

## 9.2.5

## DRAFT AMENDMENT - BATHURST REGIONAL COMMUNITY PARTICIPATION PLAN 2019

**File No:** 20.00331

### RECOMMENDATION:

That Council:

- (a) adopt the Amendment to *Bathurst Regional Community Participation Plan 2019* as outlined in this report; and
  - (b) call a division.
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### REPORT:

At the Ordinary Meeting of Council held on Wednesday 13 December 2023, Council identified a number of cost saving initiatives to assist in funding its Pathway to Sustainability. One of these initiatives included a reduction in the number of items that Council regularly publishes in print media (newspapers).

In response to this initiative, Council staff (under delegation) have reviewed the existing provisions of *Bathurst Regional Community Participation Plan 2019* (CPP 2019) and prepared and exhibited a draft amendment to the document.

#### **Community Participation Plan (CPP)**

Council is required by Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to prepare and maintain a Community Participation Plan (CPP). The CPP must meet the minimum mandatory requirements for community participation, as outlined under Schedule 1 of the EP&A Act.

The CPP is a strategic planning document that identifies how and when Council will engage with the Bathurst community whilst undertaking its relevant planning functions. The document reflects the whole of organisation approach to community engagement, as established under Council's Community Engagement Strategy, however, it does not extend to the other non-planning related functions of Council.

Importantly, the CPP identifies:

- The types of Development Applications that will be placed on public exhibition and/or notification, how those applications will be exhibited/notified, who will receive notification and the period over which that exhibition/notification will take place.
- The types of Strategic Planning projects (e.g. Land Use Strategies/Studies, Local Environmental Plans, Development Control Plans, Development Contributions Plans, Local Strategic Planning Statement, Community Participation Plans and Master Plans) that will be placed on public exhibition, how those projects will be exhibited, how the community will be engaged and the period over which that exhibition will take place.

- Local stakeholder groups with key interests in certain types of Development Applications or Strategic Planning Projects and Council's associated notification/engagement procedures.
- Other Planning Documents (e.g. Planning Agreements) that will be placed on public exhibition, how they will be exhibited and the period over which that exhibition will take place.
- How public submissions will be received, analysed, shared and processed in Council's decision making in relation to Development Applications, Strategic Planning Projects and other Planning Documents.

### **Draft Amendment to CPP 2019**

Council staff have undertaken a review of CPP 2019 and identified that:

1. There are a number of relevant planning functions which are not legally required to be advertised in a local newspaper, but rather are required to be published on Council's website.
2. There are a number of relevant planning functions / matters which are not currently included in CPP 2019 but are required by legislation to be included and/or publicly exhibited.

Accordingly, Council has prepared and exhibited (under delegation) a draft amendment to CPP 2019. The key changes proposed to the document are summarised below.

- **Cost Saving Initiative – Reduction in Newspaper Advertisements**

The CPP has been amended to remove all requirements to advertise planning functions / matters in the local newspaper. Instead, notices will be published on Council's website as and where required by the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) and any relevant environmental planning instrument (EPI).

The following table summarises these changes:

Planning Function / Matter Requiring Public Exhibition	Former Method of Notice	Proposed Method of Notice	Proposed Method Consistent with EP&A Act and EP&A Regulation
Exhibited Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Nominated Integrated Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Threatened Species Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Designated Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.

Planning Function / Matter Requiring Public Exhibition	Former Method of Notice	Proposed Method of Notice	Proposed Method Consistent with EP&A Act and EP&A Regulation
Class 1 Aquaculture Development.	Notice published in the Western Advocate (newspaper).	Notice published on Council's website.	Consistent.
Category 1 Remediation Work.	Not previously included in CPP 2019.	Notice published on Council's website.	Consistent.
Community Participation Plan (CPP).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Local Strategic Planning Statement (LSPS).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Strategic Land Use Plans, Strategies and Studies.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Planning Proposal – Draft Local Environmental Plan (LEP).	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Development Control Plan.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Draft Development Contributions Plan and Infrastructure Contributions Plan.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Other Planning Documents (e.g. Planning Agreements)	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.
Environmental Impact Statement (EIS) Obtained Under Division 5.1 of the EP&A Act.	Notice published in the Western Advocate (newspaper) and on Council's website.	Notice published on Council's website.	Consistent.

