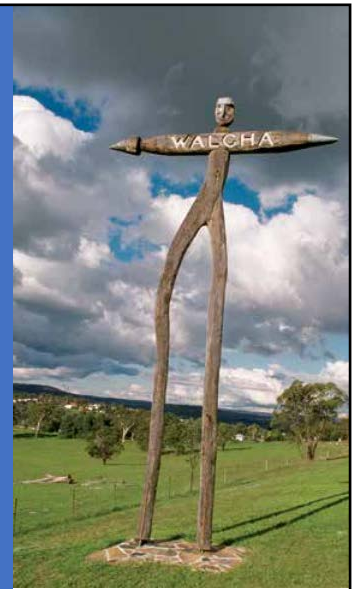




# WALCHA COMMUNITY PARTICIPATION PLAN





## **Acknowledgement**

Walcha Council acknowledges the traditional custodians of the land and pays respect to Elders past, present and future. This Plan acknowledges a strong belief amongst Aboriginal people that if we care for country, it will care for us. This is supported by the knowledge that the health of a people and their community is reliant on a strong physical and emotional connection to place.

Conserving Aboriginal heritage and respecting the Aboriginal community's right to determine how it is identified and managed will preserve some of the world's longest standing spiritual, historical, social and educational values.

The sculptures depicted on the cover page form part of the Walcha Open Air Gallery and include: "True Born Native Man", "The Cocktail Lounge", Walcha Fitzderby Chambers, "The Family" and "Rainbow Serpent".

*This plan was placed on public exhibition from 15 January 2020 until 13 February 2020. There were no written submissions received by Council, therefore as per Resolution 104/2019 at the Ordinary Meeting of Council on 18 December 2019 this plan is formally adopted on 14 February 2020.*



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# 1. PURPOSE AND PRINCIPLES

## 1.1 What is a Community Participation Plan?

Walcha Council recognises community participation throughout our planning system delivers improved planning results for our community. Our responsibility and objectives under the Environmental Planning and Assessment Act 1979 (EP&A Act) is to ensure the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

The NSW Government requires Council to prepare a Community Participation Plan to set out how and when we will engage with our community on the planning functions Council performs under the EP&A Act.

This plan sets out how and when Council will engage with the community when undertaking its town planning functions, and applies to the entire Walcha Local Government Area (LGA). The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, bodies representing a range of interests, businesses, local government and State and Commonwealth government agencies

An effective community consultation program does not necessarily mean that all interested parties will be satisfied with an outcome. Rather, effective community consultation is about ensuring that a proposal has been fully explored and that community concerns are identified and considered.

## 1.2 How does it fit in our Integrated Planning Framework?

Council's first edition of the Community Participation Plan will be exhibited as an individual document. Moving forward, it will be incorporated into Council's Community Strategic Plan. This will take place during the next update of the Community Strategic Plan. This approach will make for a more streamlined approach to updating and linking these documents.

## 1.3 What does the Community Participation Plan apply to?

Council's planning functions are divided into two key areas of **strategic planning** and **development assessment**.

Strategic planning is an essential aspect of Council's work where we set the strategic direction, vision and context for the planning system in the Walcha Local Government Area. Once the strategic direction has been established, Council makes planning decisions on a range of Development Applications. Development Applications assessed by Council include but are not limited to residential dwellings, unit development, subdivisions, commercial and industrial development, quarries, agricultural developments and infrastructure upgrades.

This Community Participation Plan applies to the planning functions shown in Table 1.

**Table 1: Planning Functions**

STRATEGIC PLANNING	DEVELOPMENT ASSESSMENT
Community Participation Plans	Development Applications (other than Complying Development Certificates)
Local Strategic Planning Statement	
Local Environmental Plans	Applications for modification of development consents
Development Control Plans	Environmental Impact Statements under Division 5.1 of the EP&A Act 1979
Contribution Plans	



Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation or consultation. This Plan does not relate to applications that fall within either of the following development categories:

1. Development which is exempt development under the provisions of the Walcha Local Environmental Plan 2012 or any applicable State Environmental Planning Policy; or
2. Development which is complying development or development permitted without consent (Part 5) under the provisions of any applicable State Environmental Planning Policy.

#### 1.4 What are the principles of community participation?

Walcha Council recognises community participation within the planning system is not only the community's right, but it also helps to deliver better planning results for people in the Walcha LGA.

Community participation is an overarching term covering how we engage the community in our town planning work under the EP&A Act 1979, including legislative reform, plan making and decision making on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

The EP&A Act 1979 guides Council to ensure that it will be clear and easier for the Walcha community to understand how it can participate in town planning decisions. Section 2.23 of the EP&A Act 1979 outlines the principles that underpin the Walcha Community Participation Plan. These principles are outlined below.

