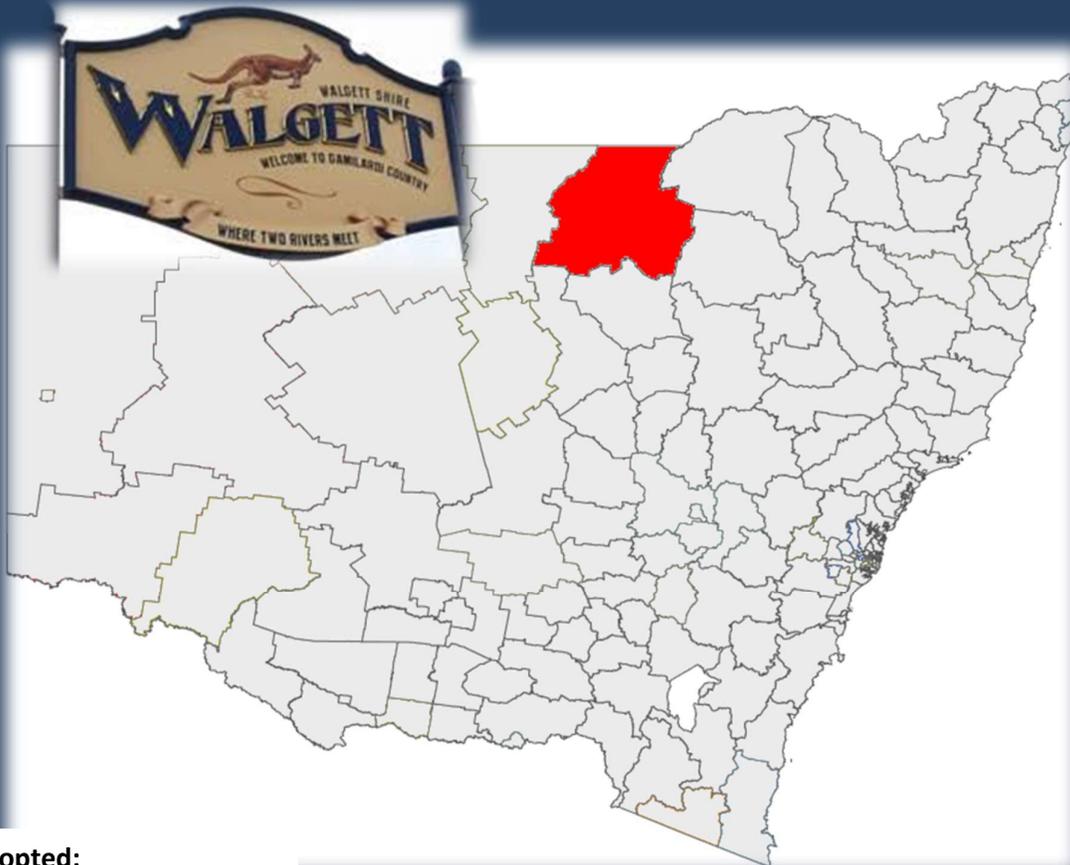




# WALGETT SHIRE

## Community Participation Plan 2023



Adopted:

Minute No.:

## **Acknowledgement**

Walgett 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.

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## 1. INTRODUCTION

### 1.1 What is a Community Participation Plan?

The Walgett Shire Community Participation Plan sets out how and when Council will engage with the community when undertaking its town planning functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). It applies to the entire Walgett Local Government Area.

The Walgett Shire Community Participation Plan has been prepared in accordance with Section 2.6 and Schedule 1 of the EP&A Act 1979.

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, considered and addressed.



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

Moving forward, the plan will be incorporated into Council's Community Strategic Plan. This will take place during the next update of the Community Strategic Plan.

### 1.3 What planning functions does our Community Participation Plan apply to?

NSW Environment and Planning legislation defines the structure of Council's planning functions, these functions are generally divided into two key areas of strategic planning and development assessment.



**Strategic planning** is an essential aspect of Council's work where the strategic direction, vision and context for the planning system in the Walgett Local Government Area (LGA) are set. For example, defining future areas for subdivision to expand the availability of residential, commercial or industrial land.

**Development Assessment** - Council is required to assess and make planning decisions on a range of Development Applications lodged by the public. 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 the following table.

