

In presenting this plan to the community, Gunnedah Shire Council would like to acknowledge the Kamilaroi Aboriginal Nation as the traditional custodians of the land on which we live and work, and in doing so, Council pays its respect to all Elders past and present as well as to the young Indigenous leaders of tomorrow.



Message from the Mayor

Gunnedah Shire Council is proud to present the Community Participation Plan, a document that will inform our community on planning matters that affect it, and ensure that citizens have an opportunity to be involved in decisions that have the potential to impact their way of life.

We acknowledge that engaging our community in open, meaningful, timely and relevant ways delivers better outcomes for the Shire and helps us to build a bright and sustainable future together. The Plan articulates how, when and to what level, Council will engage the community when exercising relevant planning functions of the Environmental Planning and Assessment Act 1979 and associated regulations.

As our beautiful Shire continues to grow and prosper, and as we continue to attract new businesses, investment and families to the region, Council is deeply committed to ensuring our community remains an integral part of that journey.



Open to Community Engagement

Council is open to engaging with our community about planning decisions in the Gunnedah Shire. This plan explains the different ways Council will engage with our community on these important types of decisions including when Council will do so. It is known as our Community Participation Plan and has been prepared in accordance with the requirements of the NSW Environmental Planning & Assessment Act 1979 (the Act).

So that you can effectively be involved in Council's planning decisions (such as approving a development application or rezoning land), this plan is supported by a series of fact sheets. The fact sheets are included at the end of this plan. For more information on the technical planning terms used in this plan and the NSW planning system, you can read the fact sheets at the end of this plan.

Our engagement approach

Community participation is about having an open discussion with our residents and businesses about planning issues in the Gunnedah Shire. This includes approaching issues with an open mind about the outcomes. It does not necessarily mean achieving consensus on every issue. However, it does involve seeking broad informed agreement and the best possible solution for Council and our community whenever possible.

Community participation also means reaching a broad and diverse range of people in our consultation activities to ensure Council's decisions are representative of the needs and aspirations of our whole community. This includes working with the Traditional Custodians when considering planning matters.

Our approach is supported by the eight community participation principles from the Act and best practice from the International Association of Public Participation (IAP2). Council uses the IAP2 spectrum of engagement to decide how and when to involve our community in planning decisions. This spectrum is shown on page 6. This plan is focused on planning decisions of Council. When engaging with our community about other types of decisions, Council will talk and listen to our community in the ways set out in our Community Engagement Policy.

The community has a right to be informed about planning matters that affect it.

2

Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

Council will provide easily accessible planning information in plain language.

The community will be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Principles of Community Participation

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.

Council will make planning decisions in an open and transparent way and provide reasons for those decisions.

6

participation methods (and reasons for planning decisions) will be appropriate as per the

Community inclusive and Council that are representative of the community.

Our spectrum of engagement

Council uses the IAP2 spectrum of engagement to decide on the nature of the engagement method and purpose. The level of community engagement undertaken relates directly to the level of community involvement required. Council will consider the complexity of the issue and impact on the community.

INFORM To provide the community with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and solutions. INVOLVE To obtain public feedback on analysis, alternatives and/or decisions. To work directly with the community throughout the process to ensure that public concerns and aspirations are consistently understood and considered. COLLABORATE To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. To include the public in decision making.

The plan only covers planning functions and decisions of Council. In the planning system, Council does not make all the planning decisions which may affect you. For example, exempt development, complying development or State significant development, legislation and policies.





Open to listening

Council is open to listening to our community's views about development and planning in the Gunnedah Shire. We believe genuine and meaningful community participation brings important benefits to us and our community. It helps inform Council's decision making, establishes strong partnerships, creates accountability and equity and builds trust in the outcomes.

You can be involved in planning decisions in many ways along the phases of the planning process. The specific ways Council engages with our community about strategic planning, development assessment and other planning decisions are set out on the following pages.

The Strategic Planning Process

Council creates important plans and policies which determine how land is used in the area and what kind of development can happen on a site. Some of these plans are made under the Act and are known as statutory strategic plans. For example, the Gunnedah Local Environmental Plan 2012 (LEP) or Development Control Plan 2012 (DCP).

Others are non statutory plans which set the long-term framework for development in the Gunnedah Shire. Others may guide the development of specific areas such as villages or town centres. For example, Rural Land Strategy, Koala Strategy, Commercial and Industrial Land Use Strategy.

