

COMMUNITY PARTICIPATION PLAN (Am 1)

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.

Amend 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 1.09, 3.7, 3.10, 3.14.2.2, 3.14.4.4, and 5.8	<p>New sub-section outlining new notification requirements for development in specific rural zones and adjacent to a heritage item.</p> <p>Clarification for minimum levels of notification, who will be notified and Planning Agreements.</p> <p>Updates to the description of Planning Agreements.</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		Minimum exhibition period
Application for development consent (other than for complying development certificate, designated development or State significant development)	Public exhibition (Exhibited development)	14 days
	Public notification (Notified development)	10 days
Application for development consent for designated development		28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	<i>Modifications involving minor error, mis-description or miscalculation</i>	Applications will not be notified
	<i>Modifications involving minimal environmental impact.</i>	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.
	<i>Other modifications, including applications which cause increased environmental impact</i>	14 days. All persons who made a submission to the previous Development Application will be notified in accordance with this Plan.
	<i>Modification by consent authorities of consents granted by the Court</i>	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.
Review of determinations and decisions		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.
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.

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
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
Amendments to planning agreements	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

IAP2 Spectrum of Public Participation



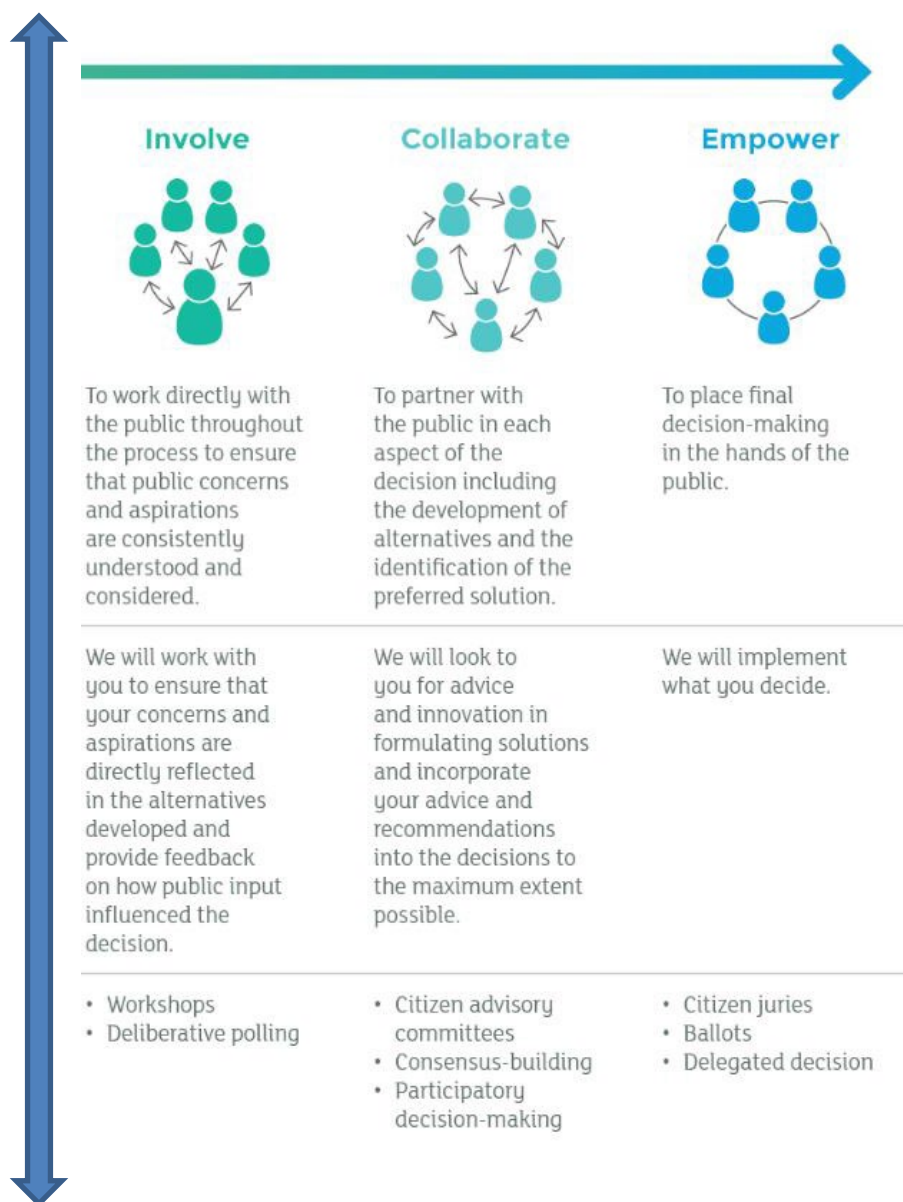
	Inform	Consult
		
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis, alternatives and/or decisions.
Promise To The Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.
Example Techniques	<ul style="list-style-type: none"> • Fact sheets • Web sites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings

Figure 1© IAP2. All rights reserved.



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.

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 and relates to the planning functions of Council as set out in Schedule 1 of the 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 guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions. The 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.

¹ Refer to Section 1.9 of this CPP

² *ibid*

³ Section 2.23 of the Environmental Planning and Assessment Act 1979

- 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.
- 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 Page | 7

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



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.

Planning for the community's needs



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

STATE POLICIES

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

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

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



Making fair, transparent planning decisions

OUTCOME

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

1.9 What are Council's Planning Functions?

Council's planning functions under the Environmental Planning and Assessment Act 1979 are divided into two 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 planning functions of Council.

Development Assessment

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

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. The Bathurst Regional Local Environmental Plan 2014 outlines those developments and land uses which require development consent before the development can take place.

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 2000 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.

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 (the Act) 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.

Strategic Planning

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

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.

Local strategic planning statements

The Local Strategic Planning Statement will set 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 will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement will implement 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.

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.

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

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.

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.

Other Planning Documents

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.

⁵ Division 1A of the Environmental Planning and Assessment Regulation 2000

1.10 Development excluded from notification under this Community Participation Plan

Some types of development do not need development consent from Council, and therefore there is no pathway for formal community participation. This Plan 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 under Part 5 of the Environmental Planning and Assessment Act.

1.11 Relationship to other Plans or Strategies

Environmental Planning and Assessment Act

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

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.

Bathurst 2040 Community Strategic Plan

The Bathurst 2040 Community Strategic Plan 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.