- a) The community has a right to be informed about planning matters that affect it;
- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning;
- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning;
- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered;
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community;
- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made;
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account); and
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.



## 2. EXHIBITION REQUIREMENTS

### 2.1 Minimum Exhibition Requirements

The opportunity for community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

A regular and valuable way for the communities of the Walcha LGA to participate in the planning system is by making a “written submission” on a proposal during an “exhibition period” for both “strategic planning” and “development assessment” projects.

The types of proposals that must be publicly exhibited and the minimum timeframes for exhibition are set out below in Table 2 (Exhibition Timeframes for Planning Functions). These are mandatory and the same as under Section 2.21(2) and Schedule 1 of the EP&A Act 1979 respectively. Council will always exhibit a proposal for this minimum timeframe and may consider an extended timeframe for exhibition based on the scale and nature of a proposal.

Key points to note about public exhibitions include the following:

- a) Timeframes are in calendar days and include weekends;
- b) If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day;
- c) The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition;
- d) “Written notices” in regard to either a strategic planning matter or a development assessment matter are sent to the property owner at their nominated postal address, not a tenant or occupant. It is then at the discretion of a property owner to disclose any written notice to the property tenant or occupant;
- e) If a property is owned by more than one person, a written notice to one (1) owner is taken to be a written notice to all the owners of that land; and
- f) A public authority is not required to make available for public inspection any part of an Environmental Impact Statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

### 2.2 Mandatory Exhibition

The purpose of exhibition is to communicate strategic planning documents to all relevant stakeholders. Stakeholders can include:

- a) Business Owners;
- b) Chamber of Commerce;
- c) Committees of Council;
- d) Developers;
- e) Government Agencies and Members of Parliament;
- f) Landowners;
- g) Local Aboriginal Land Councils;
- h) Other Councils;
- i) Sporting Groups; and
- j) Village Associations.

The mandatory minimum exhibition time is dependant upon the specific project and document type. Mandatory Exhibition requirements are set out in Table 2.



**Table 2: Exhibition timeframes for planning functions**

Ref	Project Type	Planning Matter	Minimum Exhibition Timeframe
1	Strategic Planning	Draft Community Participation Plan	<b>28 days</b>
2	Strategic Planning	Draft Local Strategic Planning Statements	<b>28 days</b>
3	Strategic Planning	Planning Proposals for Local Environmental Plans subject to a gateway determination	<b>28 days; or</b> as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.
4	Strategic Planning	Draft Development Control Plans	<b>28 days</b>
5	Strategic Planning	Draft Contribution Plans	<b>28 days</b>
6	Development Application	Application for development consent (other than for complying development certificate, for designated development or for State significant development)	<b>14 days; or</b> in accordance with Sections 2.3.3 and 2.2.4 below.
7	Development Application	Application for development consent for designated development	<b>28 days; and</b> in accordance with the EP&A Regulations
8	Development Application	Application for development consent for nominated integrated development	
9	Development Application	Application for development consent for threatened species development	
10	Development Application	Application for development consent for State significant development	
11	Development Application	Environmental Impact Statement under Division 5.1	
12	Development Application	Environmental Impact Statement for State significant infrastructure under Division 5.2	

## 2.3 Exhibition Methods

### 2.3.1 Strategic Planning Documents

The following methods of public exhibition will be used to inform the community for the strategic planning functions of Council:

- a) Council Notices within local publications (Apsley Advocate and Walcha News);
- b) Council's website;
- c) Council's social media; and
- d) Static display at Council's Administration Office and other locations (as applicable).

Depending on the specific strategic planning matters being considered, Council may also undertake one or more of the following public exhibition methods:

- e) Targeted stakeholder consultations/meetings;
- f) On-line surveys;
- g) One-on-one engagement with Council staff;
- h) Open days/drop in sessions;



- i) Letters to stakeholders;
- j) Notices within other regional newspaper/s; and
- k) Notices on the land.

### 2.3.2 Development Application Documents

A written notice of a Development Application will be sent to the persons who appear to the Council to own or occupy adjoining land within 20 metres of the development land boundary or impacted land if, in the Council's opinion, the enjoyment of the land may be detrimentally affected by the development proposal. Upon lodgement of an Application, Council will assess who may be detrimentally affected in terms of the matters to be considered.

All written notices will be issued in accordance with the requirements listed Appendix A. The following issues will be considered in the assessment and determination of a development:

- a) Views to from the land;
- b) Overshadowing;
- c) Privacy and amenity;
- d) Noise, odour, dust, light spill or other polluting emissions;
- e) Proposed hours of use for the development;
- f) The scale or bulk of the proposed development; and
- g) The positioning of the development in relation to site boundaries.

