



COMMUNITY PARTICIPATION PLAN (AM 3)

This Community Participation Plan is developed in response to Section 2.23 of the EP&A Act.



Bathurst Regional Council acknowledges the Wiradjuri people who are the traditional custodians of the land and pays respect to Elders both past and present

Glossary of terms

| | |
|------|--|
| CSP | Community Strategic Plan |
| CPP | Community Participation Plan |
| DCP | Development Control Plan |
| EIS | Environmental Impact Statement |
| EP&A | Environmental Planning and Assessment Act |
| GIPA | Government Information (Public Access) Act |
| LEP | Local Environmental Plan |
| LGA | Local Government Area |
| NSW | New South Wales |
| SEPP | State Environmental Planning Policy |
| SSD | State Significant Development |
| SSI | State Significant Infrastructure |

Commencement of the Community Participation Plan

This Community Participation Plan came into effect on 9 September 2019 by resolution of Council dated 17 July 2019.

Amendments to the Community Participation Plan

The table below outlines any changes to the Bathurst Regional Community Participation Plan.

| Amendment No. | Date of Resolution of Council | Effective Date | Part to which the Amendment Relates | Effect of Amendment |
|---------------|-------------------------------|-------------------|--|--|
| -- | 17 July 2019 | 9 September 2019 | New document. | Nil. |
| 1 | 21 July 2021 | 26 July 2021 | Sections 1.9, 3.7, 3.10, 3.14.2.2, 3.14.4.4 and 5.8. | New sub-section outlining new notification requirements for development in specific rural zones and adjacent to a heritage item. Clarification for minimum levels of notification, who will be notified and Planning Agreements. Updates to the description of Planning Agreements. |
| 2 | 20 September 2023 | 25 September 2023 | “Summary of Mandatory Minimum Exhibition Timeframes” and Sections 1.10, 3, 3.7, 3.10, 3.13.1, 3.14, 6.6.4. | Repeal notification procedures relating to Development within the village of Hill End. Amend notification and exhibition procedures relating to development within the R3 Medium Density Residential zone (currently only located at Laffing Waters). Introduce exhibition procedures relating to development on land zoned E1 Local Centre within the Laffing Waters Master Plan Precinct. Amend notification procedures relating to development on land adjoining a Heritage Item |

| Amendment No. | Date of Resolution of Council | Effective Date | Part to which the Amendment Relates | Effect of Amendment |
|---------------|-------------------------------|----------------|--|---|
| | | | | <p>and located in certain rural zones (including RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots).</p> <p>Introduce notification procedures for development involving changes to common walls, floors and roofs.</p> <p>Include exhibition procedures relating to threatened species development, as required under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).</p> <p>Include exhibition procedures relating to Council-related Development Applications, as required under the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).</p> <p>Amend procedures relating to the holding of a Submission Hearing in relation to Development Applications and Strategic Planning projects.</p> <p>Rectify ambiguous wording relating to notification procedures for garages, sheds and carports located forward of primary and secondary building alignments.</p> <p>Minor administrative changes.</p> |
| 3 | 17 April 2024 | 27 April 2024 | <p>“Summary of Mandatory Minimum Exhibition Timeframes”</p> <p>“Environmental Impact Statement obtained under Division 5.1 of the EP&A Act”</p> <p>Sections:</p> <p>1.9, 1.9.4, 1.10.</p> <p>3.1, 3.3, 3.7.1, 3.8.1, 3.9, 3.10, 3.15.3.3, 3.15.4.3, 3.15.5.3, 3.15.10, 3.15.11.</p> <p>4.2, 4.5.</p> <p>5.2, 5.6, 5.8.1.4, 5.8.2.</p> <p>6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11.</p> <p>7.1, 7.6.5.</p> | <p>Reduction in newspaper advertisements.</p> <p>Include requirement to publicly exhibit an Environmental Impact Statement (EIS) obtained under Division 5.1 of the EP&A Act.</p> <p>Include requirement to maintain confidentiality and the public interest during the public exhibition of an EIS.</p> <p>Include requirement to publicly exhibit a Development Application for Category 1 Remediation work.</p> <p>Include requirement to publicly exhibit a Development Application for Class 1 Aquaculture Development.</p> <p>Include requirements relating to the determination and making of publicly exhibited plans, applications and other matters.</p> <p>Minor administrative changes.</p> |

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Summary of mandatory minimum exhibition timeframes

The following tables summarise the minimum exhibition timeframes for the different planning functions of Council. Detailed exhibition and notification processes are detailed within this CPP.

Development Applications

| Application Type | | Consultation Type | Minimum Period |
|---|--|--|--|
| Application for development consent (other than for complying development certificate, designated development, nominated integrated development, threatened species development or State significant development) | | Exhibited Development. | 14 days. |
| | | Notified Development. | 10 days. |
| Application for development consent for nominated integrated development | | Exhibited Development. | 28 days. |
| Application for development consent for threatened species development | | Exhibited Development. | 28 days. |
| Application for development consent for designated development | | Exhibited Development. | 28 days. |
| Council-related Development Applications | | Notified Development. Applications will be notified according to the criteria listed under Section 3.15.2.4(2). | 28 days. |
| Applications for modification of development consent: | Modifications involving minor error, mis-description or miscalculation (S4.55(1) of the EP&A Act). | Applications will not be notified. | |
| | Modifications involving minimal environmental impact (S4.55(1A) of the EP&A Act). | Applications will generally not be notified. However if, in the opinion of Council, 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 for a period of 10 days. | |
| | Other modifications, including applications involving increased environmental impact (S4.55(2) of the EP&A Act). | Notified Development. | 14 days. All persons who made a submission to the previous Development Application will be notified. |
| | Modifications by the Court (S4.55(8) of the EP&A Act). | Applications will generally not be notified. However if, in the opinion of Council, 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 for a period of 10 days. | |

| | |
|--|---|
| Re-exhibition of any amended application or matter referred to above required by or under this Schedule | Only those applications where it is considered that there will be additional or significantly altered likely environmental impact will be re-exhibited or re-notified. |
| Review of determinations and decisions (Part 8, Division 8.2 of the EP&A Act). | 10 days. Only those applications where it is considered that there will be additional or significantly altered likely environmental impact will be re-exhibited or re-notified. |
| Application for development consent for Category 1 remediation work under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> | 28 days. |
| Application for development consent for Class 1 aquaculture development | 14 days. |

Strategic Planning

| Project Type | Minimum Exhibition Period |
|--|---|
| draft Community Participation Plan | 28 days |
| draft Local Strategic Planning Statement | 28 days |
| draft Strategic Land Use Plans, Strategies and Studies | 28 days |
| draft Local Environmental Plan | 28 days , or the time period specified in the Gateway Determination. |
| draft Development Control Plan | 28 days |
| draft Developer and Infrastructure Contribution Plans | 28 days |

Other Planning Documents

| Application Type | Minimum Exhibition Period |
|---------------------------|---------------------------|
| draft Planning Agreements | 28 days |

Environmental Impact Statement obtained under Division 5.1 of the EP&A Act

| Activity Type | Minimum Exhibition Period |
|--|---------------------------|
| Environmental Impact Statement obtained under Division 5.1 of the EP&A Act | 28 days |

1 Introduction

1.1 What is community engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether connected by geographic location, a particular interest, or affiliation or identify to address issues affecting their well-being. The linking of the term 'community' to 'engagement' serves to broaden the scope, shifting the focus from the individual to the collective, with the associated implications for inclusiveness to ensure due consideration is given to the diversity that exists within any community.

Community engagement can take many forms, and the International Association for Public Participation (IAP2) has developed the 'IAP2 public participation spectrum' to help groups define the public's role in any public participation process.

Good community engagement will lead to:

- better project and service delivery outcomes
- improve the quality of policy that is developed
- build a more resilient relationship with the community
- enhance reputation and check that council is meeting local needs
- increase understanding of community issues
- better shared partnerships and networks
- deal with complex issues and emerging issues
- opportunities for a diversity of voices to be heard
- communities being able to identify priorities for themselves and own the solutions

1.2 What is the spectrum of community engagement?

The spectrum of community engagement has been designed to assist in determining the most appropriate level of participation of the public. The spectrum shows that differing levels of participation are legitimate depending on the goals, time frames, resources and levels of concern in the decision to be made. However, and most importantly, the spectrum sets out the promise that is being made to the public at each participation level.

The public participation goal will be guided by other considerations such as:

- What is the broader context of the project or issue?
- Is there any history with the project or issue?
- Are there specific requirements of legislation that need to be considered?
- Is there community interest in the project or issue?

While the IAP2 Spectrum for Public Participation has been adopted for this framework, within the context of Local Government, the highest level of 'Empower' will rarely be achievable or appropriate. The spectrum notes that the level of 'Empower' places the "final decision-making in the hands of the public". As elected representatives for the community, final decisions will ultimately rest with the elected Councillors.

Community engagement plans need to be tailored for each project, identifying the appropriate level of community engagement for that project. It should be noted, however, that while a project may have an overarching engagement level, a stakeholder analysis may result in some sections of the community having a greater or lesser degree of participation depending on the level of impact the decision may have.

During the lifetime of the project, it may also be necessary to adjust the level of engagement, depending on the stage of the project.

IAP2 Spectrum of Public Participation

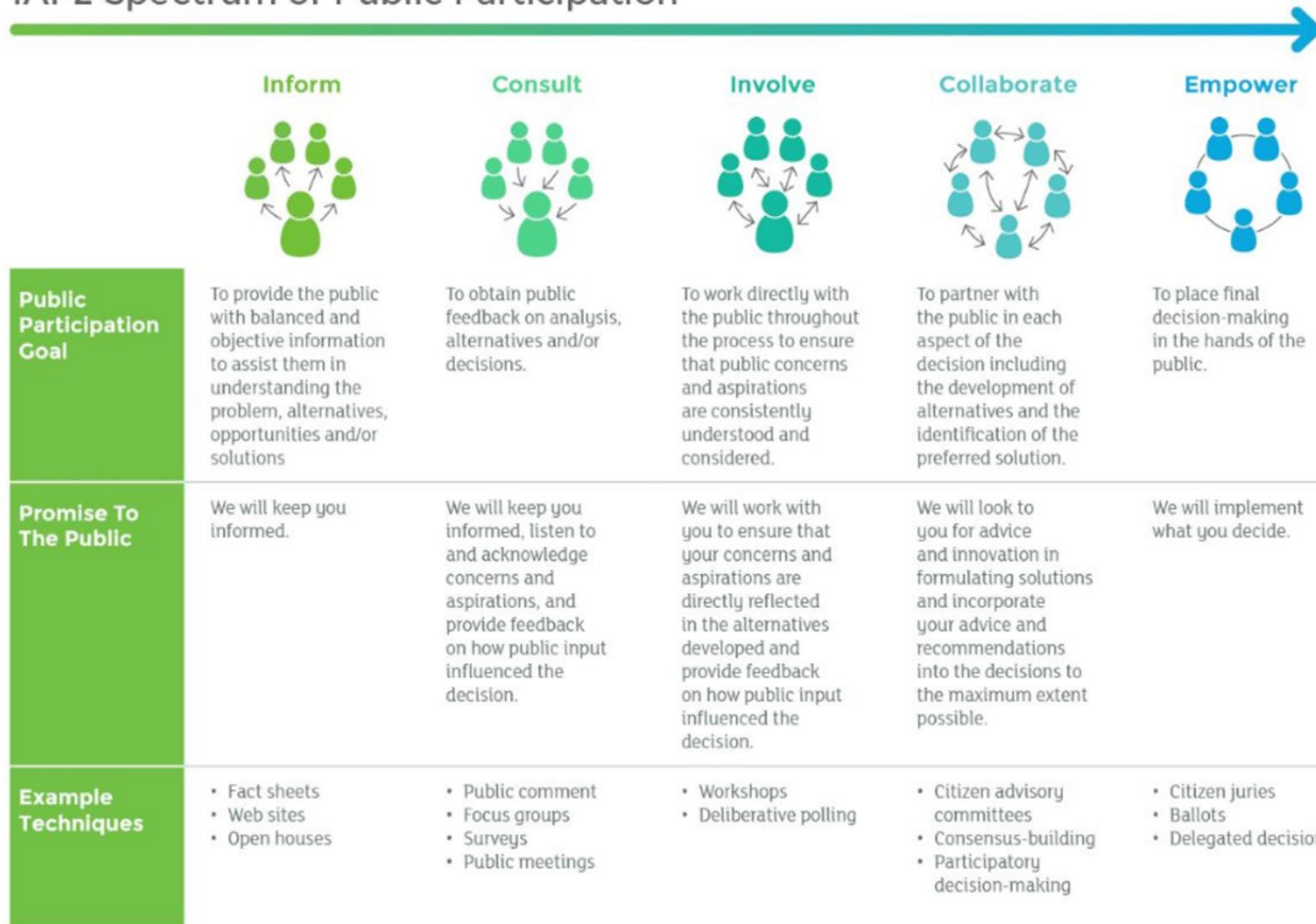


Figure 1 © IAP2. All rights reserved.