- **Environmental Impact Statements Obtained under Division 5.1 of the EP&A Act**

Under Schedule 1, Section 11 of the EP&A Act Council is required to place an Environmental Impact Statement (EIS) obtained under Division 5.1 on public exhibition for a minimum period of twenty-eight (28) days. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Public Exhibition of an Environmental Impact Statement – Maintaining Confidentiality and the Public Interest**

Under Section 18, Schedule 1 of the EP&A Act 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 Council, be contrary to the public interest

because of its confidential nature or for any other reason. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Category 1 Remediation Work**

Under Section 9A, Schedule 1 of the EP&A Act Council is required to place a Development Application for Category 1 Remediation work on public exhibition for a minimum period of twenty-eight (28) days. This requirement was not previously included in CPP 2019 and therefore has been added.

- **Class 1 Aquaculture Development**

Under Division 5 of the (EP&A Regulation) Council is required to place a Development Application for Class 1 Aquaculture Development on public exhibition. Whilst Class 1 aquaculture development is not specifically listed within Schedule 1 of the EP&A Act, the exhibition of this type of development remains a legal requirement, and therefore it has been included in the draft CPP Amendment to ensure that Council follows due process.

- **Determination and Making of Publicly Exhibited Plans, Applications and Other Matters**

Under Section 14, Schedule 1 of the EP&A Act Council must not make or determine any publicly exhibited plan, application or other matter until after the minimum period of public exhibition. Although Council currently follows this requirement in practice, it was not previously stated in CPP 2019 and therefore has been added.

- **Minor Administrative Changes**

The draft amendment to CPP 2019 also includes a series of minor administrative changes:

- Clarify that Council-related Development Applications are classified as notified development under the CPP, as opposed to exhibited development.
- Update references to “relevant planning functions” as defined by Section 2.21 of the EP&A Act.
- Clarify that the CPP does not apply to State Significant Infrastructure under Division 5.2 of the EP&A Act.
- Delete Section 5.8.2 “Amendment to Planning Agreements after public exhibition”. This provision is currently duplicated elsewhere in the CPP.
- Include additional references to Section 36(2) of the *Interpretation Act 1987* which outlines the applicable rule for when an exhibition period includes a weekend or public holiday.
- Expand on the specific public notification requirements for the following planning functions/matters, as outlined in the EP&A Act and EP&A Regulation:
  - nominated integrated development;
  - threatened species development;

- designated development;
- class 1 aquaculture development;
- planning agreements.

A copy of the draft Amendment to *Bathurst Regional Community Participation Plan 2019* is provided in **Attachment 1**.

### **Public Exhibition of Draft Amendment**

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* (CPP 2019) was placed on public exhibition for a period of twenty-eight (28) days between 19 February 2024 and 18 March 2024. In accordance with the **current adopted** requirements of CPP 2019, the matter was also advertised in the local newspaper.

During the public exhibition period a total of two (2) submissions were received (refer to **Attachment 2**). The matters raised in each public submission are summarised and addressed in the table below:

<b>Summary of Public Submissions and Response</b>	
<b>Public Submission</b>	<b>Council Comments</b>
<p>1. <i>My only real concern here is the change to remove newspaper advertising. I totally agree that in this day and age, the cost to advertise to such low readership numbers in the local press is prohibitive. My suggestion is to ensure that any relevant information is not just tucked away on the Council website, and that it is advertised through other channels such as Facebook, or anything more cost effective (perhaps an online version of the paper could be cheaper) to ensure that residents can easily access the information.</i></p>	<ul style="list-style-type: none"> <li>• It is generally agreed that any relevant planning functions/matters advertised on Council's website should be readily available and easy to find.</li> <li>• Council currently continues to place a weekly notice in the Western Advocate, which directs readers to the Public Notices available on Council's website. A QR code included in the Western Advocate notice provides a direct link to the Public Notices section of Council's website.</li> <li>• The proposal to advertise relevant planning functions/matters on Council's website is consistent with the current minimum requirements of the <i>Environmental Planning and Assessment Act 1979</i> (EP&amp;A Act) and <i>Environmental Planning and Assessment Regulation 2021</i> (EP&amp;A Regulation).</li> <li>• Whilst it is understood that there are members of the community who may not have access to the internet, the Council website is considered to be a generally accessible tool with the local newspaper only available to paying or subscribed customers.</li> </ul>
<p>2. <i>I believe advertising planning matters in the local newspaper is important.</i></p> <p><i>Some people do not have internet or a computer, but the main point is that the Council website is ineffective because you don't know to look for something you don't know is there.</i></p>	