The notification period and public exhibition period will be for a minimum of fourteen (14) days. Council may broaden the extent of notification following any inspection of the development site, or increase the length of notification.

If Council considers that a development proposal has the potential to have a wider impact than nearby property owners or have a special community interest, Council may decide to advertise the application in the local print media (i.e. newspapers). A person may inspect a plan and make a submission within the advertising period which will be a minimum of 14 days.

Where in the opinion of Council, the development (including modification) is of a minor or inconsequential nature with minimal environmental impact, notification/public exhibition of a Development Application may not be required.

The EP&A Act and other State Environmental Planning Policies may specify circumstances where certain applications require advertisement. In certain circumstances, Council may choose to advertise a development not listed above if it is considered necessary on the basis that it is in the public interest.

Certain Development Applications will require notification or referral to other government authorities. Notice will also be given to any adjoining Councils, if the proposed development is located in proximity to the LGA boundaries.

The applicant will pay the Council a fee in accordance with Council's adopted Schedule of Fees and Charges to cover the cost of advertising and notification of an application.

### 2.3.3 Amendments prior to determination

An applicant may make amendments to an application at any time before its determination, subject to Council's acceptance of those amendments. If re-notification is required, then further sets of plans for this purpose must be provided by the applicant. In these circumstances, Council will re-notify:

- a) Those persons who made submissions on the original application; and
- b) Any persons who own adjoining or neighbouring land (including those persons who were previously notified of the application) who may in Council's opinion potentially be detrimentally affected by the proposal as amended.





### 2.3.4 Amendments after determination

An applicant may lodge an application to modify an approval under Section 4.55 of the EP&A Act) if Council is satisfied that the proposal remains substantially the same development as that originally approved. Council will re-notify persons who made a submission to the original application and any persons who own adjoining or neighbouring land only where, in Council's opinion, those persons could be detrimentally affected by the proposal as amended. A person may inspect a plan and make a submission within the (minimum) 14 day notification period.

Submissions received in relation to the modified proposal will be considered in Council's assessment of the application.

## 3. COUNCIL AND COMMUNITY INTERACTION

### 3.1 How does the community get involved?

Any person is entitled to make a written submission which may either object to or support a planning matter within the public exhibition, notification or advertising period. Submissions must be received by Council by close of business on the day on which the period for submissions close.

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates. If the submission includes any objections, the reasons for the objection must be provided. All submissions are to be accompanied by a form declaring any donations or gifts to an elected member of Council or a Council staff member (as set out in the form available for such declarations available from Council or Council's website).

All written submissions received during the public exhibition, notification or advertising period will be acknowledged in writing as soon as practicable by Council.

Petitions submitted will be required to identify a single contact person. If this is not provided, Council will provide one written response to the first signatory of a petition.

Anonymous submissions will not be considered by Council.

### 3.2 How does Council consider community input?

Council staff will consider all submissions received within the specified time period before determining under delegated authority or reporting a Development Application to the full Council. In making a determination the content of a submission must be balanced with Council's statutory obligations. Submissions form a part of the assessment process of a development application.

Council's consideration of a submission is restricted to planning matters. Non relevant planning issues such as civil disputes between neighbours and private rights cannot be considered.

An opportunity also exists for individuals in the community to participate in the public forum prior to a Committee or Council meeting. Any persons wishing to exercise this opportunity will need to make an application to Council in the approved form and the application must be received five business days before the date on which the public forum is to be held. Council will provide prior notice to a submission maker of a planning matter being considered at an upcoming Committee or Council meeting.

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

### 3.3 Privacy

Submissions received on a Development Application are prescribed as open access information under the *Government Information (Public Access) Act 2009*. Any person (including the applicant) may obtain copies of



written submissions unless the author of the submission can show good reason as to why the details should be kept confidential. If this is the case, this must be addressed in the written submission.

Submissions may be used to assist in negotiations with the applicant of the proposal or be included in Council business papers. The applicant will be advised of the terms of any objection on request, and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from any previous objector/s.

Where a submission is provided to another party, Council will have consideration for the guidelines published for *the Government Information (Public Access) Act 2009*.

## 4. CONTACT US

There are many ways for the community to provide feedback to Council or raise questions outside of formal public exhibition. Council will always consider and respond to the views and concerns of the community. Table 3 shows the various ways to make contact with Council.