Council considers these plans when assessing specific development proposals. If a development complies with these plans, Council is likely to look favourably on the application.

When Council creates a new strategic plan or makes a change to an existing one, it will typically place the draft document on exhibition for feedback. Council then balances a wide range of factors to decide whether to formally adopt the plan.

EXHIBITION PERIOD	TYPE OF STRATEGIC PLAN
28 DAYS	Draft Community Participation Plan
28 DAYS	Draft Local Strategic Planning Statement
28 DAYS*	Local Environmental Plan or Planning Proposal to amend the Gunnedah Local Environmental Plan 2012 subject to gateway determination (which is issued by the NSW Government)
28 DAYS	Draft Development Control Plans
28 DAYS	Draft Contributions Plans

 $^{^*}$ If a different timeframe or no exhibition is specified in the gateway determination issued by the NSW Government, then that period.



Strategic Planning: Community Participation

When engaging with our community about strategic planning matters, Council will tailor the approach and method having regard to the scale and the nature of the plan and its impact on the community. Where the Act or other legislation prescribes a specific engagement or notification method, Council will (as a minimum) follow that process.

COMMUNITY ENGAGEMENT: HOW

Where Council has a discretion to carry out community engagement (i.e. it is not mandated by legislation), Council's method of engagement will be influenced by feasibility, time considerations and the degree of perceived direct impact on the community.

A key technique Council uses to encourage community participation on strategic matters is formal exhibition of the draft plan, planning policy or document. This is usually made available on Council's website and Council offices for inspection. Other engagement techniques used by Council include the examples listed on this page.

COMMUNITY ENGAGEMENT: WHEN

The Act sets out mandatory minimum timeframes that Council must follow when exhibiting certain strategic plans. Where this is the case, Council will exhibit a draft plan for the minimum timeframes set out on the next page.

For other strategic plans, Council will decide the exhibition timeframes on a case by case basis having regard to our Community Engagement Policy. Generally, the minimum exhibition period will be 28 days. Additional days may be added for periods of school holidays and/or public holidays.



The NSW Government also undertakes strategic planning that applies to the Gunnedah area. For example, the New England North West Regional Plan 2036 sets the regional priorities. The NSW Government also creates State Environmental Planning Policies and can change local environmental plans.

The Development Assessment Process

Development assessment is the process where Council considers a specific proposal for development and decides whether or not it should be approved having regard to the criteria in the Act. This is called a merit-based assessment. As part of this assessment, Council will consider the strategic planning framework applying to the site and surrounding area. For example, the zoning in Gunnedah Local Environmental Plan 2012 and the development controls in the Gunnedah Development Control Plan 2012. Council also considers the views of the community including any submissions made during the exhibition period.

When Council makes a decision to approve a development application, this is known as granting development consent under Part 4 of the Act. Council may also refuse or reject a development application under this same part of the Act.

For most development applications, Council staff make the decision under delegated authority. However, sometimes the decision is made by the elected Council where staff delegations are exceeded or there is significant community interest. For regionally significant development, the Joint Regional Planning Panel (JRPP) makes the decision. Matters considered by the JRPP are set by the legislation. Once the decision is made, Council issues a 'notice of determination' to the applicant which sets out whether the development is approved or refused. If approved, Council may impose conditions.

EXHIBITION PERIOD	TYPE OF DEVELOPMENT
14 DAYS	Application for development consent (other than for complying development certificate, for designated development or for State significant development)
28 DAYS	Application for development consent for designated development
AS PER THE ORIGINAL APPLICATION	Application for modification of a development consent
AS PER THE ORIGINAL APPLICATION	Re-exhibition of an amended application
28 DAYS	Environmental impact statement obtained under Division 5.1

Applications advertised during holiday periods or including public holidays will have their exhibition period extended. The period between 20 December and 10 January in the following year (inclusive) is excluded from the calculation of a period of public exhibition as per the Act.



Development Assessment: Community Participation

COMMUNITY ENGAGEMENT: HOW

Council uses three main methods when consulting the community about development applications or modification applications; publishing the application on Council's website, sending a notification letter to adjoining landowners and advertising in the newspaper.