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	

Table 1: Planning Functions

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 the following development categories:

1. State Government and regional planning panels can issue approvals for state and regionally significant projects without reference to Council.
2. Development which is **exempt development as defined** under the provisions of a State Environmental Planning Policy or the *Walgett Local Environmental Plan 2013*; or
3. Development which is **complying development** or **development permitted without consent** (Part 5) under the provisions of any applicable State Environmental Planning Policy or *Walgett Local Environmental Plan 2013*.
4. Approvals issued by Private Certifiers (legally) are not subject to this policy.

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

Walgett Council recognises community participation within the planning system is not only the community's right, but it can help to deliver better planning results for the people of the Walgett Local Government Area.

Community participation is an overarching term covering how Council and the community engage in the town planning functions of strategic planning and development assessment. The length and extent of community participation will vary depending on community interest, the scope of the proposal under consideration and the

potential impact of the decision.

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

The NSW Environmental Planning and Assessment Act 1979 (Section 2.22) outlines the principles that underpin the 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.



## 1.5 What are the values and behaviours we can all expect?

All community members, stakeholders and staff have the right to participate in a respectful environment and behave in a manner that supports everyone's right to present their point of their view.

It is expected that people will have different views about development, and that certain types of development proposals in specific locations can give rise to debate. This debate is accepted as a part of the planning process, we ask that you:

- bring an open mind and willingness to listen to other people's viewpoints
- respect all participants
- be polite and courteous
- talk to the issue not the person
- take time to find common ground
- think about ideas and solutions which meet all participants needs.

## 2. EXHIBITION REQUIREMENTS

### 2.1 Minimum Exhibition Requirements

The length of time and extent of information available for community participation will vary depending on the level of community interest, the scope of the proposal under consideration and the potential impact of the decision.

A common and valuable way for the communities of the Walgett Shire 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 the Table 2 (Exhibition Timeframes for Planning Functions). These are mandatory provisions and apply in the same manner as provided under the NSW Environmental Planning and Assessment Act 1979. 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, Council 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 valid reason.

### 2.2 Mandatory Exhibition

The purpose of exhibition is to communicate relevant information and documentation 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 dependent upon the specific project and document type. Mandatory Exhibition requirements are set out in Table 2.

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

Table 2: Exhibition Timeframes for Planning Functions

## 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 (The Spectator, Border News and Moree Champion);
- b) Council's website;

- c) Council's Newsletter and Weekly Bulletin;
- d) Council's social media; and
- e) 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:

- a) Targeted stakeholder consultations/meetings;
- b) On-line surveys;
- c) One-on-one engagement with Council staff;
- d) Open days/drop in sessions;
- e) Letters to stakeholders;
- f) Notices within other regional newspaper/s; and
- g) Notices on the land.

### 2.3.2 Development Application Documents

Upon lodgement of an Application, Council will assess who may be detrimentally affected in terms of the matters to be considered.

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 apart from the exceptions listed below, all other development applications that involve:

- a) alteration to the external configuration of a building,
- b) the erection of a new building,
- c) or variation to an adopted building line

The kinds of development that will not automatically be notified comprise:

- a) Single storey dwelling house;
- b) Manufactured home;
- c) Single storey additions to a house;
- d) Minor dwelling additions such as: open car port, pergola, fence, veranda;
- e) Private swimming pool;
- f) Detached garage or shed associated with a dwelling;
- g) Any building on land within RU1 Primary Production, RU3 Forestry zone;
- h) Subdivision creating less than 5 lots;
- i) Commercial or industrial development within a business or industrial zone.
- j) Additions to public buildings.

A written notice to adjoining landowners shall contain the following minimum information:

- k) Real property description and address of the land;
- l) Applicant's name;
- m) Description of the proposal for which consent is sought;
- n) The period in which submissions must be made.

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
- g) The positioning of the development in relation to site boundaries.
- h) Notification shall be undertaken in accordance with Table 3.



The notification period/public exhibition will be 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.

The period of notification may be extended if it is considered that:

- a) a development proposal has the potential to have a wider impact than nearby property owners or have a special community interest,
- b) following inspection of the site, and
- c) consideration of such factors as the character of the existing development, slope of the site and local amenity,

### 2.3.3 Advertising of Development Applications

Council may decide that notification should occur, and/or may decide to advertise the application in the local print media (i.e. newspapers) which may incur a fee.