1.3 What is a Community Participation Plan?

The Bathurst Regional Community Participation Plan (CPP) sets out when and how Council will engage with its communities across all the planning functions¹ it performs. The CPP must meet the minimum requirements for community participation set out in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relates to the planning functions of Council as set out in Schedule 1 of the EP&A Act.

The CPP reflects the whole of organisation approach to community engagement, established in Council's Community Engagement Strategy, and identifies how and when Council will engage with the Bathurst community whilst undertaking its planning functions².

1.4 Limitations of the Community Participation Plan

This Community Participation Plan does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure. Community engagement for these activities are developed considering the requirements of Council's Community Engagement Strategy.

1.5 Objectives of the Community Participation Plan

Council's community engagement objectives are to:

- a) enhance opportunities for all members of the community to participate in planning decisions to achieve better planning outcomes, in an open and transparent process;
- b) ensure the community understands how they can participate in planning decisions;
- c) ensure that the needs and concerns of the community are identified and addressed wherever possible;
- d) ensure our strategic planning reflects the aspirations of our community and partners; and
- e) ensure Council meets its legislative requirements in regards to community engagement.

1.6 Principles of the Community Participation Plan

The *Environmental Planning and Assessment Act 1979* guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions. The EP&A Act³ outlines the principles that underpin Council's Community Participation Plan. These principles are outlined below:

- a) The community has a right to be informed about planning matters that affect it.
- b) Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- c) Planning information will be in plain language, easily accessible and in a form that facilitates community participation in planning.
- d) The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- e) Community participation will be inclusive and Council will actively seek views that are representative of the community.

¹ Refer to Section 1.9 of this CPP

² *ibid*

³ Section 2.23 of the Environmental Planning and Assessment Act 1979
Bathurst Regional Council | Community Participation Plan 2019

- f) Members of the community who are affected by proposed major development will be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions will be made in an open and transparent way and the community will 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) will be appropriate having regard to the significance and likely impact of the proposed development.

In relation to Council's planning functions⁴, and in response to the principles of the community participation plan, Bathurst Regional Council will:

- ensure that engagement is always timely, accessible, planned and meaningful,
- undertake engagement activities that overcome barriers to public participation and build the capacity of our communities to participate in decision making,
- provide feedback to participants on the results of their contribution, and
- review and evaluate with our communities on the effectiveness of our engagement activities.

1.7 Land to which this Community Participation Plan applies

The Bathurst Regional Community Participation Plan applies to all land within the Bathurst Regional Local Government Area (LGA). Our CPP does not apply to other NSW planning authorities, such as other local councils, or the Independent Planning Commission. All other NSW planning authorities will prepare a CPP in accordance with the requirements of the EP&A Act.

1.8 The NSW Planning System on a page

The 'Planning on a Page' graphic on the next two pages illustrates the NSW Planning system in the context of the Bathurst Region. It shows how the community can be involved in the process of developing new planning rules or determining Development Applications within the region.

⁴ See section 1.9

The economic, social and environmental needs of the community are constantly changing...

Bathurst Regional Council looks at these needs to understand how to respond...

We work with the community to get broad agreement on the way to respond

Understanding the community's needs

Broad strategies need to be developed to plan for these changes...

Council and the community work together to develop the planning strategies...

The broader community is then asked what they think...

Strategic plans and policies setting out the way forward are agreed and adopted by Council.



Planning for the community's needs

The planning rules ensure that broad strategies and policies can be implemented...

Council proposes changes to the planning rules to deliver the policies...

The community, Council and industry are asked about the proposed changes...

Some changes may need expert advice from other Specialists

The changes are approved and the planning controls are updated.

The planning rules ensure that broad strategies and policies can be implemented...

Before submitting an application, the applicant talks to Council about the proposal*...

*Some proposals are assessed by NSW Planning

Council may then refer the application for specialist advice to help make a decision...

The proposal may be advertised or notified so that those that may be affected can have a say. Council's Community Participation Plan lets the community know how Council will advertise or notify proposals.

If those affected are not satisfied with Council's decision the Land and Environment Court can be asked to review it

Making fair, transparent planning decisions



PLANNING ON A PAGE

Planning Bathurst's liveable communities together

Bathurst Regional Council | Community Participation Plan 2019

Understanding the community's needs

ECONOMIC

- Population growth
- Transport and landuse coordination
- Airport and freight logistics
- Infrastructure (e.g. water, waste, telecommunications)
- Economic Development (e.g. business, industry, forestry)
- Access to employment
- Agriculture
- Tourism
- Global economic cycles
- Support local businesses

SOCIAL

- Affordable housing
- Social housing
- Planning for health
- Heritage and culture
- Population change (eg. household type, cultural diversity, ageing)
- Sense of 'place'
- Community infrastructure (eg. open active space, libraries)

ENVIRONMENTAL

- Biodiversity
- Environmental protection
- Climate change
- Renewable energy
- Sustainable design
- Natural hazards (eg. bushfire, flooding)
- Vegetation protection
- Resource management and protection
- Sustainable transport

OUTPUT

- Application is adopted (Strategic)
- Application is modified based on community input, then adopted (Strategic)
- Strategic studies/LEP etc adopted

Council responds to the changing needs of a growing population



Planning for the community's needs

IMPLEMENTATION THROUGH LOCAL PLANNING CONTROLS

- Council develops the vision for the region with input from the community (the Bathurst 2040 Community Strategic Plan)
- The *Environmental Planning & Assessment Act* sets the legal framework for the planning system
- The *Bathurst Regional Local Environmental Plan 2014* (LEP) regulates the use, development and protection of land within the Bathurst Region
- The *Bathurst Regional Development Control Plan 2014* (DCP) sets out the planning rules that apply to the Bathurst region
- These ideas are included in the LEP and DCP as local policies and the Local Strategic Planning Statement (LSPS) being developed.
- The planning rules can only be changed by a formal amendment process
- Planning functions of Council are exhibited or notified consistent with the Community Participation Plan (CPP).
- Variations to Planning standards are allowed in some circumstances and are assessed on a case-by-case basis.

STATE POLICIES

eg: Central West and Orana Regional Plan
NSW State Infrastructure Strategy
Future Transport 2056



The planning system relies on participation across all sectors of the community to guide the future development of the region and deliver the right planning controls

Other Government Agencies

- Can comment on proposals that affect their areas of interest (eg. Heritage Office, Roads and Maritime Services, Rural Fire Service, Water in NSW)

Department of Planning & Environment

- Makes recommendations to the Minister
- Administers changes to the planning controls as required
- May refer to additional expert input
- Can seek community input about proposals

Expert Advice

Making fair, transparent planning decisions

Local Government

- Acts as responsible authority for local planning matters
- Assesses applications against the planning rules
- Refers application for specialist input
- May require public exhibition or notification of applications
- May amend the Planning rules with community input
- May delegate a decision to a council officer
- May vary a development standard on a case by case basis

Minister for Planning

- Is responsible for state significant projects in some areas
- Can refer an application for specialist input
- May take responsibility for important decisions by calling in or through development facilitation

Other decision makers

- Joint Regional Planning Panel
- Joint local/state government decision making body for regions

Decisions are made at the state and local level depending on the nature of the proposal



OUTCOME

- Application is approved (Development Assessment)
- Application is refused (Development Assessment)

1.9 What are Council's Relevant Planning Functions?

Council's planning functions under the *Environmental Planning and Assessment Act 1979* are divided into two key streams: development assessment and strategic planning. The CPP identifies how and when Council will engage with the Bathurst community whilst undertaking its planning functions.

Section 2.21(2) of the *Environmental Planning and Assessment Act 1979* outlines the relevant planning functions of Council.

1.9.1 Development Assessment

Where Council is the consent authority for the following application types:

1.9.1.1 *Local development (other than for complying development certificate, for designated development or for State significant development)*

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments. *Bathurst Regional Local Environmental Plan 2014* (LEP 2014) outlines those developments and land uses which require development consent before the development can take place.

1.9.1.2 *Designated development*

Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways development can be categorised as designated development:

- the class of development can be listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) as being designated development, or
- a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

1.9.1.3 *Modification of Development Consents*

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

An application to modify a development consent is made under Section 4.55 of the *Environmental Planning and Assessment Act 1979* provided the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new Development Application will need to be submitted for assessment.

1.9.2 Strategic Planning

Council's strategic planning functions incorporate the preparation of plans including:

1.9.2.1 *Community Participation Plan*

The Community Participation Plan (CPP) sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

1.9.2.2 Local strategic planning statements

The Local Strategic Planning Statement sets out the 20-year vision for land-use in the Bathurst Region, the special character and values that are to be preserved and how change will be managed into the future. The Local Strategic Planning Statement supports Council's Local Land Use Strategies.

The Local Strategic Planning Statement implements actions from the Central West and Orana Regional Plan, as well as Council's own priorities identified in its Community Strategic Plan, its land use strategies and other studies that support the growth of the City.

The Local Strategic Planning Statement must:

- identify the planning priorities for an area,
- explain how these priorities are to be delivered,
- demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement will shape how the development controls in the Local Environmental Plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

1.9.2.3 Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Central West and Orana Regional Plan.

Examples include Council's key land use strategies (Urban and Rural) and studies relating to matters such as open space, heritage, traffic, transport, access and the like.

1.9.2.4 Planning Proposals for local environmental plans subject to a gateway determination

The Local Environmental Plan (LEP) guides planning decisions for the Bathurst Region. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A Planning Proposal is required to prepare or amend the Local Environmental Plan. A Planning Proposal must demonstrate the strategic merit of the proposed LEP or LEP amendment. A Planning Proposal is submitted to the NSW Department of Planning and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- whether or not to proceed with the Planning Proposal
- whether or not to impose conditions to the proposal
- the minimum public exhibition period

1.9.2.5 *Development control plans*

A Development Control Plan (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls. The DCP outlines specific controls and parameters that apply to development proposals in the Bathurst Region.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

1.9.2.6 *Developer and Infrastructure contribution plans*

Contributions plans allow Council to levy contributions on development consents issued for land within the Bathurst Region. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Council will periodically amend these Plans, reflecting revised population growth, rezoning of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

1.9.3 **Other Planning Documents**

1.9.3.1 *Planning Agreements⁵*

A planning agreement is a voluntary agreement between a developer and Council, made in conjunction with a Planning Proposal or Development Application, where the developer is required to dedicate land free of cost, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

Council, at its discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an amendment to an environmental planning instrument (EPI) or for development consent relating to any land in the Bathurst Regional Local Government Area.

