of approach will allow future planning to maintain the integrity of natural areas, take into account natural hazards and constraints, locate employment and key social infrastructure in accessible locations, and ensure the provision of sustainable infrastructure systems that use less energy and resources.

Objective, evidence-based assessment of strategic planning and development proposals

The foundation stone of a good planning system is a sound knowledge base that is publicly accessible and is updated and maintained by government in the public interest. The current system in which the developer pays for reports, such as environmental impact statements, creates conflicts of interests. Whilst it is equitable for developers to pay for reports, the objectivity of reports must be ensured by requiring professional standards and keeping the appointment of consultants at arm's length from developers.

This Charter is accompanied by a Companion document that details how this Charter could be implemented.

©August 2014 **Planning for People: A Community Charter for Good Planning in NSW** has been prepared by a working group of community organisations in consultation with the Better Planning Network, Community Councillors Network, Inner Sydney Regional Council for Social Development, National Parks Association of NSW, National Trust of Australia (NSW), Nature Conservation Council of NSW, NSW Heritage Network, Shelter NSW and the Total Environment Centre.