25.8%
lone person

household

2.48
persons

84%
of workforce
are local residents

5.4%
of our population
identify as Aboriginal
or Torres Strait
Islander

residents

\$1,310
median weekly
household
income

5%
require assistance
due to disability

65%
work with
qualifications

27%
aged under
20

COUPLES

28%
with children

25%

without children

5
top languages spoken

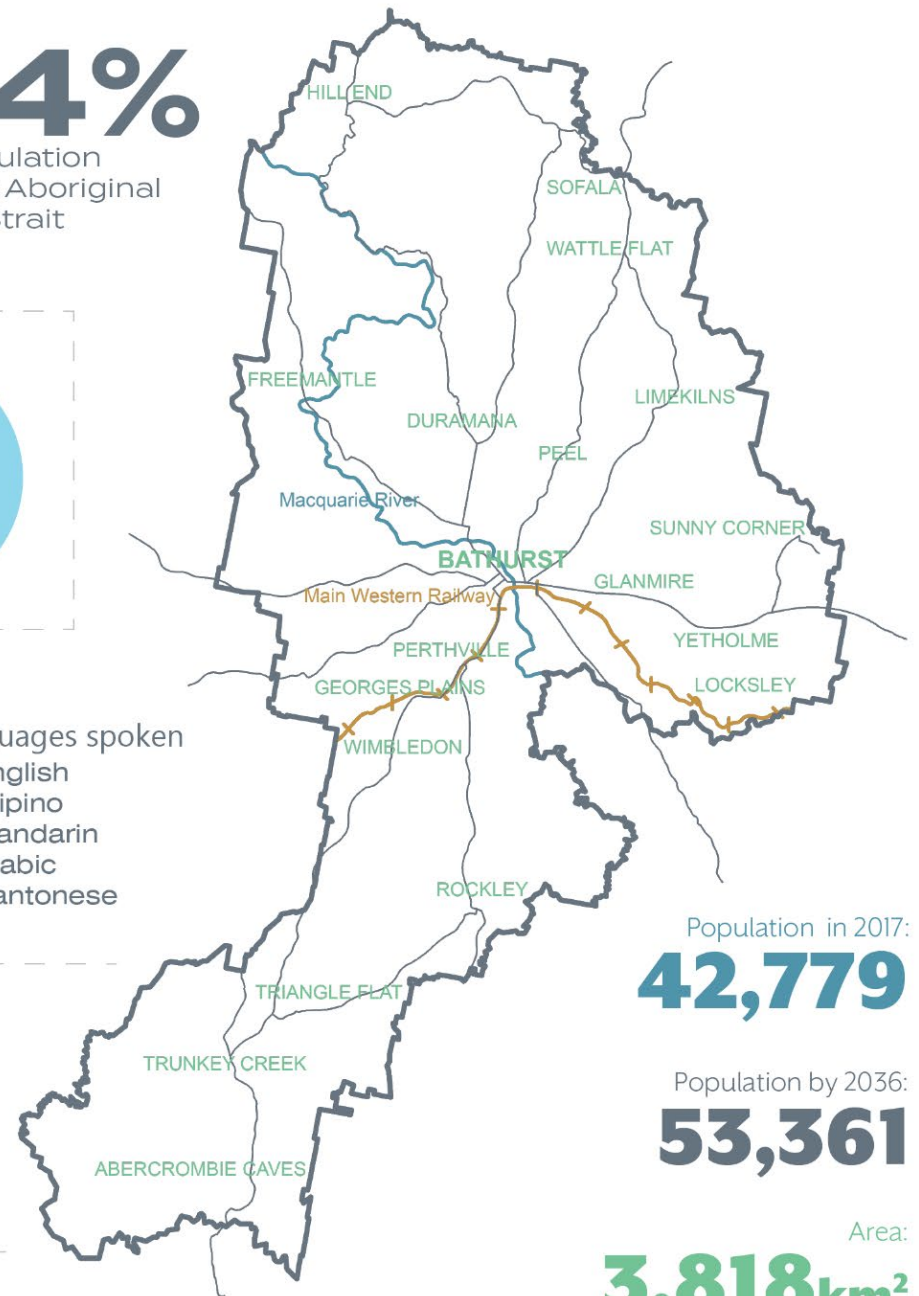
1. English
2. Filipino
3. Mandarin
4. Arabic
5. Cantonese



75% of
households have
internet
connection

21%
of residents
undertake
volunteer work

MEDIAN resident age is 37





3 Development Applications

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

3.1 Objectives of consultation for Development Applications

- a) Provide a framework for the notification and advertisement 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 advertising of applications is not required.
- e) Identify development applications that will be notified and/or advertised 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 advertisement is carried out in accordance with the Environmental Planning & Assessment Act and Regulation.
- 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:

- Newspaper notices
- Notices on the land (if required by the Regulations⁶)
- Letters to stakeholders
- Council's website
- Council's DA Tracker website
- Social media

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

⁶ Environmental Planning and Assessment Regulations 2000

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 meeting or Councillor submission hearing (refer to section 5.6.6)

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

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 (3.14.1) and designated development (3.14.6), 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.

3.8 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 Matters requiring a notice in a newspaper – Public Exhibition

The commencement of the exhibition period is taken to be the first business day following the publication of the notice in the newspaper.

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 period⁷.

⁷ s36(2) of the Interpretation Act 1987

3.8.2 Matters not requiring a notice in a newspaper – Public Notification

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 period⁸.

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).

3.10 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 noted below.

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 1 illustrates these notification principles. Council may consider wider notification depending on the criteria established in Section 3.14.4.4.