In accordance with the **current adopted** requirements of CPP 2019, a Submission Hearing has not been held in relation to the draft Amendment because the number and variety of submissions received does not warrant a Hearing.

A copy of the submissions received and the Council staff response to each matter was referred to Councillors prior to the date of this Council Meeting in accordance with the CPP requirements.

## **Recommendation**

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* is consistent with minimum public exhibition and notification requirements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Regulation 2021* (EP&A Act).

Council currently continues to publish a weekly notice in the Western Advocate which directs readers to the Public Notices available on Council's website. All notices published on Council's website are freely available to access by all members of the public.

It is recommended that Council adopt the draft Amendment to *Bathurst Regional Community Participation Plan 2019* as exhibited.

## **CONCLUSION:**

At the Ordinary Meeting of Council held on Wednesday 13 December 2023, Council identified a number of cost saving initiatives to assist in funding its Pathway to Sustainability. One of these initiatives included a reduction in the number of items that Council regularly publishes in print media (newspapers).

In response to this initiative, Council staff have undertaken a review of the existing provisions of *Bathurst Regional Community Participation Plan 2019* (CPP 2019) and identified that:

1. There are a number of relevant planning functions which are not legally required to be advertised in a local newspaper, but rather are required to be published on Council's website.
2. There are a number of relevant planning functions / matters which are not currently included in CPP 2019 but are required by legislation to be included and/or publicly exhibited.

Accordingly, a draft Amendment to *Bathurst Regional Community Participation Plan 2019* has been prepared and placed on public exhibition (under delegation) between 19 February 2024 and 18 March 2024. A total of two (2) public submissions were received during this timeframe, with each raising concerns in relation to the removal of newspaper advertisements.

The draft Amendment to *Bathurst Regional Community Participation Plan 2019* is consistent with minimum public exhibition and notification requirements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Regulation 2021* (EP&A Act). Council currently continues to publish a weekly notice in the Western Advocate to direct readers to the Public Notices freely available on Council's website.

It is recommended that the draft Amendment to *Bathurst Regional Community Participation Plan 2019* (CPP 2019) be adopted as outlined in this report.

## **FINANCIAL IMPLICATIONS:**

Should Council support the recommendation then there are no financial implications to Council.

## **BATHURST COMMUNITY STRATEGIC PLAN – OBJECTIVES AND STRATEGIES:**

### **Objective 4: Sustainable and balanced growth.**

- 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.

### **Objective 6: Community leadership and collaboration.**

- 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.

## **COMMUNITY ENGAGEMENT:**

02 **Consult** - to obtain public feedback on alternatives and/or decisions

## **ATTACHMENTS:**

1. Draft Amendment to Bathurst Regional Community Participation Plan 2019 [9.2.5.1 - 68 pages]
2. Public Submissions [9.2.5.2 - 3 pages]

## **MINUTE**

### **RESOLUTION NUMBER: ORD2024-90**

**MOVED: Cr K Burke SECONDED: Cr B Fry**

### **RESOLVED:**

That Council:

- (c) adopt the Amendment to *Bathurst Regional Community Participation Plan 2019* as outlined in this report; and
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

### **The result of the division was:**

In favour of the motion - Cr W Aubin, Cr K Burke, Cr B Fry, Cr J Jennings, Cr M Hogan and Cr I North

Against the Motion - Nil

Absent - Cr G Hanger, Cr A Smith and Cr R Taylor

Abstain - Nil