1.9.4 **Environmental Impact Statement obtained under Division 5.1 of the EP&A Act**

Public authorities (such as Council) are responsible for essential infrastructure such as roads, water supply, sewerage reticulation, stormwater management, flood mitigation work, parks and public reserves.

Under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a public authority (including Council) can assess the environmental impact of certain activities that they are carrying out themselves. These activities are defined as "development permitted without consent" under an environmental planning instrument (EPI).

Public authorities are required to assess the environmental impact of these activities through a Division 5.1 assessment, referred to as a review of environmental factors (REF). An REF will vary depending on the scale, complexity and potential impacts of the activity being assessed. If a proposed activity is likely to have a significant impact on the environment more broadly, an Environmental Impact Statement (EIS) must be prepared.

⁵ Division 1 of the *Environmental Planning and Assessment Regulation 2021*
Bathurst Regional Council | Community Participation Plan 2019

1.10 Development excluded from this Community Participation Plan

Some types of development do not require development consent from Council, or require development consent to be obtained from another consent authority (e.g. the Minister). This Plan applies only to development that requires consent from Council and does not relate to development or applications that fall within the following categories:

- a) Development which is exempt development under the provisions of Clause 3.1 Exempt Development of the LEP and or any applicable State Environmental Planning Policy.
- b) Development which is complying development under the provisions of Clause 3.2 Complying Development of the LEP and or any applicable State Environmental Planning Policy.
- c) Development which is state significant infrastructure under Division 5.2 of the *Environmental Planning and Assessment Act 1979*.
- d) Development which is state significant development under Division 4.7 of the *Environmental Planning and Assessment Act 1979*.

1.11 Relationship to other Plans or Strategies

1.11.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the overarching document which establishes Council's legislative requirements. Division 2.6 of the EP&A Act outlines the requirements for community participation. This Community Participation Plan is developed in response to Section 2.23 of the EP&A Act.

1.11.2 Bathurst Regional Community Engagement Strategy

The Bathurst Regional Community Engagement Strategy identifies the whole of Council approach to engagement with the community. It has been developed to guide the ongoing dialogue between Council and the community as we plan for our future on a range of projects.

The Community Engagement Strategy ensures a consistent approach is taken by Council about projects requiring community consultation and ensures the community is well informed about Council issues, strategies, projects or plans and has the opportunity for involvement in decision making and policy development. Community engagement will apply to all facets of Council's operations where appropriate, and the standard of consultation will be designed in line with the nature, complexity and impact of the issue identified. An informed and involved community is one of the key objectives outlined in Council's Community Strategic Plan. Council is committed to having open, honest, respectful and truthful communication with the community and encourages the community to do the same. The community has told Council that the community should be involved in the development of the region and decision making. The Community Engagement Strategy aims to increase levels of engagement in a way that the community expects. The aim of the Bathurst Regional Community Engagement Strategy is "to provide a framework for Council's commitment to delivering a high level of community engagement to its community."

The Bathurst Regional Community Participation Plan recognises the established consultation practices of Council, however, focuses on Council's planning functions as outlined in the *Environmental Planning and Assessment Act 1979*.

1.11.3 Our Region Our Future: Bathurst Community Strategic Plan 2022

The Bathurst Community Strategic Plan 2022 aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region.

More specifically, this Community Participation Plan addresses the following key strategies of the CSP:

- Strategy 4.1 Facilitate development in the region that considers the current and future needs of our community
- Strategy 4.6 Plan for, assess and regulate development activity
- Strategy 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst region
- Strategy 6.4 Meet legislative and compliance requirements
- Strategy 6.5 Be open and fair in our decisions and our dealings with people
- Strategy 6.8 Implement opportunities for organisational improvement

2 The Bathurst Regional Community

The Community Participation Plan seeks to enhance the opportunities for all members of the community to participate in planning decisions to achieve better planning outcomes, at an appropriate level, relative to the project.

The Bathurst Regional community is made up of a range of stakeholders, including individuals and interest groups that may, at some stage, be interested in participating in planning decisions.

A **stakeholder** is defined as *“an individual or group who has a direct interest in, or can directly affect or be affected by the actions of Council with respect to a specific issue. Council needs to engage with a different mix of stakeholders on different issues.”*

Key individuals include, but are not limited to:

- Applicant
- Landowner
- Neighbour
- Property developer
- Business owner
- Real estate agent
- Planning specialist or consultant
- Member of Parliament

Key interest groups include (but are not limited to):

- Community and Village Progress associations
- Industry and community organisations including, for example:
 - Bathurst Business Chamber
 - Sports Council
 - National Trust
 - Greening Bathurst
 - Bathurst Region Access Committee
- Council reference groups including:
 - Natural Resource Advisory Group
 - Bathurst Region Heritage Reference Group
 - Tourism Reference Group
 - Bathurst Aboriginal Advisory Group (yet to be formed)
- Government agencies

The graphic on the following page illustrates some of the key statistics for the Bathurst Region.

27.6% lone person

household

2.5 persons

84% of workforce are local residents

7.2% of our population identify as Aboriginal or Torres Strait Islander

residents

\$1,585 median weekly household income

6% require assistance due to disability

65% work with qualifications

25% aged under 20

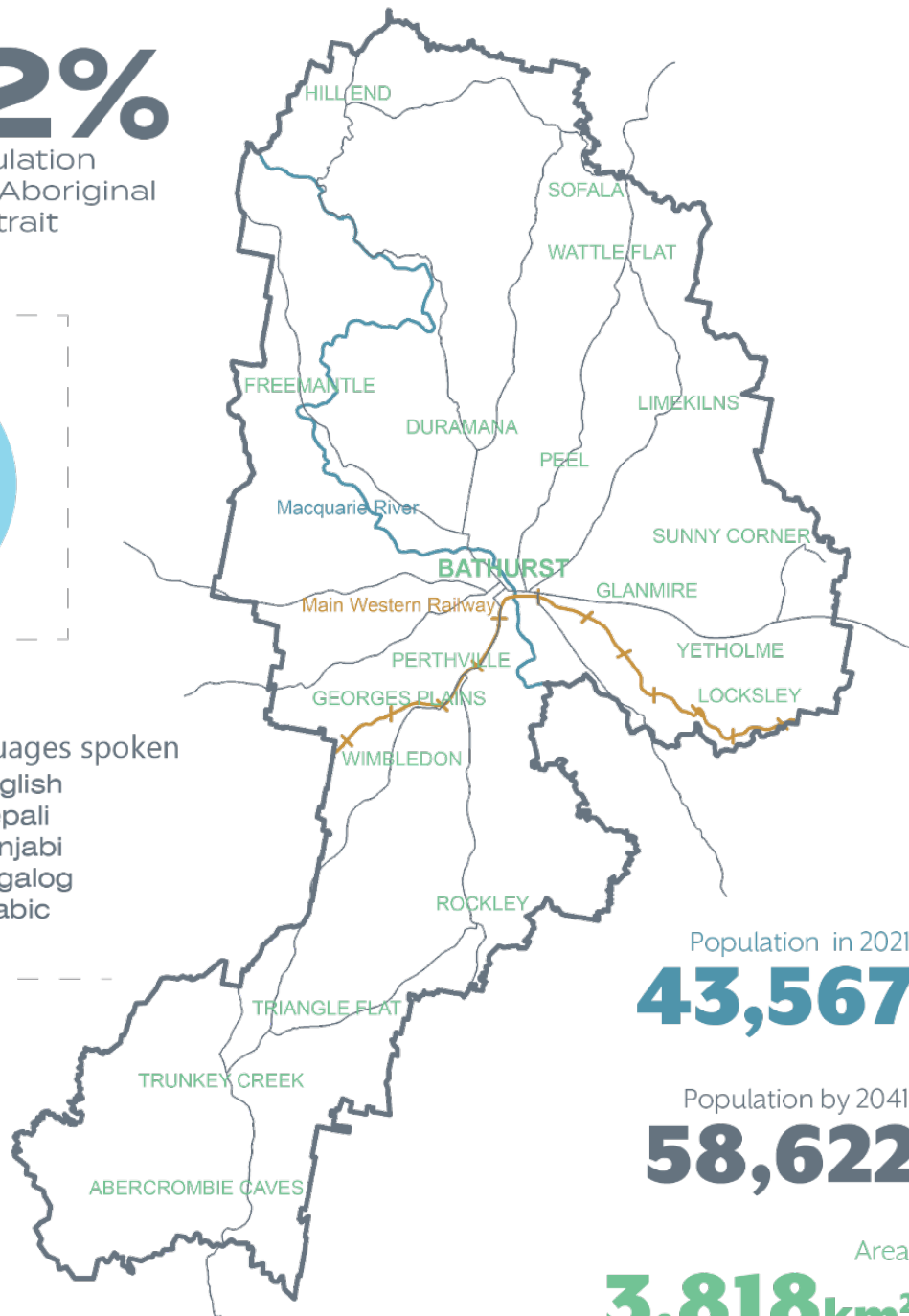
COUPLES 28% with children, 25% without children

5 top languages spoken: 1. English, 2. Nepali, 3. Punjabi, 4. Tagalog, 5. Arabic

15% of residents undertake volunteer work

75% of households have internet connection

MEDIAN resident age is 38



Population in 2021: 43,567

Population by 2041: 58,622

Area: 3,818km²



17,518 dwellings





3 Development Applications

A Development Application is a formal application for development that requires consent under the NSW *Environmental Planning and Assessment Act 1979*. It is usually made to Council and consists of standard application forms, plans and supporting technical reports.

Local development is the most common type of development in NSW, with projects ranging from home extensions to medium sized commercial, retail and industrial developments. *Bathurst Regional Local Environmental Plan 2014* outlines those developments and land uses which require development consent before the development can take place.

The key method used to encourage participation in the development assessment process is by way of public exhibition or notification of the application. This section establishes the **minimum level** for neighbour and stakeholder notification for local development and designated development (refer to Section 3.15), where Council is the consent authority and either exhibition or notification is required by this plan, or a merit decision has been made to notify the application.

There may be occasions when these minimum provisions are increased at the discretion of the Council, considering the possible impacts of a Development Application. Council staff have delegated authority to administer the provisions of this Community Participation Plan.

3.1 Objectives of consultation for Development Applications

- a) Provide a framework for the notification and exhibition of Development Applications, applications to modify development consents and the review of development determinations.
- b) Provide an opportunity for public participation in the development application process consistent with the level of impact.
- c) Establish a clear process and expectations of how public views are considered in the development application process.
- d) Specify circumstances where notification and exhibition of applications is not required.
- e) Identify Development Applications that will be notified and/or exhibited and those persons who will be notified.
- f) Facilitate the efficient processing of applications without unreasonably compromising the opportunity for public participation.
- g) To ensure notification and exhibition is carried out in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.
- h) To outline other relevant procedures for Development Applications.
- i) Ensure that there is consistency in the notification of similar applications.
- j) Ensure that statutory time limits for making decisions are adhered to.

3.2 Consultation goal

An effective consultation program does not necessarily mean that all interested parties will be satisfied with the outcome. Rather, it is about ensuring that a proposal has been fully explored, concerns identified and, where possible, alternatives considered. Council's engagement goal in relation to the assessment of Development Applications is to:

CONSULT with the community to obtain public feedback on the development proposal.

3.3 Consultation channels

Council will communicate opportunities for participation in the development assessment process using methods including:

- Council's website.
- Council's DA Tracker website.
- Notices on the land (if required by the EP&A Regulations).
- Letters to stakeholders.
- Social media.