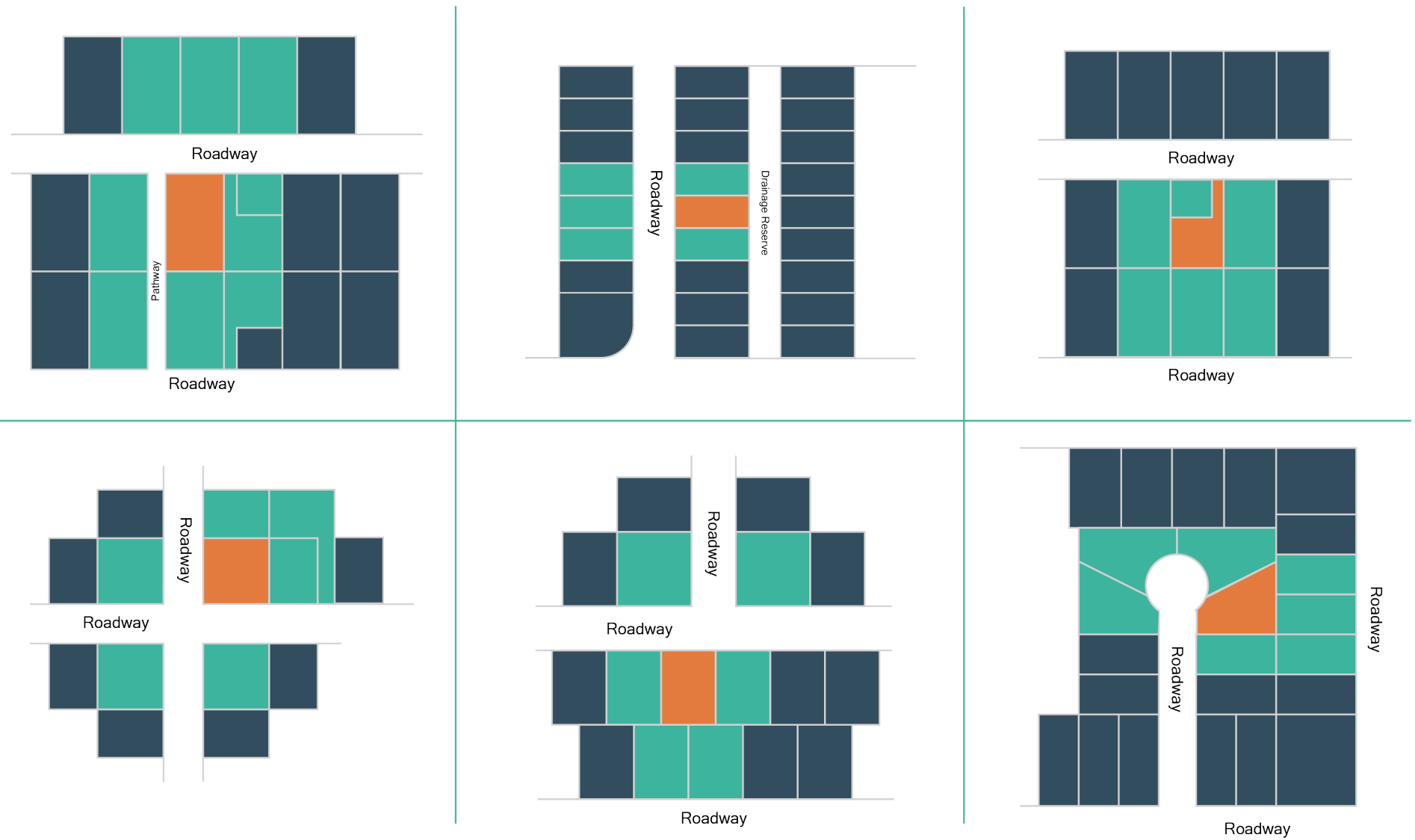
For the purposes of determining what is adjoining land with respect to Section 3.14.4.4 (A), where the development site or Heritage Item is located on a holding with multiple parcels, the whole of the property (i.e. same land ownership) will be considered adjoining.

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 3.14.11 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: 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.

⁸ s36(2) of the Interpretation Act 1987



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

Figure 2 - Notification of Development Application principles.