Council's website

Council publishes all exhibited development applications and associated information on the DA Tracker: datracking.gunnedah.nsw.gov.au/Home/Disclaimer

Notice to adjoining landowners

Apart from the exceptions listed on the next page, Council will notify all development applications to adjoining landowners in accordance with this plan. Council will notify adjoining land holders by sending a letter. Adjoining land generally means land which shares a common boundary with the development site or is separated only by a pathway, driveway, laneway or public road; or is the closest land not owned by the developer. For development with wider implications to the locality or community, Council reserves the right to notify landowners that may be affected, but do not directly border the site.

Advertising in the newspaper

In addition to notifying the adjoining landowners, Council will advertise the development applications listed on the next page in the newspaper. The notification letter and newspaper notice will include:

- Real property description and address of the land
- Applicant's name
- Description of the proposal
- Period in which submissions must be made
- A notification plan

Council may decide to notify or advertise a development application following an inspection of the site and after consideration of such factors as the character of the existing development, slope of the site and local amenity, or if there is widespread community interest in a particular development.

COMMUNITY ENGAGEMENT: WHEN

Council chooses the exhibition timeframe for a development application by the type and scale of the development as outlined in this Plan. At a minimum, Council will exhibit a development application for the time period set out on the page 10. These timeframes are based on the mandatory requirements of the Act.

The exhibition period will start the day following the date of the notice. The exhibition period is the number of days during which any member of the public can view a copy of the development application and supporting information at Council's offices.





APPLICATIONS NOT AUTOMATICALLY NOTIFIED

- Single storey dwelling house
- Single storey addition to a house
- Minor dwelling additions such as open carport, pergola, verandah
- Private swimming pool
- Detached garage or shed associated with a dwelling
- Any building on land within RU1 Primary Production, RU3 Forestry, RU4 Primary Production Small Lot Zones
- RU6 Transition Zone which has an area of greater than 2 hectares
- Subdivision creating less than 5 lots within zones RU1 Primary Production, RU3 Forestry and RU6 Transition Zones
- Subdivision creating less than 3 lots within zones R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, RU4 Primary Production Small Lots and RU5 Village Zones
- Boundary Adjustment
- Commercial or industrial development within a business or industrial zone
- Development considered having nil or minor impact on adjoining land owners

APPLICATIONS ADVERTISED IN THE NEWSPAPER

- Demolition of a building identified as a heritage item in Schedule 5 of the Gunnedah LEP 2012
- Use of a heritage item for a purpose prohibited within the zone, as provided by clause 5.10 (10) of the Gunnedah LEP 2012
- Major Council projects (not including utility services) with a value exceeding \$1,000,000 or likely to be of a significant community interest
- Non-residential uses in or adjacent to the R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, or RU5 Village land use Zone
- Subdivision creating 20 or more allotments within the R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, or village land use Zones
- Development for the purpose of: semi-detached dwellings; dual occupancies; attached dwellings; multi-dwelling housing; residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks; exhibition homes; exhibition villages; hotel or motel accommodation; hospitals; places of public worship.
- Any development identified by senior Council staff that should be advertised in the public interests

Other Planning Decisions

Council makes a number of other decisions which impact upon the use of public land in the Gunnedah Shire. This includes preparing Plans of Management (POM) for public land made under the Local Government Act 1993. Council prepares these plans for land that Council owns which is classified as 'community land'. Council must also prepare plans of management for Crown land which it manages as 'community land'. The plan of management is an important document because it sets out what can happen on that land.

When Council intends to carry out certain infrastructure projects in the Gunnedah Shire, it may need to prepare a 'Review of Environmental Factors' (REF) under Part 5 of the Act. The REF considers the environmental and other impacts arising from a project to determine whether it should proceed and if so, under what measures to reduce any impacts. For large scale projects with high environmental impact, an Environmental Impact Statement (EIS) may be required under Part 5 of the Act.

Other Planning Decisions: Community Participation

COMMUNITY ENGAGEMENT: HOW

When engaging with our community about planning decisions, Council will use a range of engagement methods and communication channels. Council will tailor the approach and method having regard to the nature of the issue and its likely impact on the community.

Where the Act or other legislation prescribes a specific engagement or notification method, Council will (as a minimum) follow that process.

Where Council has a discretion to carry out community engagement (ie it is not mandated by legislation), Council's method of engagement will be influenced by feasibility, time considerations and the degree of perceived direct impact on the community. Like strategic plans, a key technique Council uses to encourage community participation is formal exhibition.

COMMUNITY ENGAGEMENT: WHEN

Council will exhibit a draft plan of management in accordance with the requirements of the Local Government Act 1993.