The consultation channel utilised is dependant on legislated requirements and the likely public interest.

3.4 Consultation tools

Council will use a range of consultation tools to enable participation and opportunities to provide input to the project. Methods that could be used by Council include:

- Online participation through Council's yoursay website.
- Request for written submissions through a public exhibition process.
- A Council Discussion Forum or Councillor Submission Hearing (refer to Section 7.6).

3.5 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

3.6 Consultation period

In relation to the public exhibition or notification of a Development Application, Council will exhibit it for no less than the time indicated for the type of development listed in this section. The time period indicated for the type of development is the minimum mandatory public exhibition or notification period.

3.7 Public Exhibition and Notification of Development Applications

3.7.1 What is Exhibited Development?

Exhibited development is development identified under Section 3.15 of this Plan which is required to be placed on public exhibition by Council, in accordance with the following procedures:

- a) A notice of the Development Application is to be published on Council's website.
- b) Written notification of the development application is to be provided to adjoining landowners, by way of a notification letter.
- c) Written notification of the development application **may** be provided to persons or organisations that are likely to have an interest in the proposed development.
- d) The community is to be afforded a minimum period of fourteen (14) days to make a written submission in relation to the development application (or a longer period as may otherwise be prescribed by this Plan).

Developments Applications requiring public exhibition will incur an additional public exhibition fee.

3.7.2 What is Notified Development?

Notified development is development identified under Section 3.15 of this Plan which is required to be publicly notified by Council, in accordance with the following procedures:

- a) Written notification of the development application is to be provided to adjoining landowners, by way of a notification letter.
- b) Written notification of the development application **may** be provided to persons or organisations that are likely to have an interest in the proposed development.
- c) The community is to be afforded a minimum period of ten (10) days to make a written submission in relation to the development application (or a longer period as may otherwise be prescribed by this Plan).

3.8 How is the commencement and conclusion of the public exhibition or notification period calculated?

The public exhibition or notification period dates are calculated using the following methodology.

3.8.1 Public Exhibition period

The commencement of the exhibition period is taken to be the date stated in the public notice on Council's website.

The commencement date will generally be:

- a) The fourth day following the date of the letter of notification, **OR**
- b) If the fourth day is a Saturday, Sunday or Public Holiday – the first consecutive business day thereafter.

The conclusion of the exhibition period is based on the required number of consecutive days (as outlined in this CPP), inclusive of weekends, following the commencement of the exhibition period.

For the purposes of this Community Participation Plan, Public Holidays or Bank Holidays that apply to the State of NSW are excluded from the exhibition period⁶.

3.8.2 Public Notification period

The commencement of the notification period is taken to be the fourth day following the date of the letter of notification.

The conclusion of the notification period is based on the required number of consecutive days (as outlined in this CPP), inclusive of weekends, following the commencement of the notification period.

For the purposes of this Community Participation Plan, Public Holidays or Bank Holidays that apply to the State of NSW are excluded from the notification period⁷.

3.9 Exhibition or notification during the Christmas period

Public exhibition and/or notification periods over the traditional Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

Note: See also section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday.

⁶ s36(2) of the Interpretation Act 1987

⁷ s36(2) of the Interpretation Act 1987

3.10 Public exhibition of Environmental Impact Statements

Council is not required to make available for public inspection any part of an Environmental Impact Statement (EIS) whose publication would, in the opinion of the Council, be contrary to the public interest because of its confidential nature or for any other reason.

3.11 How does Council determine who will be notified?

Where either exhibition or notification is required by this plan, or a merit decision has been made to notify the application, written notice of a notified Development Application will be given to the owners of land adjoining the land on which the development is intended to occur, **except as expressly provided otherwise throughout this CPP.**

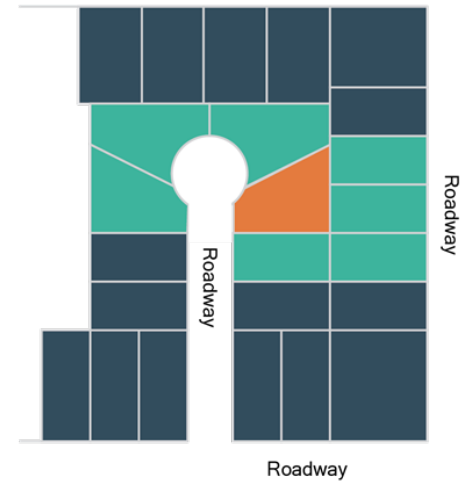
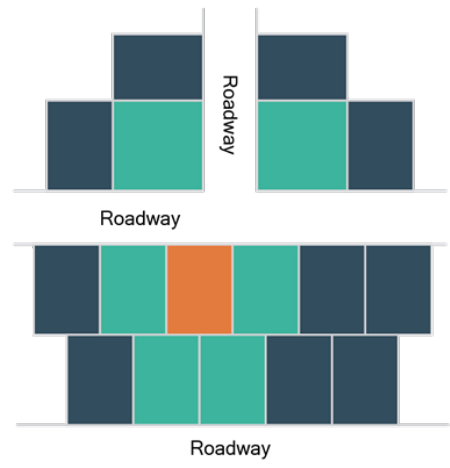
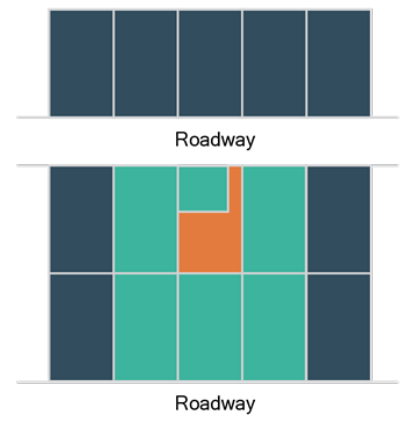
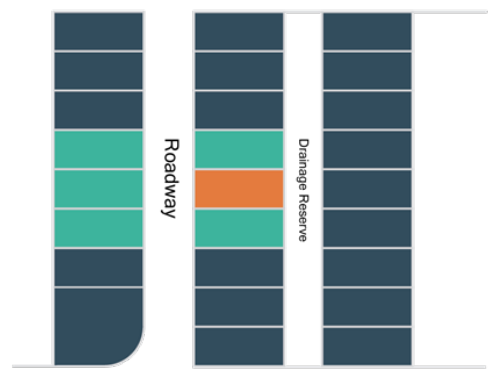
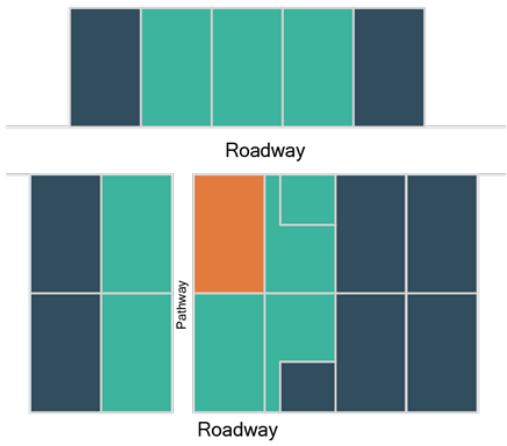
For the purposes of determining what is adjoining land, Council will generally disregard pathways, accessways, driveways and roadways and notify those properties separated by these features. Council will generally NOT notify those landowners who are separated from the development site by drainage reserves or open space areas.

Figure 2 illustrates these notification principles. Council may consider wider notification depending on the criteria established in Section 3.15.2.4(2).

Notice to the owners of adjoining land means written advice of the making of a Development Application, including the time and location at which the documents may be inspected, forwarded by ordinary post to the owner of the adjoining property as identified in Council's property records at the time of lodgement of the Development Application.

With respect to amended applications, Council will give notice under Section 3.15.8 where it is considered that there will be additional or significantly altered likely environmental impact by the amended Development Application, and to those who made a submission on the application.

Note 1: In the case of the adjoining land being part of a strata plan, notification will be given to the Body Corporate and each strata unit owner.



■ Development site
 ■ Property to be notified
 ■ Property will not be notified

Figure 2 - Notification of Development Application Principles.

3.12 Notification to properties in adjoining local government areas

Where adjoining properties in an adjoining LGA are considered by Council to be affected by development in the Bathurst Region, Council will notify the adjoining Council as if they were the property owner in accordance with this Community Participation Plan.

3.13 Deficient Development Applications

Council reserves the right not to publicly exhibit and/or notify Development Applications that in its opinion are deficient. A deficient Development Application is one that is indecipherable, does not contain important information and/or does not adequately consider the region's planning controls.

3.14 External referrals to stakeholder groups

Development Applications received by Council will be referred to the following stakeholder groups as outlined in the section below. The minimum exhibition period, based on the development type, will also apply to these stakeholders.

3.14.1 [Repealed]

3.14.2 National Trust

Development Applications involving individual buildings listed in the National Trust Register will be referred to the Bathurst Branch of the National Trust for its immediate consideration. In determining these applications, Council will give consideration to the comments made by the National Trust.

3.14.3 Bathurst Local Aboriginal Lands Council and Local Aboriginal Knowledge Holders

Development Applications will be referred to the Bathurst Local Aboriginal Lands Council and local Aboriginal Knowledge Holders for their immediate consideration for:

- a) development on lands mapped under *Bathurst Regional Local Environmental Plan 2014* as an Aboriginal place of heritage significance⁸;
- b) development that require an Aboriginal Cultural Heritage Assessment (ACHA)⁹;
- c) development that require an Aboriginal Heritage Impact Permit (AHIP)¹⁰.

In determining these applications, Council will give consideration to the comments made by the Bathurst Local Aboriginal Lands Council and the local Aboriginal Knowledge Holders and Heritage NSW, where appropriate.

⁸ Refer to Section 5.10(8) of the *Bathurst Regional Local Environmental Plan 2014*

⁹ As defined by Heritage NSW in their Codes

¹⁰ As issued under Section 90 of the *National Parks and Wildlife Act 1974*.

3.15 Development Application types

3.15.1 Exhibited Development

The following types of development are exhibited development for the purposes of this plan:

| Relevant Land | Types of Development |
|--|--|
| <p>(1) In respect of land within the following zones:</p> <ul style="list-style-type: none"> a) R1 General Residential. b) R2 Low Density Residential. c) R3 Medium Density Residential. d) RU5 Village. | <p>Development for the purposes of:</p> <ul style="list-style-type: none"> i) Tourist and visitor accommodation (other than bed and breakfast or farm stay accommodation). ii) Correctional centres. iii) Home industries. iv) Making alterations or additions to a building the use of which is lawful only because it is an existing use. v) Registered clubs. |
| <p>(2) In respect of land within all zones.</p> | <p>Development for the purposes of:</p> <ul style="list-style-type: none"> i) Amusement centres. ii) Boarding houses. iii) Bottle shops. iv) Cellar door premises. v) Home occupation (sex services). vi) Hostels. vii) Licensed premises. viii) Pubs. ix) Restricted premises. x) Seniors housing. xi) Sex services premises. xii) Small bars. xiii) The demolition of a heritage item. xiv) The demolition of a work, relic or place within a Heritage Conservation Area. xv) The use of a building or land referred to in Clause 5.10(10) "Heritage conservation" or Clause 7.9 "Conservation incentives for heritage conservation areas" of <i>Bathurst Regional Local Environmental Plan 2014</i> (LEP 2014) for a purpose that, but for those clauses, would have been prohibited under LEP 2014. |

| | |
|--|--|
| (3) In respect of land within all zones EXCEPT the R3 Medium Density Residential zone. | Development for the purposes of: i) Attached dwellings. ii) Multi dwelling housing. iii) Residential flat buildings. |
| (4) In respect of land identified on “ Map No. 34 – Central Business District ” of <i>Bathurst Regional Development Control Plan 2014</i> (DCP 2014) <u>and</u> identified as a landmark site as defined by Clause 10.5.4 of DCP 2014. | Development that, in the opinion of the Director, Environmental Planning and Building Services, constitutes a development that may have a significant visual impact on the streetscape or public domain. |
| (5) In respect of land zoned E1 Local Centre within the Laffing Waters Master Plan Precinct. | Any development involving: i) The initial subdivision of land. ii) The construction of new buildings. iii) The design and construction of the Main Street (inclusive of the shared zone and/or local commercial street, as described under Chapter 17 of DCP 2014). |

Note 1: Development listed in point (2)(xiii) and (xiv) above is not **exhibited development** if it involves the partial demolition of a heritage item or the demolition of a building or work within a Heritage Conservation Area if the partial demolition or demolition will be of a minor nature and will not adversely affect the environmental heritage of the Bathurst Region.