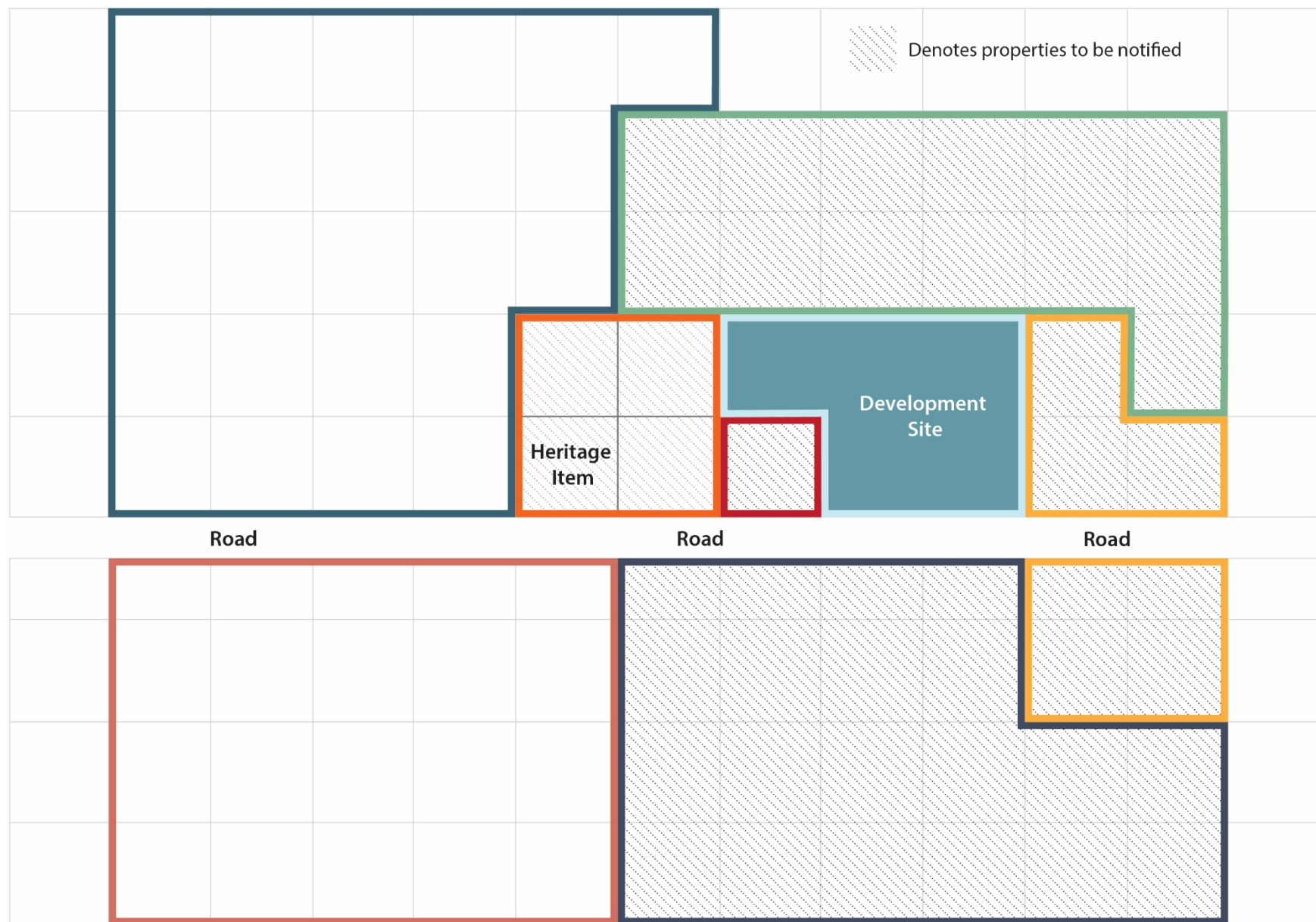


Figure 3 - Notification of Development Application principles adjacent to a Heritage Item.

3.11 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.

3.12 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.

3.13 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.

3.13.1 Development within the Village of Hill End

Development Applications received for land within the Heritage Conservation Area of the Village of Hill End will be notified to the Hill End and Tambaroora Progress Association and the Hill End National Parks and Wildlife Office in accordance with the relevant section of this Community Participation Plan.

3.13.2 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.

3.13.3 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 in the Bathurst Regional LEP as an Aboriginal Place of significance⁹;
- b) development that require an Aboriginal Cultural Heritage Assessment (ACHA)¹⁰;
- c) development that require an 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 and OEH, where appropriate.

⁹ Refer to Section 5.10(8) of the Bathurst Regional Local Environmental Plan 2014

¹⁰ As defined by NSW Office of Environment and Heritage in their Codes

3.14 Development Application types

3.14.1 Application for development consent (other than for complying development certificate, designated development or State significant development)

What is an application for development consent?

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. The Bathurst Regional Local Environmental Plan 2014 outlines those developments and land uses which require development consent before the development can take place.

3.14.2 What is Public Exhibition or Public Notification?

3.14.2.1 Public exhibition (Exhibited development)

Council will notify adjoining owners, by way of a notification letter, of a development proposal that is listed within Section 3.14.3 of this Community Participation Plan. Council may also send out notification letters to persons or organisations that are likely to have an interest in the proposed development. Council will also advertise the Development Application in the 'Council Notices' section of a local newspaper on Saturdays.