This includes giving public notice of the draft plan for a minimum of 28 days and allowing a minimum of 42 days for submission to be made on the draft plan.

The Act does not specify any mandatory exhibition timeframes for the public notification and exhibition of an REF. There is also no legal obligation on Council to consult the community about an REF. Council will generally make REFs available upon request.



Open to Connecting

Council is open to the community being involved in planning decisions in the Gunnedah Shire. There are many ways for our community to do so. We encourage our community to share their opinions and views in writing, in person and online.

Council is also open to connecting with our community and building strong relationships into the future. Our friendly staff will greet you with a welcoming manner, listen to you carefully and take your views into account.



Write a Submission

You can make a formal submission on a draft plan, policy, document or development application whilst it is on exhibition by writing to Council via email or letter. At the end of this plan is a guide to help you make your submission.



Visit Council Offices

You can visit our Customer Relations Team at 63 Elgin Street, Gunnedah and staff will help you access public exhibition documents as well as answer any questions that you have, or connect you to an appropriate person who can help you.



Connect with Us

You can connect directly with Council staff working on a proposal, policy, plan or project. Contact details are typically available on our website or in the notification letter. You can also follow us on social media to stay up to date with planning in the area.



State legislation and local planning rules and policies set out the controls which determine what development can occur on land in the Gunnedah Shire. Generally, this is known as the NSW planning system. The planning system has a hierarchical structure with the Act sitting at the top of the hierarchy.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The Act sets up the framework for the planning system including how rules affecting development are made and how development is assessed against those rules. The Act also has some mandatory requirements Council must follow in engaging with the community about planning decisions. This includes having a Community Participation Plan.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

The Regulation details certain processes that Council must follow when assessing a development application or making a strategic plan such as a LEP or DCP.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

Environmental Planning Instruments introduce controls and requirements for specific issues and places in the Gunnedah area. There are two types of EPIs:

State Environment Planning Policies (SEPPs) deal with issues that are of importance to the whole State. It is important to note that this does not necessarily mean that each SEPP will be of relevance to a specific development proposal or planning issue.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 sets out what type development is exempt and complying. Exempt development is usually low impact development for which no consent or notification is required (for example, a kitchen or bathroom renovation). Complying development is development that meets certain standards set out by the NSW Government. Again, this type of development is not notified.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs) CONTINUED...

Each council also has their own Local Environmental Plan (LEP) which achieves four (4) main objectives. Council's LEP is known as the Gunnedah Local Environmental Plan 2012.

- **Objective 1:** Zones land to specify what development is permissible without consent, permissible only with consent or prohibited in the zone
- Objective 2: Identifies if the site is situated in an area that has heritage significance
- **Objective 3:** Identifies special matters for consideration. This may be a specific environmental issues such as flooding, bushfire, acid sulfate soils and environmentally sensitive land.
- **Objective 4:** Identifies the principal development standards. These standards control the size and form of development such as maximum building height and maximum Floor Space Ratio (FSR).

DEVELOPMENT CONTROL PLAN (DCP)

While the rules set out in LEPs and SEPPs are most important, more detailed design and planning requirements are set out in Council's DCP. Here you will find specific and comprehensive guideline for certain types of development, or area specific requirements for localities. A DCP is important in the planning system as it provides a flexible means of identifying additional development controls and standards for addressing development issues at a local level.

The DCP provides guidance only, which means there can be flexibility to make variations when supported by a good argument in a development application. Council's has one DCP known as Gunnedah Development Control Plan 2012.

OTHER PLANS, POLICIES AND STRATEGIES

In addition, Council develops other plans, policies and strategies which play an important part of the planning process. For example, contributions plans which levy contributions on a development where that development generates an increased demand on Council's services and facilities.

There are other plans which do not have any statutory force under the Act, but can still be relevant to the planning decision or process.