Note 2: Council will assess applications for minor demolition and determine the need to exhibit on a case-by-case basis. Examples of minor demolition that are unlikely to require public exhibition include:

- Non-original fabric to a building,
- Detached outbuildings.

Note 3: Development listed in point (5)(ii) above is not **exhibited development** if it involves **only** the construction of new outbuildings or other ancillary structures.

Note 4: The **Laffing Waters Master Plan Precinct** includes the following land (or any subsequent lot created from that land).

| Lot & DP | Property Address |
|--------------------|--|
| Lot 231 DP 1177478 | 151 Laffing Waters Lane Laffing Waters |
| Lot 12 DP 857116 | 183 Laffing Waters Lane Laffing Waters |
| Lot 401 DP 1285473 | Marsden Lane Kelso |
| Lot 2 DP 716660 | 130 Laffing Waters Lane Laffing Waters |
| Lot 8 DP 788492 | Laffing Waters Lane Kelso |

Note 5: Where a Development Application includes elements which are both exhibited and non-exhibited, the whole of the application shall be exhibited development.

Note 6: Where a Development Application included elements which are both exhibited and notified, the whole of the application shall be exhibited development.

3.15.2 Notified Development

3.15.2.1 Development Applications that **WILL** be notified in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones

The following types of development are notified development for the purposes of this plan:

| Relevant Land | Types of Development |
|---|--|
| <p>(1) In respect of land within the following zones:</p> <p>a) R1 General Residential.</p> <p>b) R2 Low Density Residential.</p> <p>c) R3 Medium Density Residential.</p> | <p>Development for the purposes of:</p> <p>i) Shop top housing,</p> <p>ii) Retaining walls greater than 1.2 metres in height and located within 1.2 metres of the side or rear boundary.</p> <p>iii) Sheds and garages with a floor area greater than either:</p> <ul style="list-style-type: none"> • 45 sqm in a Heritage Conservation Area, or • 60 sqm in all other R1, R2 or R3 zoned land. <p>iv) Transportable dwellings in the Bathurst or West Bathurst heritage conservation areas.</p> <p>v) Garages, sheds and carports that are located forward of the established building line for:</p> <ul style="list-style-type: none"> • A boundary with a primary road, and/or • A boundary with a secondary road (corner lot). <p>vi) New infill dwellings which address a street frontage within the Bathurst and West Bathurst Heritage Conservation Areas.</p> <p>vii) Places of public worship.</p> <p>viii) Educational establishments.</p> <p>ix) Child care centres.</p> |
| <p>(2) In respect of land within the following zones:</p> <p>a) R1 General Residential.</p> <p>b) R2 Low Density Residential.</p> | <p>Development for the purposes of:</p> <p>i) A dwelling house, dual occupancy, secondary dwelling or group home which contains a two storey component.</p> <p>ii) Alterations and additions to an existing single storey dwelling house, dual occupancy, secondary dwelling or group home to create a second storey.</p> <p>iii) Alterations and additions to the second storey of a dwelling house, dual occupancy, secondary dwelling or group home within 2 metres of the side or rear boundary.</p> |
| <p>(3) In respect of land within the R3 Medium Density Residential zone.</p> | <p>Development for the purposes of:</p> <p>i) A dwelling house, attached dwelling, group home, multi dwelling housing, residential flat building or secondary dwelling which contains a three storey component.</p> <p>ii) Alterations and additions to an existing dwelling house, attached dwelling, group home, multi dwelling housing, residential flat building or secondary dwelling to create a third storey.</p> <p>iii) Alterations and additions to the third storey of a dwelling house, attached dwelling, group home, multi dwelling housing, residential flat building or secondary dwelling within 2 metres of the side or rear boundary.</p> |

Note 1: Heights are to be measured from ground level (existing) being the existing level of a site at any point prior to any work being undertaken.

Note 2: A **storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a) a space that contains only a lift shaft, stairway or meter room, or
- b) a mezzanine, or
- c) an attic.

*3.15.2.2 Development Applications that will **NOT** be notified in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones*

Except where Sections 3.15.2.1 and 3.15.2.4(1) of this Plan apply, development for the following purposes on land zoned **R1** General Residential, **R2** Low Density Residential and **R3** Medium Density Residential will **NOT** under any circumstances be notified development.

- a) Subdivision of land.
- b) Single storey dwelling house, dual occupancy, secondary dwelling or group home.
- c) Single storey additions to a dwelling house, dual occupancy, secondary dwelling or group home.
- d) Swimming pools.
- e) Ancillary structures including carports, garages, sheds, outbuildings, rainwater tanks, fences and freestanding patios, pergolas, studios and the like.
- f) Retaining walls equal to or less than 1.2 metres in height.

Note 1: Heights are to be measured from ground level (existing) being the existing level of a site at any point prior to any work being undertaken.

Note 2: Where a Development Application includes elements which are both notified and non-notified, the whole of the application shall be notified development.

Note 3: Where a Development Application includes elements which are both exhibited and notified, the whole of the application shall be exhibited development.

3.15.2.3 Development Applications that will be notified in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones

Where land is zoned **RU1** Primary Production, **RU2** Rural Landscape or **RU4** Primary Production Small Lots **and** adjoins land identified as a Heritage Item (excluding a moveable heritage item) under Schedule 5 of *Bathurst Regional Local Environmental Plan 2014* (LEP 2014), Council will give notice of a Development Application which involves:

- a) Development located within 300 metres of the curtilage of the Heritage Item.
- b) The subdivision of land which involves the establishment of **new** building envelopes within 300 metres of the curtilage of the Heritage Item.

Notwithstanding (a) and (b) above, Council will NOT give notice of such a Development Application in the following circumstances:

- a) Where the development involves:
 - i) New buildings or additions that would not be visible from within the curtilage of the Heritage Item because the development will be screened by existing physical barriers such as buildings, fences, vegetation and/or the topography of the land.
 - ii) External alterations to an existing building that includes the use of materials that match the existing materials or match those originally used on the building.
 - iii) External painting of an existing building that includes the use of colours that match the existing or match those originally used on the building.
 - iv) Internal alterations to an existing building.
 - v) Unenclosed carports with a maximum gross floor area of 45m².
 - vi) Inground swimming pools.
 - vii) Rainwater tanks.
 - viii) Fences less than 1.2 metres in height.
 - ix) Retaining walls less than 1.2 metres in height.
 - x) Driveways, footpaths and paving.
 - xi) Landscaping.
 - xii) Change of use.
- b) Where a subdivision involves the establishment of **new** building envelopes that would not be visible from within the curtilage of the Heritage Item because they will be screened by existing physical barriers such as buildings, fences, vegetation and/or the topography of the land.

Council will only give notice to the owners of the adjoining Heritage Item **and** to the owners of any other **adjoining** land located within 300 metres of the **relevant** proposed development(s) and/or building envelope(s) (see Figure 3).

Note 1: Where a Heritage Item only occupies part of a property, it is to be taken that the development adjoins the allotment upon which the Heritage Item is located.

Note 2: Section 3.11 of this Plan defines adjoining land.

Note 3: For the purposes of identifying a “physical barrier” in accordance with Points (a)(i) and (b) above, any existing building, fence, vegetation, landform (or the like) that is proposed to be removed or disturbed will not be included.

Note 4: “**Relevant** proposed development(s) and/or building envelope(s)” include only those proposed developments and/or building envelopes which trigger this notification procedure (see Figure 3).

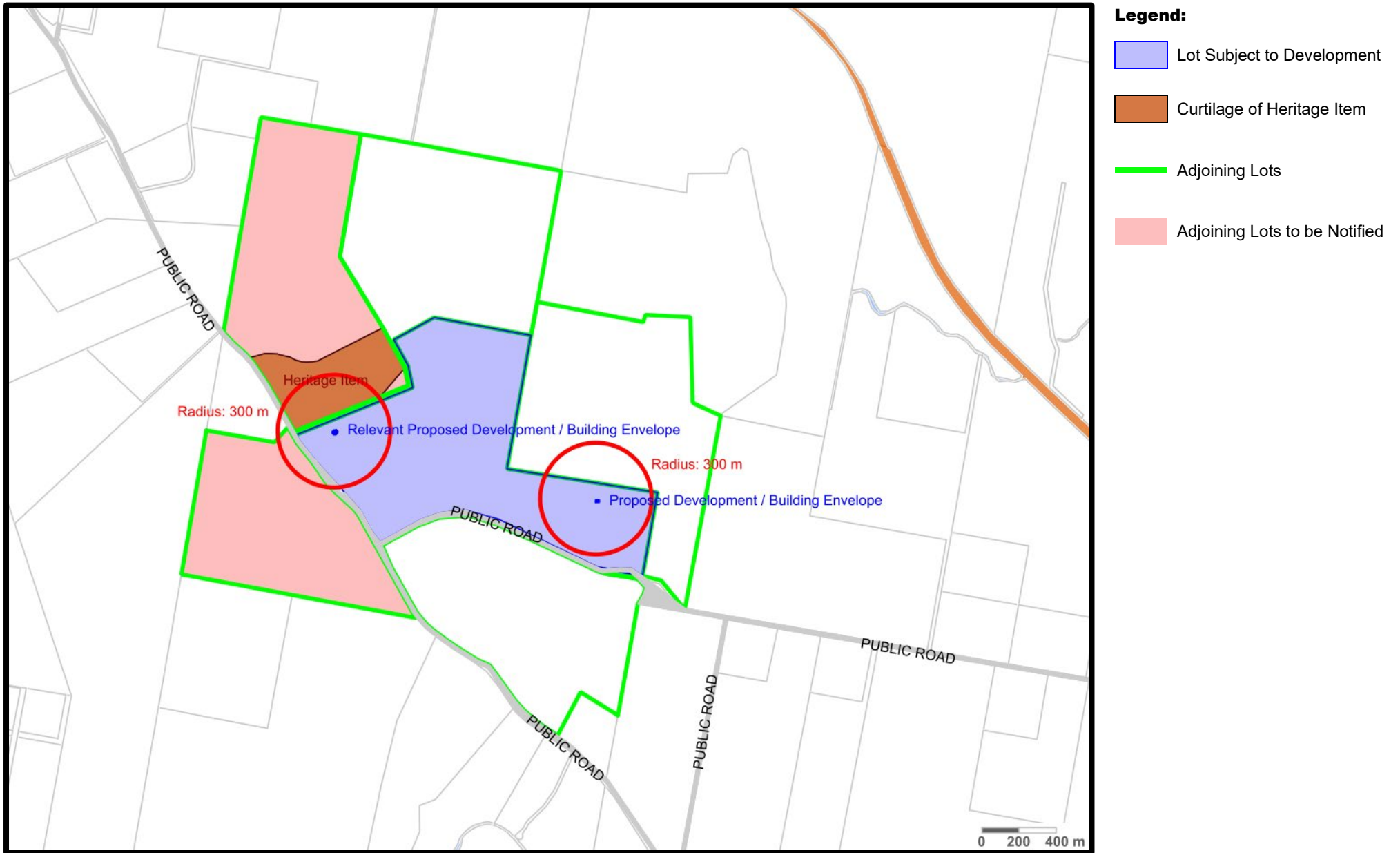


Figure 3 – Notification of Development Application Principles for Rural Land Adjacent to a Heritage Item.