Public exhibition of an application will incur an additional advertising fee.

The minimum period for public exhibition (exhibited development) is 14 days.

3.14.2.2 Public notification (Notified development)

If an application is required to be notified under this Plan, Council will notify adjoining owners, by way of a notification letter, of a development

proposal that is listed within Section 3.14.4 of this Community Participation Plan. Council may also send out notification letters to persons or organisations that are likely to have an interest in the proposed development.

The minimum period for public notification (notified development) is 10 days.

3.14.3 Exhibited Development

3.14.3.1 What is Exhibited Development?

Development which is required by this clause to be placed on public exhibition upon receipt of an application is referred to as **Exhibited Development**.

- a) In respect of land within Zone **R1** - General Residential, Zone **R2** – Low Density Residential, Zone **R3** – Medium Density Residential or Zone **RU5** - Village, development for the purpose of:
 - i. Tourist and visitor accommodation (other than bed and breakfast or farm stay accommodation); or
 - ii. Correctional centres, or
 - iii. Home industries, or
 - iv. Making alterations or additions to a building the use of which is lawful only because it is an existing use, or
 - v. Registered clubs.
- b) In respect of land identified on **Map No. 34 – Central Business District** of the Bathurst Regional Development Control Plan 2014 and identified as a **landmark site** as defined by Clause 10.5.4 of the Bathurst Regional Development Control Plan 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.

c) In respect of **all land**, development for the purpose of a new or change of use to:

- i. Amusement centres, or
- ii. Attached dwellings, or
- iii. Boarding houses, or
- iv. Cellar door premises, or
- v. Home occupation (sex services), or
- vi. Hostels, or
- vii. Multi-dwelling housing, or
- viii. Pubs, or
- ix. Bottle shops, or
- x. Residential flat buildings, or
- xi. Restricted premises; or
- xii. Seniors housing, or
- xiii. Sex services premises, or
- xiv. Small bars
- xv. The demolition of a heritage item, or
- xvi. The demolition of a work, relic or place within a Heritage Conservation Area; or
- xvii. The use of a building or land referred to in **Clause 5.10 (10) – Heritage Conservation** or **Clause 7.5 - Conservation Incentives – Heritage Conservation Areas** of the LEP for a purpose that, but for those clauses, would have been prohibited under the LEP.

Development listed in xv) and xvi) 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 1: Where a development application includes elements which are both exhibited and non-exhibited, the whole of the application shall be exhibited development.

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.

3.14.4 Notified Development

3.14.4.1 What is Notified Development?

Development which is required to be notified upon receipt of an application is referred to as **Notified Development**.

Development, other than Exhibited Development, which is required to be notified to one or more adjoining land owners is referred to as Notified Development.

3.14.4.2 Development Applications that will be notified in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones

In the **R1** General Residential, **R2** Low Density Residential and **R3** Medium Density Residential zones, Council will give notice to owners of adjoining land of a Development Application for the following types of development:

- a) A dwelling house, dual occupancy, secondary dwelling or group home which contains a two storey component,
- b) Alterations and additions to an existing single storey dwelling, secondary dwelling or group home to create a second storey,
- c) Alterations and additions to the second storey of a dwelling, secondary dwelling or group home within 2 metres of the side or rear boundary,
- d) Shop top housing,
- e) Retaining walls greater than 1.2 metres in height and located within 1.2 metres of the side or rear boundary.
- f) Sheds and garages with a floor area greater than either:
 - i) 45 sqm in a Heritage Conservation Area, or
 - ii) 60 sqm in all other R1 or R2 zoned land, or
 - iii) 25 sqm in Zone R3.
- g) Transportable dwellings in the Bathurst or West Bathurst heritage conservation areas.
- h) Garages, sheds and carports forward of the established front or side building alignment for the development site.
- i) New infill dwellings which address a street frontage within the Bathurst and West Bathurst Heritage Conservation Areas.
- j) Places of public worship.
- k) Educational establishments
- l) Child care centres

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.

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

In the **R1** General Residential, **R2** Low Density Residential and **R3** Medium Density Residential zones, a development application for the following types of development will **NOT** be notified.