**Table 3: Council contact details**

COUNCIL CONTACT DETAILS	
In Person	2W Hamilton Street, Walcha NSW 2354
By Email	<a href="mailto:council@walcha.nsw.gov.au">council@walcha.nsw.gov.au</a>
By Phone	02 6774 2500
Post	PO Box 2, Walcha NSW 2354
Fax	02 6777 1181
Facebook	<a href="https://www.facebook.com/Walcha-Council-131993717208783">www.facebook.com/Walcha-Council-131993717208783</a>
Linked IN	<a href="https://au.linkedin.com/company/walcha-council">https://au.linkedin.com/company/walcha-council</a>
Local Councillors	For details see our website <a href="http://www.walcha.nsw.gov.au">www.walcha.nsw.gov.au</a>



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## 5. APPENICES

### 5.1 Appendix A – Notification Matrix



**N = Neighbour notification**

**A = Advertising**

**O = Permitted without consent<sup>1</sup>**

**Table 4 Notification Matrix**

	<b>ZONING – WALCHA LOCAL ENVIRONMENTAL PLAN 2012</b>														
<b>LAND USE</b>	<b>RU1</b>	<b>RU4</b>	<b>RU5</b>	<b>R1</b>	<b>R5</b>	<b>B2</b>	<b>B4</b>		<b>IN1</b>	<b>SP1</b>	<b>RE1</b>	<b>SP2</b>	<b>E2</b>	<b>E4</b>	
Agricultural produce industry >\$1.0mill	N	A N	A N						A N						
Airstrip	O	A N													
Amusement centre			N A			N	N								
Animal boarding or training establishment	N								N						
Backpackers accommodation	N	N	N			N	N							N	
Brothel (sex services premises)							N A		N A						
Bulky goods premises						N A	N A								
Camping grounds	N		N								N				
Caravan park			N A	N A		N A					N A				
Cellar door premises	N	N	N		N	N	N							N	
Cemetery	N		N										N		

<sup>1</sup> Note that the CCP does not apply to development permitted without consent.



**ZONING – WALCHA LOCAL ENVIRONMENTAL PLAN 2012**

LAND USE	RU1	RU4	RU5	R1	R5	B2	B4		IN1	SP1	RE1	SP2	E2	E4	
Child care centre			N	N	N	N								N	
Community facility	N		N	N	N	N	N		N		N	N	N	N	N
Correctional centre	N A	N A					N A								
Crematorium	N A	N A	N A		N A										
Depot	N	N	N		N				N						
Dwelling				N	N	N	N								
Eco-tourist facilities	N A	N A	N A										N A	N A	
Entertainment facility			N A			N	N				N			N	
Extractive industry	N	N A													
Forestry	O	O													
Function centre	N A	N A	N A			N A	N A								
Funeral home	N A	N A	N A		N A	N	N								
Hazardous industry	N A								N A	N A					
Helipad	O		N		N				N						
Home business				N		N	N								
Hotel or motel accommodation			N	N		N	N								



**ZONING – WALCHA LOCAL ENVIRONMENTAL PLAN 2012**

LAND USE	RU1	RU4	RU5	R1	R5	B2	B4		IN1	SP1	RE1	SP2	E2	E4	
Information or education facility	N	N	N	N	N	N	N				N		N	N	N
Intensive livestock agriculture (feedlot/dairy(restricted))	N A														
Livestock processing industry	N A								N A						
Mortuary	N	N	N		N	N	N		N						
Multi dwelling housing			N	N	N		N								
Neighbourhood shop			N	N	N	N	N		N	N				N	
Passenger transport facility			N A			N	N				N				
Place of public worship	N	N	N	N	N	N	N								
Pubs		N A	N A			N A	N A								
Recreation areas	N	N	N			N	N				N		N	N	
Recreation facility (indoor)			N	N		N	N		N		N				
Recreation facility (major)											N				
Recreation facility (outdoor)	N	N	N		N						N				
Registered club			N A			N	N								
Residential flat building			N	N		N	N								
Restaurants or cafes	N	N	N			N	N								
Restricted premises						N A	N A		N A						



**ZONING – WALCHA LOCAL ENVIRONMENTAL PLAN 2012**

LAND USE	RU1	RU4	RU5	R1	R5	B2	B4		IN1	SP1	RE1	SP2	E2	E4	
Secondary dwellings			N	N			N								
Seniors housing			N	N			N		N					N	
Serviced apartments (Airbnb)			N	N		N	N								
Service station	N	N	N		N A	N	N		N						
Shed greater 4.8 in height			N	N	N	N	N						N	N	
Take-away food and drink premises			N			N	N		N						
Vehicle repair station			N			N	N		N						
Veterinary hospitals	N	N	N A		N	N	N		N						
Windfarm	N A	N A													N A



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