3.15.2.4 Other Notified Development in all zones

(1) Notification of Changes to Common Walls, Floors or Roofs

Council will give notice of a Development Application **only** to the owners of an adjoining property which shares a common wall, floor or roof, where a development involves the demolition, alterations and/or additions to the common wall, floor or roof.

Note 1: A **common wall, floor or roof**, means a common wall, floor level or roof that is shared with another dwelling or building located on its own lot of land.

(2) Notification Based on Merit Assessment

A decision on whether a Development Application (other than for development of the kind referred to in Section 3.15.2.1, 3.15.2.2, 3.15.2.3 and 3.15.2.4(1)) will be notified will be dependent on a number of factors which will require inspection of the plans relating to the Development Application.

Council will give notice to owners of adjoining land of such a Development Application where it considers that the development may have a material adverse impact upon:

- a) the views to and the views from surrounding land,
- b) overshadowing of adjoining land, or
- c) the privacy of surrounding land, or
- d) noise, light, odour, dust (or similar) transmission to the surrounding land, or
- e) the visual impact of the proposed development in relation to the streetscape, or
- f) the heritage significance of an adjoining heritage item, as listed in Schedule 5 of the *Bathurst Regional Local Environmental Plan 2014*.

Adjoining properties unlikely to be materially adversely affected by the proposed development will not be notified.

3.15.3 Application for development consent for nominated integrated development

3.15.3.1 *What is nominated integrated development?*

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 EP&A Act) under:

- a) a provision of the *Heritage Act 1977* specified in section 4.46 (1) of the *Environmental Planning and Assessment Act 1979*, or
- b) a provision of the *Water Management Act 2000* specified in section 4.46 (1) of the *Environmental Planning and Assessment Act 1979*, or
- c) a provision of the *Protection of the Environment Operations Act 1997* specified in section 4.46(1) of the *Environmental Planning and Assessment Act 1979*.

3.15.3.2 *What is the minimum exhibition period?*

28 days.

3.15.3.3 *Specific public notification requirements for nominated integrated development*

Part 3, Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outlines specific public notification and exhibition requirements that apply to Development Applications for designated development, nominated integrated development, threatened species development and Class 1 aquaculture development.

Importantly, it prescribes:

- Where notice of a Development Application is to be published.
- Who is to be given notice of a Development Application.
- The information that must be contained in the published and written notices.
- Certain circumstances in which notice is not required to be given in relation to an **amended** Development Application for nominated integrated development, threatened species development and Class 1 aquaculture development.

3.15.4 **Application for development consent for threatened species development**

3.15.4.1 *What is threatened species development?*

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.

Section 7.7(2) of the *Biodiversity Conservation Act 2016* applies to development that is likely to significantly affect threatened species and therefore, the relevant Development Application is required to be accompanied by a biodiversity development assessment report.

Section 221ZW of the *Fisheries Management Act 1994* applies to development that is likely to significantly affect threatened species, populations or ecological communities and therefore, the relevant Development Application is required to be accompanied by a species impact statement.

3.15.4.2 *What is the minimum exhibition period?*

28 days

3.15.4.3 *Specific public notification requirements for threatened species development?*

Part 3, Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outlines specific public notification and exhibition requirements that apply to Development Applications for designated development, nominated integrated development, threatened species development and Class 1 aquaculture development.

Importantly, it prescribes:

- Where notice of a Development Application is to be published.
- Who is to be given notice of a Development Application.
- The information that must be contained in the published and written notices.
- Certain circumstances in which notice is not required to be given in relation to an **amended** Development Application for nominated integrated development, threatened species development and Class 1 aquaculture development.

3.15.5 Application for development consent for designated development

3.15.5.1 What is Designated development?

Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- the class of development can be listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* as being designated development, or
- a LEP or SEPP can declare certain types of development to be designated.

3.15.5.2 What is the minimum exhibition period?

28 days

3.15.5.3 Specific public notification requirements for designated development

Part 3, Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outlines specific public notification and exhibition requirements that apply to Development Applications for designated development, nominated integrated development, threatened species development and Class 1 aquaculture development.

Importantly, it prescribes:

- Where notice of a Development Application is to be published.
- Who is to be given notice of a Development Application.
- The information that must be contained in the published and written notices.
- The manner in which a notice for a Development Application for designated development must be exhibited on the land to which the application relates and the information that must be contained in that notice.
- Who must be given a copy of any submissions received in relation to a Development Application for designated development and when those copies must be supplied.

3.15.6 Council-related Development Applications

3.15.6.1 What is a Council-related Development Application?

Council-related development application means a development application, for which a 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.

Note: Land vested in or under the control of the council includes public land within the meaning of the *Local Government Act 1993*.

3.15.6.2 What is the minimum exhibition period?

28 days.

3.15.6.3 *Specific public notification requirements for Council-related development*

Council will consider the criteria listed under Section 3.15.2.4(2) to determine:

- a) Whether or not to provide written notification of a Council-related Development Application to adjoining landowners, and
- b) If it is determined that the Development Application will be notified – the extent of properties to be notified (i.e. adjoining properties unlikely to be materially adversely affected by the proposed development will not be notified).

3.15.7 Application for modification of development consent that is required to be publicly exhibited by the regulations

3.15.7.1 *What is a modification to a development consent?*

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

An application to modify a development consent is made under Section 4.55 of the *Environmental Planning and Assessment Act 1979* provided the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new Development Application will need to be submitted for assessment.

3.15.7.2 *What is the minimum exhibition period?*

- (1) Modifications involving minor error, mis-description or miscalculation (Section 4.55(1) of the EP&A Act)

Applications will not be notified.

- (2) Modifications involving minimal environmental impact (Section 4.55(1A) of the EP&A Act)

Applications will generally not be notified.

However if, in the opinion of Council, 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 for a period of 10 days in accordance with this CPP.

- (3) Other modifications, including applications involving increased environmental impact (Section 4.55(2) of the EP&A Act)

14 days

All persons who made a submission to the previous Development Application will be notified in accordance with this Plan.

- (4) Modification by consent authorities of consents granted by the Court (Section 4.55(8) of the EP&A Act)

Applications will generally not be notified.

However if, in the opinion of Council, 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 for a period of 10 days in accordance with this CPP.

3.15.8 Re-exhibition of any amended application or matter referred to above required by or under Schedule 1 of the EP&A Act

3.15.8.1 What is an amended application?

An amended application is an application where the applicant provides amended plans to Council prior to the determination of the Development Application.

3.15.8.2 Will all applications be notified?

Applications will generally not be notified.

However if, in the opinion of Council, 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 for a period of 10 days in accordance with this CPP.

3.15.8.3 What is the minimum re-exhibition or re-notification period?

10 days

3.15.9 Review of determinations and decisions

3.15.9.1 What is a review of determination or decision?

Where Council has refused a Development Application or imposed conditions that you are not satisfied with, you may be able to apply for a review. Section 8.2 of the *Environmental Planning and Assessment Act 1979* allows the applicant to apply for a review of the determination made by the Council. The EP&A Act requires the review to be completed within 6 months from the date of determination of the Development Application.

3.15.9.2 Will all applications be notified?

Applications under Section 8.2 of the EP&A Act are to be re-notified to persons who previously made a submission where the Development Application is amended in a material way and Council considers that the development is likely to have the potential to increase the adverse impact than the development as it was previously considered.

3.15.9.3 What is the minimum re-notification period?

10 days

3.15.10 Application for development consent for Category 1 remediation work under State Environmental Planning Policy (Resilience and Hazards) 2021

3.15.10.1 What is Category 1 remediation work?

For the purposes of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021*, a **category 1 remediation work** is a remediation work (not being a work to which section 4.11(b) applies) that is—

- a) designated development, or
- b) carried out or to be carried out on land declared to be a critical habitat, or
- c) likely to have a significant effect on a critical habitat or a threatened species, population or ecological community, or
- d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or

- e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument—
 - i) coastal protection,
 - ii) conservation or heritage conservation,
 - iii) habitat area, habitat protection area, habitat or wildlife corridor,
 - iv) environment protection,
 - v) escarpment, escarpment protection or escarpment preservation,
 - vi) floodway,
 - vii) littoral rainforest,
 - viii) nature reserve,
 - ix) scenic area or scenic protection,
 - x) wetland, or
- f) carried out or to be carried out on any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the council for any local government area in which the land is situated (or if the land is within the unincorporated area, the Minister).

Note: See section 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the factors to be taken into account in assessing whether there is likely to be a significant effect as referred to in paragraph (c) above. The terms used in that paragraph are defined in that Act by reference to both the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*.

3.15.10.2 *What is the minimum exhibition period?*

28 days

3.15.10.3 *Specific public notification requirements for Category 1 remediation work*

Development Applications for Category 1 remediation work must be exhibited in accordance with Section 3.7.1 of this Plan.

3.15.11 **Application for development consent for Class 1 aquaculture development**

3.15.11.1 *What is Class 1 aquaculture development?*

Aquaculture has the same meaning as in the *Fisheries Management Act 1994*. It includes oyster aquaculture, pond-based aquaculture and tank-based aquaculture.

In the *Fisheries Management Act 1994* aquaculture means—

- a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond),

but does not include—

- c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or

- d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- e) any other thing prescribed by the regulations.

Class 1 aquaculture development means development that is categorised as Class 1 under *State Environmental Planning Policy (Primary Production) 2021*, Part 2.5.

3.15.11.2 What is the minimum exhibition period?

14 days

3.15.11.3 Specific public notification requirements for Class 1 aquaculture development?

Part 3, Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outlines specific public notification and exhibition requirements that apply to Development Applications for designated development, nominated integrated development, threatened species development and Class 1 aquaculture development.

Importantly, it prescribes:

- Where notice of a Development Application is to be published.
- Who is to be given notice of a Development Application.
- The information that must be contained in the published and written notices.
- Certain circumstances in which notice is not required to be given in relation to an **amended** Development Application for nominated integrated development, threatened species development and Class 1 aquaculture development.



4 Strategic Planning

Council prepares a range of strategic planning documents including:

- Land use strategies and studies relating to specific development issues, for example:
 - Open Space
 - Traffic
 - Heritage
- Local Environmental Plans
- Development Control Plans
- Developer Contribution Plans
- Community Participation Plans
- Master Plans

Council also reviews and amends these plans on an ongoing basis, either as a result of internal review of the document or by a request from private property owners.

4.1 Consultation goal

Depending on the project being completed, Council's engagement goal will be to either:

1. **INVOLVE:** Engage with the community and stakeholders to understand their priorities, and integrate their aspirations into projects early.

This would typically involve a two-stage consultation process:

- a) Visioning or Priority setting:
 - i) What do you like / not like?
 - ii) What would you change?
 - iii) How should change occur?
 - b) Public exhibition of a draft Plan or Strategy, seeking feedback on draft strategies and alternatives.
2. **CONSULT** with the community to obtain public feedback on alternatives or the preferred strategy or action. This would generally involve the public exhibition of a draft Plan or Strategy.