- Subdivision of land
- Single storey dwelling house, dual occupancy, secondary dwellings or group home
- Single storey additions to a dwelling house, dual occupancy, secondary dwelling or group home
- Swimming pools
- Ancillary structures including carports, garages/sheds (other than those noted in Section 3.14.4.2), outbuildings, rainwater tanks, fences and freestanding patios, pergolas, studios and the like.
- Retaining walls 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.

3.14.4.4 Other Notified Development in all zones

A) Notification in relation to development adjoining Heritage Items

Where development is proposed on land zoned **RU1** Primary Production, **RU2** Rural Landscape or **RU4** Primary Production Small Lots and adjoins a Heritage Item (excluding a moveable heritage item), as listed in Schedule 5 of the Bathurst Regional Local Environmental Plan 2014, Council will give notice to:

- i. owners of adjoining land (including both the owners of the Heritage Item and any other adjoining landowner) of any development, excluding development types listed in section 1.10 of this plan.

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 3.10 of this Plan defines adjoining land.

B) Notification based on Merit Assessment

A decision on whether a Development Application (other than for development of the kind referred to in Section 3.14.4.2 and 3.14.4.3) 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:

- i. the views to and the views from surrounding land,
- ii. overshadowing of adjoining land, or
- iii. the privacy of surrounding land, or

- iv. noise, light, odour, dust (or similar) transmission to the surrounding land, or
- v. the visual impact of the proposed development in relation to the streetscape, or
- vi. 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.

3.14.5 Application for development consent for nominated integrated development (not being threatened species or Class 1 aquaculture development)

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 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.

What is the minimum exhibition period?

28 days

Specific public notification requirements for nominated integrated development or threatened species development?

Clause 87 of the Environmental Planning and Assessment Regulations 2000 outlines how an application is to be publicly notified.

Clause 88 of the Environmental Planning and Assessment Regulations 2000 outlines who written notice is to be given.

Clause 89 of the Environmental Planning and Assessment Regulations 2000 outlines what information must be contained in the written notice and published notice.

3.14.6 Application for development consent for designated development

What is development consent for 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 2000 as being designated development, or
- a LEP or SEPP can declare certain types of development to be designated.

What is the minimum exhibition period?

28 days

Specific public notification requirements for designated development

Clause 77 of the Environmental Planning and Assessment Regulations 2000 outlines that notice is to be given to public authorities (other than relevant concurrence authorities or approval bodies) as, in the opinion of the consent authority, may have an interest in the determination of that development application.

Clause 78 of the Environmental Planning and Assessment Regulations 2000 outlines what information must be contained in the notice for designated development.

Clause 79 of the Environmental Planning and Assessment Regulations 2000 outlines what information must be contained in the exhibition notice on land for designated development.

Clause 80 of the Environmental Planning and Assessment Regulations 2000 outlines what information must be contained in the published notice for designated development.

Clause 81 of the Environmental Planning and Assessment Regulations 2000 outlines that all submissions must be forwarded to the Planning Secretary in response to the public exhibition period. The Planning Secretary may waive this requirement in certain circumstances¹¹.

¹¹ section 4.16 (10) (b) of the Act.

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

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 (the Act) 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.

What is the minimum exhibition period?

- i. *Modifications involving minor error, mis-description or miscalculation*

Applications will not be notified.

- ii. *Modifications involving minimal environmental impact.*

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.

- iii. *Other modifications, including applications which cause increased environmental impact*

14 days

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

- iv. *Modification by consent authorities of consents granted by the Court.*

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.

3.14.11 Re-exhibition of any amended application or matter referred to above required by or under this Schedule

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.

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.

What is the minimum re-exhibition or renotification period?

10 days

3.14.12 Review of determinations and decisions

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 allows the applicant to apply for a review of the determination made by the Council. The Act requires the review to be completed within 6 months from the date of determination of the development application.

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.

What is the minimum renotification period?

10 days



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:

- Social media posts
- Newspaper notices
- Letters to key stakeholders
- Ratepayers newsletter articles
- Letterbox flyer
- Council email banner
- Public displays in the civic centre, library, shopping centres or other community venue or event
- Council's website

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).

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 4.8. 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 in the Bathurst Regional LEP as an Aboriginal Place of significance¹²;
- 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.