The following kinds of development will be advertised:

- a) Demolition of a building identified as a heritage item in Schedule 5 to the *Walgett Local Environmental Plan 2013*;
- b) Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the *Walgett Local Environmental Plan 2013*;
- c) Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000, or likely to be of significant community interest;
- d) Non-residential uses in or adjacent to the R1 General Residential, R5 Large Lot Residential, and RU5 Village Land use Zones;
- e) Subdivisions creating 20 or more allotments;
- f) Within the R1 General Residential, R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks;
- g) Any development identified by Senior Council staff that should be advertised in the public interest.

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

These developments will be advertised by:

- a) Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice;
- b) Written notice of the proposal to be given to all adjoining landowners;
- c) Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).



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.

The applicant shall 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.

#### 2.3.4 Referral to Other Government Authorities

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

- a) Moree Plains Shire Council
- b) Narrabri Shire Council
- c) Coonamble Shire Council
- d) Brewarrina Shire Council
- e) Warren Shire Council

#### 2.3.5 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.

Note: If re-notification is required, further sets of plans for this purpose must be provided by the applicant.

### 2.3.6 Amendments after Determination

An applicant may lodge an application to modify an approval (under Section 4.55 of the EP&A Act 1979) if Council is satisfied that the development, as proposed to be modified, 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.

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

### 3.1.1 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 in writing and 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. Should an objection be part of the submission, the reasons for the objection are to 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. Should this not be provided, Council will

provide one written response to the first signatory of a petition.

Anonymous submissions may not be considered by Council.

### 3.1.2 How does Council consider community input?

All submissions received within the specified time period will be considered as part of the assessment process before the matter is determined either under delegated authority or by reporting formally to a full meeting of the Council. In making a decision Council must balance the content of a submission with the statutory legal obligations provided under NSW Legislation.

Council's assessment of a submission is restricted by legislation to a consideration of relevant planning matters. Non relevant planning issues for example; civil disputes between neighbours and private rights cannot legally be considered.

An opportunity also exists for individuals in the community to participate in the Public Forum prior to or during a Committee or Council meeting.

Any persons wishing to exercise this opportunity will need to complete a 'Request to Address Council in Public Forum' form no later than two days prior to the meeting day. The submission maker must identify whether they wish to speak 'for' or 'against' the item. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two (2) days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.



Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.

The General Manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate will give reasons in writing for a decision to refuse presentation of an oral submission.

Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.



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.

### 3.1.3 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.

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

Walgett Shire Council recognises community participation within the planning system is not only the community's right, but it also helps deliver better planning results for the people of the Walgett Shire.

The Walgett Shire Community Participation Plan provides a guide to how and when Council will engage with the community to encourage effective consultation and engagement when undertaking its town planning functions.

The Walgett Shire Community Participation Plan has been prepared to meet the regulatory requirements contained in Schedule 1 to the EP&A Act as well as Division 2.6 of the EP&A Act and applies to the entire Walgett Local Government Area.



## CONTACT COUNCIL

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



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## 5. FREQUENTLY ASKED QUESTIONS

### **Can I get an extension to the exhibition period?**

Requests for extensions may be considered based on the circumstances of the request.

### **What happens if I lodge my submission late?**

Late submissions may be considered if received before the public submissions assessment report is finalised. Submissions should be received by Council during the stated exhibition period to ensure they are considered.

### **What happens if the exhibition period is due to close on a weekend or public holiday?**

Council may extend the exhibition period to finish on the first available workday.

### **What happens if the exhibition period includes a public holiday?**

Council may extend the exhibition period.

### **Are the timeframes in this Plan business or calendar days?**

The timeframes are in calendar days and include weekends. What happens over the Christmas holidays? The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

### **I don't have access to a computer, who should I call?**

You can view these documents on Council's information kiosk computers at the Walgett and Lightning Ridge office or Library. You may lodge a written submission.

### **Why does Council sometimes redact information from documents on exhibition?**

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

### ***Council contacts***

- In person: 77 Fox Street, Walgett 2832
- Phone: 02 6828 6100
- E-mail: [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)
- Post: PO Box 31, Walgett NSW 2832
- Facebook [www.facebook.com/wagettshire/](http://www.facebook.com/wagettshire/)

*or contact your local Councillor*