4.2 Consultation channels

Council will communicate opportunities for participation in the strategic planning process through the most appropriate methods that are relevant to the project. Methods that could be used by Council include:

- Council's website.
- Letters to key stakeholders.
- Social media.
- Ratepayers newsletter articles.
- Letterbox flyer.

- Council email banner.
- Public displays in the civic centre, library, shopping centres or other community venue or event.

4.3 Consultation tools

Council will use a range of consultation tools to enable participation and opportunities to provide input to the project. Methods that could be used by Council include:

- Workshops and focus groups.
- Public meetings and information sessions.
- Discussion papers.
- Online participation through Council's yoursay website.
- Councillor briefing session.
- Request for written submissions through a public exhibition process.

4.4 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

4.5 Exhibition or notification during the Christmas period

Public exhibition and/or notification periods over the traditional Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

Note: See also section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday.

4.6 How does Council determine who will be engaged?

Council officers will choose the most appropriate audience and stakeholders for each strategic planning project.

4.7 Consultation period

In relation to the public exhibition of a draft plan or strategy, Council will exhibit it for no less than the time indicated for the type of plan or strategy listed in Section 4.9. The time period indicated for the type of plan or strategy is the minimum mandatory public exhibition period.

4.8 External Referrals to Stakeholder Groups

4.8.1 Bathurst Local Aboriginal Lands Council and Local Aboriginal Knowledge Holders

Council will engage with the Bathurst Local Aboriginal Lands Council and local Aboriginal Knowledge Holders for strategic planning projects that involve:

- a) Rezoning of land for urban purposes;
- b) land identified or proposed to be identified under *Bathurst Regional Local Environmental Plan 2014* as an Aboriginal Place of significance¹¹;

¹¹ Refer to Clause 5.10(8)
Bathurst Regional Council | Community Participation Plan 2019

- c) detailed assessment of Aboriginal Cultural Heritage Assessment values;
- d) Aboriginal Heritage Impact Permit (AHIP).

In determining these applications, Council will give consideration to the comments made by the Bathurst Local Aboriginal Lands Council and the local Aboriginal Knowledge Holders.

4.9 Strategic Plans and Strategies

4.9.1 draft Community Participation Plan

4.9.1.1 *What is a Community Participation Plan?*

The Community Participation Plan (CPP) sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

4.9.1.2 *What is the Community Engagement Goal?*

CONSULT: To obtain public feedback on the preferred strategy or action.

4.9.1.3 *What is the minimum exhibition period?*

28 days

4.9.2 draft Local Strategic Planning Statement

4.9.2.1 *What is a Local Strategic Planning Statement?*

The Local Strategic Planning Statement sets out the 20-year vision for land-use in the Bathurst Region, the special character and values that are to be preserved and how change will be managed into the future. The Local Strategic Planning Statement supports Council's Local Land Use Strategies.

The Local Strategic Planning Statement implements actions from the Central West and Orana Regional Plan, as well as Council's own priorities identified in its Community Strategic Plan, its land use strategies and other studies that support the growth of the City.

The Local Strategic Planning Statement must:

- identify the planning priorities for an area,
- explain how these priorities are to be delivered,
- demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement shapes how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver the Council and community's plan.

4.9.2.2 *What is the Community Engagement Goal?*

INVOLVE: To engage with the community and stakeholders to understand their priorities and integrate their aspirations into the project early.

CONSULT: To obtain public feedback on the alternatives or the preferred action or strategy.

4.9.2.3 *What is the minimum exhibition period?*

28 days

4.9.3 draft Strategic Land Use Plans, Strategies and Studies

4.9.3.1 What are Strategic Land Use Plans, Strategies and Studies?

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Central West and Orana Regional Plan.

Examples include Council's key land use strategies and studies such as open space, heritage, traffic, transport, access and the like.

4.9.3.2 What is the Community Engagement Goal?

INVOLVE: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

CONSULT: To obtain public feedback on the alternatives or the preferred action or strategy.

4.9.3.3 What is the minimum exhibition period?

28 days

4.9.4 draft Local Environmental Plan

4.9.4.1 What is a Local Environmental Plan?

The Local Environmental Plan (LEP) guides planning decisions for the Bathurst Region. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A Planning Proposal is required to prepare a new and/or to amend the Local Environmental Plan. A Planning Proposal must demonstrate the strategic merit of the proposed LEP or LEP amendment. A Planning Proposal is submitted to the NSW Department of Planning and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- whether or not to proceed with the Planning Proposal
- whether or not to impose conditions to the proposal
- the minimum public exhibition period

4.9.4.2 What is the Community Engagement Goal?

(1) New Local Environmental Plan

INVOLVE: To engage with the community and stakeholders to understand their priorities and integrate their aspirations into the project early.

CONSULT: To obtain public feedback on the preferred action or strategy.

(2) Amendment to the existing Local Environmental Plan

CONSULT: To obtain public feedback on the preferred strategy or action.

4.9.4.3 *What is the minimum exhibition period?*

28 days, or the time period specified in the Gateway Determination.

4.9.5 **draft Development Control Plan**

4.9.5.1 *What is a Development Control Plan?*

A Development Control Plan (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed development guidelines and controls. The DCP outlines specific controls and parameters that apply to development proposals in the Bathurst Region.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

4.9.5.2 *What is the Community Engagement Goal?*

(1) New Development Control Plan or controls

INVOLVE: To engage with the community and stakeholders to understand their priorities and integrate their aspirations into the project early.

CONSULT: To obtain public feedback on the alternatives or the preferred action or strategy.

(2) Amendment to existing Development Control Plan or controls

CONSULT: To obtain public feedback on the preferred strategy or action.

4.9.5.3 *What is the minimum exhibition period?*

28 days.

4.9.6 **draft Developer and Infrastructure Contribution Plans**

4.9.6.1 *What is a Developer and Infrastructure Contributions Plan?*

Contributions plans allow Council to levy contributions on development consents issued for land within the Bathurst Region. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Council will periodically amend these Plans, reflecting revised population growth, rezoning of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

4.9.6.2 *What is the Community Engagement Goal?*

CONSULT: To obtain public feedback on the preferred strategy or action.

4.9.6.3 *What is the minimum exhibition period?*

28 days.



5 Other Planning Documents

Council is also responsible for a number of other planning documents that are distinct from the Strategic Planning and Development Application processes. This section will outline the processes relating to other planning documents.

5.1 Consultation goal

Council's engagement goal is to:

CONSULT with the community to obtain public feedback on the strategy or action.

5.2 Consultation channels

Council will communicate opportunities for participation through the most appropriate methods that are relevant to the project. Methods that could be used by Council include:

- Letters to key stakeholders.
- Council's website.

5.3 Consultation tools

Council will use a range of consultation tools to enable participation and opportunities to provide input to the project. Methods that could be used by Council include:

- Online participation through Council's yoursay website.
- Councillor submission hearing.
- Request for written submissions through a public exhibition process.

5.4 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

5.5 Consultation period

In relation to the public exhibition or notification of a planning document listed in Section 5.8, Council will exhibit it for no less than the time indicated for the type of development listed in section 5.8. The time period indicated for the type of document is the minimum mandatory public exhibition period.

5.6 Exhibition or notification during the Christmas period

Public exhibition and/or notification periods over the traditional Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

Note: See also section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday.

5.7 How does Council determine who will be notified?

Council officers will choose the most appropriate audience and stakeholders for other planning projects.

5.8 Other Planning Document types

5.8.1 draft Planning Agreements¹²

5.8.1.1 *What is a Planning Agreement?*

A planning agreement is a voluntary agreement between a developer and Council, made in conjunction with a Planning Proposal or Development Application, where the developer is required to dedicate land free of cost, make monetary contributions, or provide any other material public benefit, to be used for or applied toward a public purpose.

Council, at its discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an amendment to an environmental planning instrument (EPI) or for development consent relating to any land in the Bathurst Regional Local Government Area.

5.8.1.2 *What is the Community Engagement Goal?*

CONSULT: To obtain public feedback on the preferred strategy or action.

5.8.1.3 *What is the minimum exhibition period?*

28 days.

5.8.1.4 *Specific public notification requirements for Planning Agreements*

Section 7.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 204 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outline specific public notification and exhibition requirements that apply to the **entering into, amendment and/or revocation** of a Planning Agreement.

Importantly, these provisions prescribe:

- The form and manner in which public notice shall be given of a Planning Agreement.
- The timing in which public notice of a Planning Agreement must be given.
- Who must be given a notice and/or supplied a copy of the Planning Agreement and when that notice/copies must be supplied.
- The information that must be contained in and/or included with the Planning Agreement for public exhibition, including explanatory notes.

¹² Division 1A of the *Environmental Planning and Assessment Regulation 2021*
Bathurst Regional Council | Community Participation Plan 2019

6 Environmental Impact Statement obtained under Division 5.1 of the EP&A Act

Under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is required to assess the environmental impact of certain activities that it is carrying out. These activities are defined as “development permitted without consent” under an environmental planning instrument (EPI).

Council is required to assess the environmental impact of these activities through a Division 5.1 assessment, referred to as a review of environmental factors (REF). Where a proposed activity is likely to have a significant impact on the environment more broadly, an environmental impact statement (EIS) must be prepared.

Council’s environmental impact assessment functions under Division 5.1 are separate from Council’s development consent functions under Part 4.

6.1 What is an Activity?

For the purposes of Division 5.1 of the *Environmental Planning and Assessment Act 1979*, **activity**¹³ means—

- a) the use of land, and
- b) the subdivision of land, and
- c) the erection of a building, and
- d) the carrying out of a work, and
- e) the demolition of a building or work, and
- f) any other act, matter or thing referred to in section 3.14 that is prescribed by the regulations for the purposes of this definition,

but does not include—

- g) any act, matter or thing for which development consent under Part 4 is required or has been obtained, or
- h) any act matter or thing that is prohibited under an environmental planning instrument, or
- i) exempt development, or
- j) development carried out in compliance with a development control order, or
- k) any development of a class or description that is prescribed by the regulations for the purposes of this definition.

Further, Clause 169 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) prescribes that the following development is **not** an **activity** under Section 5.1(1) of the EP&A Act:

- a) the demolition of a temporary structure,
- b) development for the purposes of camping grounds or caravan parks that is permitted without development consent under *State Environmental Planning Policy (Housing) 2021*, Chapter 3, Part 10,

¹³ Section 5.1(1) of the *Environmental Planning and Assessment Regulation 2021*
Bathurst Regional Council | Community Participation Plan 2019

- c) development for the following purposes that is permitted without development consent under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2, Part 2.3, Division 27—
 - i) early education and care facilities,
 - ii) health services facilities, other than patient transport facilities or hospitals,
 - iii) schools,
- d) development for the following purposes that is permitted without development consent under *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Chapter 2, Part 2.3, Division 9—
 - i) bee keeping,
 - ii) grazing.

6.2 Consultation goal

Council's engagement goal is to:

CONSULT with the community to obtain public feedback on the Environmental Impact Statement (EIS) obtained under Division 5.1.

6.3 Consultation channels

Council will communicate opportunities for participation in the environmental impact assessment process through the most appropriate methods that are relevant to the proposed activity. Methods that could be used by Council include:

- The NSW Planning Portal¹⁴.
- The determining authority's website¹⁵.
- The website of the Council of each area affected by the activity¹⁶.
- Notices on the land (if required by the EP&A Regulations).
- Letters to stakeholders.
- Letterbox flyer.
- Council email banner.
- Public displays in the civic centre, library, shopping centres or other community venue or event.
- Social media.

The consultation channel utilised is dependent on legislated requirements and the likely public interest.