¹² Refer to Section 5.10(8)

4.9 Strategic Plans and Strategies

4.9.1 draft Community Participation Plan

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.

What is the Community Engagement Goal?

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

What is the minimum exhibition period?

28 days



4.9.3 draft Local Strategic Planning Statement

What is a Local Strategic Planning Statement?

The Local Strategic Planning Statement will set 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 will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement will implement 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 the Council and community's plan.

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.

What is the minimum exhibition period?

28 days

4.9.4 draft Strategic Land Use Plans, Strategies and Studies

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.

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.

What is the minimum exhibition period?

28 days

4.9.5 draft Local Environmental Plan

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

What is the Community Engagement Goal?

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.

Amendment to the existing Local Environmental Plan

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

What is the minimum exhibition period?

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

4.9.6 draft Development Control Plan

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.

What is the Community Engagement Goal?

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.

Amendment to existing Development Control Plan or controls

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

What is the minimum exhibition period?

28 days

4.8.7 draft Developer and Infrastructure Contribution Plans

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.

What is the Community Engagement Goal?

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

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:

- Newspaper notices
- 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 discussion 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).

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 Agreements¹³

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.

What is the Community Engagement Goal?

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

What is the minimum exhibition period?

28 days

The EP&A Regulation requires that the notification of a draft planning agreement occurs at the same time as the planning proposal or development application, or if this is not practicable, as soon as possible thereafter.

¹³ Division 1A of the Environmental Planning and Assessment Regulation 2000

5.8.2 Amendment to Planning Agreements after public exhibition

Any material changes that are proposed to be made to a planning agreement after a public notice has been given should be subject to renotification if the changes would materially affect:

- How any of the matters specified in section 7.4 of the EP&A Act are dealt with by the planning agreement.
- Other key terms and conditions of the planning agreement.
- The planning authority's interests or the public interest under the planning agreement.
- Whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.

What is the Community Engagement Goal?

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

What is the minimum exhibition period?

28 days



KEPPEL ST

CATHOLIC CATHEDRAL
PARISH OF ST. MICHAEL & ST. JOHN
1111 KEPPEL ST. PERTH
SUNDAY 10.00 AM
MONDAY 7.00 AM
TUESDAY 7.00 AM
WEDNESDAY 7.00 AM
THURSDAY 7.00 AM
FRIDAY 7.00 AM
SATURDAY 7.00 AM

8-9 AM
2-4 PM
SCHOOL DAYS

40

6 Submissions

6.1 Submission Period

The submission period is the stated exhibition or notification period, calculated in accordance with Section 3.14, 4.9 or 5.8 of this Community Participation Plan.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 How Council deals with Submissions

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.

Anonymous submissions

Council will not consider anonymous submissions.

Comments on Social Media Platforms

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

Consideration of submissions

Development Applications

2. Discussion meetings

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 meeting involving the relevant parties and Council officers will be held to discuss the submissions.

The discussion meeting will generally be held within seven (7) days following the closing of the public exhibition or notification period.

Where 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.

3. Submission hearing

Where Council's Director, Environmental Planning and Building Services is of the opinion that the matters raised in a submission is unlikely to be resolved during a discussion meeting, the development application will be referred to a submission hearing with the Councillors.

The submissions hearing is held on the first Wednesday of each month (except January) as part of Council's Policy meeting. The submission hearing will provide an opportunity for all parties to be heard by the Councillors.

Following the submission hearing, the Development Application will be referred to the first available Council meeting for determination. Council officers, in their report to Council, will consider the issues raised in the submissions and at the submission hearing, in their assessment of the Development Application.

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

Council will hold a submission hearing in response to submissions received as part of the public exhibition or notification of the draft Plan or Strategy. Those who made submissions and the applicant (if relevant) will be invited to the hearing. The submission hearing will be held on the first Wednesday of each month (except January). Those who made a submission and the applicant (if relevant) will be notified of the proposed submission hearing date.

The issues raised in the submissions will be summarised and a summary of the draft Plan or Strategy will be contained in a report to the submission hearing.

Following the submission hearing, 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 applicant (if relevant) will be notified of the proposed Council meeting date.

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 meeting.

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.

Public Hearings

Council will hold a Public Hearing¹⁴ (as defined in the Local Government Act) 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.

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.

¹⁴ s29(2) of the Local Government Act 1993