¹⁴ c1194 of the Environmental Planning and Assessment Regulation 2021

¹⁵ c1194 of the Environmental Planning and Assessment Regulation 2021

¹⁶ c1194 of the Environmental Planning and Assessment Regulation 2021

6.4 Consultation tools

Council will use a range of consultation tools to enable participation and opportunities to provide input to the proposed activity. Methods that could be used by Council include:

- Workshop and focus groups.
- Public meetings and information sessions.
- Discussion papers.
- Online participation through Council's yoursay website.
- Request for written submissions through a public exhibition process.
- Councillor briefing session.

6.5 Consultation feedback

In all instances, Council will encourage the community to lodge written submissions in addition to feedback received through one of the other methods above.

6.6 How does Council determine who will be engaged and/or notified?

Council officers will choose the most appropriate audience and stakeholders for each Environmental Impact Statement (EIS) obtained under Division 5.1.

6.7 Consultation period

In relation to the public exhibition of an Environmental Impact Statement (EIS) obtained under Division 5.1, Council will exhibit it for no less than **28 days**.

The time period indicated is the minimum mandatory public exhibition period.

6.8 How is the commencement and conclusion of the public exhibition period calculated?

The commencement of the exhibition period is taken to be the day on which the notice is first published on the NSW Planning Portal¹⁷.

The conclusion of the exhibition period is based on the required number of consecutive days (as outlined in this CPP), inclusive of weekends, following the commencement of the exhibition period.

For the purposes of this Community Participation Plan, Public Holidays or Bank Holidays that apply to the State of NSW are excluded from the exhibition period¹⁸.

6.9 Exhibition or notification during the Christmas period

Public exhibition and/or notification periods over the traditional Christmas period will be extended so as not to include the period between 20 December and 10 January (inclusive).

Note: See also section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday.

¹⁷ cl194 of the Environmental Planning and Assessment Regulation 2021

¹⁸ s36(2) of the Interpretation Act 1987

6.10 Public exhibition of Environmental Impact Statements (EIS)

Council is not required to make available for public inspection any part of an Environmental Impact Statement (EIS) whose publication would, in the opinion of the Council, be contrary to the public interest because of its confidential nature or for any other reason.

6.11 Specific notification requirements for an Environmental Impact Statement obtained under Division 5.1 of the EP&A Act

Section 5.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 194 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) outline specific public notification and exhibition requirements that apply to Environmental Impact Statements (EIS) obtained under Division 5.1 of the EP&A Act.

Importantly these provisions prescribe:

- The form and manner in which notice shall be given of an Environmental Impact Statement.
- Where notice of an Environmental Impact Statement is to be published.
- Where copies of the Environmental Impact Statement must be published.
- Where and when an Environmental Impact Statement may be inspected.
- Who must be given a copy of any submissions received in relation to an Environmental Impact Statement and when those copies must be supplied.
- The information that must be contained in the published notice and any written notices.



KEPPEL ST

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SCHOOL ZONE
8-9 AM
2-4 PM
SCHOOL DAYS

40



7 Submissions

7.1 Submission Period

The submission period is the stated exhibition or notification period, calculated in accordance with this Community Participation Plan.

7.2 Making a submission

Any person is entitled to make a submission which may object to or support a planning matter within the public exhibition or notification period, whether or not a notification letter has been forwarded to the person. Submissions must be made in writing and delivered to the Council by either hand, electronic mail, a yoursay submission or by post.

All submissions received within the public exhibition or notification period will be considered by Council. The key matters within submissions will be summarised in the assessment report. The report will involve consideration of the merits of all relevant matters.

Submissions should include the following characteristics:

- The reasons for objection or support.
- Submissions must be in writing, be addressed to the General Manager, clearly indicating the names, addresses of the person(s) making the submission, quote the Development Application number (if relevant), the subject matter, and clearly state the address of the property.
- Submissions must include the e-mail or postal address of person(s) making submissions so they can be notified in advance if the matter is to be considered by Council at a Council meeting.
- This information will remain public and may be included in reports to Council.
- If persons who lodge submissions do not wish their personal information to be made public, the submission is to clearly make a statement to that effect, however, their name and suburb (if available) will remain public.
- Council will consider making a submission confidential, however, the submission must make a statement to that effect and clearly outline the reasons the submission should be confidential.

7.3 Petitions

Where a petition is received in respect of a Development Application or strategic planning project, the head petitioner or, where not nominated, the first petitioner will be acknowledged for the purpose of future contact as to the progress of the application or matter. Only the head petitioner, or first petitioner, will be advised of any related meeting times or receive written confirmation of the determination of an application or outcome of the matter.

7.4 Disclosure of submissions

Submissions may be accessed by the public by way of a GIPA request (fee payable) to Council. Also, if the proposal is reported to a Council meeting the issues raised in that submission will be summarised in the Council report and the submission, in full, will be attached to the report.

7.5 Referral of submissions to the applicant

Copies of submissions will be forwarded to the applicant who will be encouraged to address the issues raised in the submissions, by way of comments or amended plans.

7.6 How Council deals with Submissions

7.6.1 Acknowledgement of submissions

All submissions received during the public exhibition or notification period will be acknowledged as soon as practicable by Council following the conclusion of the exhibition or notification period.

Following determination of a Development Application, or the adoption of a strategic plan or strategy, all persons who made a submission shall be notified in writing of the decision regarding the application, strategy or plan.

7.6.2 Anonymous submissions

Council will not consider anonymous submissions.

7.6.3 Comments on Social Media Platforms

Council will not consider comments made on social media as a submission.

7.6.4 Consideration of submissions

7.6.4.1 Development Applications

(1) Discussion Forum

Where Council's Director, Environmental Planning and Building Services is of the opinion that the matters raised in a submission are of a type that may achieve better explanation or negotiation of an intended outcome, a Discussion Forum involving the relevant parties and Council officers will be held to discuss the submissions.

The Discussion Forum will generally be arranged following the closing of the public exhibition or notification period.

Where the Director is of the opinion that an objection to an application remains unresolved, the application will be referred to the next available Council meeting for determination. Council officers will consider the issues raised in the submission as part of their assessment of the Development Application.

(2) Submission Hearing

The Director of Environmental, Planning and Building Services will determine if the number and/or nature of submissions is of such significance that they are unlikely to be resolved during a Discussion Forum.

Where the Director determines that a Discussion Forum is not required, Council will complete one of the following actions:

| | |
|------------------|--|
| Action A: | i) Seek a written response from the applicant in relation to all matters raised in the public submissions, and ii) Prepare a summary of the submissions and the applicant's response, and iii) Refer a copy of that summary, each submission and the applicant's response to Councillors, prior to the date of the Council Meeting at which the matter will be considered. |
| <u>OR</u> | |
| Action B: | Hold a Submission Hearing in response to the submissions received before the matter is to be presented to Council for consideration. |

In making a determination as to whether a Submission Hearing is to be held, the Director will take into account the following range of matters:

- a) The number, nature and variety of submissions received in relation to the Development Application.
- b) The extent to which the development proposal impacts the wider community.
- c) The extent to which the development proposal varies from Council's current Policy/Planning controls.
- d) The extent to which the impacts of the development could be minimised or mitigated through further design or operational amendments.

The Submission Hearing will be held at the earliest convenient date with those who lodged submissions, the applicant and Councillors invited to attend. The Hearing will be chaired by the Mayor or delegate or, if required, by an independent facilitator.

The aim of the Submission Hearing is to afford a further opportunity for those who lodged a submission to have their voice heard.

Written notice will also be provided to the applicant and those who lodged submissions of any upcoming Council Meeting in which the Development Application will be considered. This will afford a further opportunity for all parties to address the Council in the public forum. Council officers, in preparing their Report to Council, will consider the issues raised in the submissions and at any Submission Hearing.

7.6.4.2 Strategic Planning

(1) Visioning Consultation

Council officers will consider the issues raised in the submissions as part of the development of the Plan or Strategy. Those who made a submission will be notified of subsequent consultation relevant to the project.

(2) Draft Plan or Strategy Consultation

Where submissions are received in relation to the public exhibition of a draft Plan or Strategy (e.g. an LEP amendment), Council will complete one of the following actions:

| | |
|------------------|---|
| Action A: | i) Summarise the submissions received and Council's proposed response, and ii) Refer a copy of that summary and each submission to Councillors, prior to the date of the Council Meeting at which the matter will be considered. |
| <u>OR</u> | |
| Action B: | Hold a Submission Hearing in response to the submissions received before the matter is to be presented to Council for consideration. |

In making a determination as to whether a Submission Hearing is to be held, the Director will take into account the following range of matters:

- a) The number and variety of submissions received in relation to the draft Plan/Strategy.
- b) The extent to which the draft Plan/Strategy impacts the wider community.
- c) The extent to which the draft Plan/Strategy represents a change in Council's current Policy/Planning controls.

The Submission Hearing will be held at the earliest convenient date with those who lodged submissions, the proponent (if applicable) and Councillors invited to attend. The Hearing will be chaired by the Mayor or delegate or, if required, by an independent facilitator.

The aim of the Submission Hearing is to afford a further opportunity for those who lodged a submission to have their voice heard.

In presenting the draft Plan/Strategy to Council, Council officers will determine how each issue is to be addressed and identify whether the draft Plan or Strategy should be amended. The issues raised in the submissions will be summarised and Council Officers, in their assessment report, will identify how that issue is being addressed, and how the draft Plan was amended. A report will be prepared for the next appropriate Council Meeting.

Those who made a submission and the proponent (if relevant) will be notified of the proposed Council Meeting date. This will afford a further opportunity for all parties to address the Council in the public forum.

7.6.4.3 Submissions received after the public notification or exhibition period

(1) Development Applications

Submissions received after the exhibition or notification period **may** be considered in determining the application, however, the writer may not have the benefit of attending the Submission Hearing or Discussion Forum.

For Development Applications which are to be considered at a Council meeting for determination, submissions received after the writing of the report to be considered by Council (generally 14 days prior to the Council meeting date), will be placed on the Development Application file and forwarded to the Councillors for their information on the day of the Council meeting.

(2) Visioning Consultation or Draft Plan or Strategy Consultation

Submissions received after the exhibition or notification period **may** be considered as part of the development of the draft Plan or Strategy.

For draft plans or strategies submissions received after the writing of the report to be considered by Council (generally 14 days prior to the Council meeting date), will be placed on the file and forwarded to the Councillors for their information on the day of the Council meeting.

7.6.4.4 Public Hearings

Council will hold a Public Hearing¹⁹ (as defined in the *Local Government Act 1993*) for Local Environmental Plans, and amendments to those Plans, that involve the reclassification of the land from Community to Operational.

Council will also hold a Public Hearing in relation to other LEP matters if the relevant Gateway Determination advises that one is required.

7.6.4.5 Councillor's Site Inspection

Where the Director, Environmental Planning and Building Services determines a Councillor's site inspection is reasonable, an inspection will be organised at a mutually agreeable time close to the Council Meeting at which the matter is to be considered. An invitation will be extended to Councillors, the Director, Environmental Planning and Building Services and Council's assessing officer(s) to attend the inspection. The attendance of the Councillors is subject to their availability.

The landowner, or applicant, may be present at the site inspection, however, only to observe the inspection. Persons who made submissions will not be invited to the site inspection.

7.6.5 Publicly exhibited plans, applications etc not to be made or determined until after exhibition period

Where this Community Participation Plan (CPP) requires a plan, application or other matter to be publicly exhibited, the plan or application is not to be made or determined (or the other matter finalised) until after the minimum period of public exhibition under this CPP.

If the plan, application or other matter is placed on public exhibition for a specified longer period, the plan or application is not to be made or determined (or the other matter finalised) until after that specified longer period.

¹⁹ s29(2) of the Local Government Act 1993
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