The planning legislation and environmental planning instruments are amended periodically so it is important that you access the most current version of the documents by downloading them directly from the NSW Legislation website: www.legislation.nsw.gov.au

For more information about the current NSW planning process or the proposed changes to the planning system, visit the NSW Planning, Industry and Environment website: www.planning.nsw.gov.au. You can access Council's LEPs, DCPs and other plans, policies and strategies on the website: www.gunnedah.nsw.gov.au





NAME	EXPLANATION
Community Participation Plan (CPP)	This plan that sets out how the community can participate in planning decisions by the relevant decision maker.
Complying Development	Routine development that an EPI provides can be approved by meeting specified predetermined standards.
Consent Authority	The decision maker responsible for determining a development application. This could be a local council, Independent Planning Commission, Joint Regional Planning Panel or a local planning panel.
Construction Certificate (CC)	A certificate to the effect that work completed in accordance with specific plans and specifications will comply with the requirements of the relevant legislation.
Contributions Plan (CP)	A plan that enables Council to levy monetary contributions from developers or applicants (at development application stage) to help pay for additional community facilities and infrastructure.
Designated Development	Development that is high-impact (e.g. likely to generate pollution) or is located in or near an environmentally sensitive area (e.g. a wetland).
Development Application (DA)	An application to obtain consent to carry out development on an area/site. This usually includes a form, detailed plan drawings and supporting documents such as a Statement of Environmental Effects.
Development Consent	Consent given under Part 4 of the EP&A Act which gives approval to carry out the development usually subject to conditions

NAME	EXPLANATION
Environmental Planning & Assessment Act 1979 (The Act)	The principal legislation governing the land use planning system in New South Wales.
Environmental Planning & Assessment Regulation 2000 (The Regulation)	The regulations which support the Act.
Environmental Planning Instrument (EPI)	A Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) made under Part 3 of the Act. An EPI contains planning controls that apply in relation to the development of an area/site.
Exempt Development	Low impact development that an EPI provides may be carried out without the need for development consent.
Gateway Process/Determination	The process used to change an LEP. The State give a gateway determination approval which sets out conditions for the exhibition of a planning proposal
Integrated Development	Development that, in order for it to be carried out, requires development consent and one or more approvals from a NSW Government agency.
Local Environmental Plan (LEP)	A form of EPI which is the principal legal document for controlling development at a local level. This sets the zones for land and what type of development is permissible or prohibited.
Local Strategic Planning Statement (LSPS)	The plan that sets out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future. This plan is the link between a Local Environmental Plan (LEP) and the Community Strategic Plan (CSP).
Notice of Determination	The legal document issued by the consent authority to grant or refuse development consent.
Occupation Certificate (OC)	A certificate that authorises the occupation and use of a new building, or a change of building use for an existing building.
Occupation Certificate (OC) continued	Post construction check on whether necessary approvals and certificates are in place for the development and the building is suitable for occupation or use in accordance with its Building Code of Australia (BCA) classification.
Planning Proposal	The document prepared to support a proposed change to an LEP.
Development Control Plan (DCP)	Detailed statutory guidelines that illustrate the controls that apply to a particular type of development or in a particular area.
Environmental Impact Statement (EIS)	A report which is prepared to assess the environmental impact of a proposed development.

NAME	EXPLANATION
Regional Plan	The plan which identifies the basis for strategic planning in the region, having regard to economic, social and environmental matters and taking into account any SEPP, other strategic plans and State infrastructure priorities.
Review of Environmental Factors (REF)	A report which is prepared to support a proposed development by a public authority such as a local council.
Section 4.55 or 4.56 Application	An application to change an existing development consent.
Section 8.3 Application	An application to review a notice of determination.
Statement of Environmental Effects (SEE)	The document that accompanies a development application which sets out how the proposed development meets the planning controls for the area.
State Environmental Planning Policy (SEPP)	A form of EPI which sets out planning controls on matters that are of State or regional environmental planning significance.
Voluntary Planning Agreement (VPA)	A voluntary agreement between a public authority (such as Council or the NSW Government) where a developer agrees to provide or fund public amenities and public services, affordable housing or transport or other infrastructure.
Zoning	The system for categorising land uses as prohibited, requiring consent or not requiring consent within particular areas. The zoning is set out in environmental planning instruments (i.e. LEP or SEPP).
Zoning certificate/ Section 10.7 certificate	A certificate issued by a local council which sets out the zoning for the land, how it may be used and any restrictions on the land.





Any person who feels that their property or locality may be adversely impacted by a proposed development or plan may make a written submission in response to a development application or draft plan. The Environmental Planning and Assessment Act 1979 also has some mandatory requirements Council must follow in engaging with the community about planning decisions. This includes having a Community Participation Plan.

HOW DO I MAKE A SUBMISSION?

To make a submission on a proposal, you may email Gunnedah Shire Council at *council@infogunnedah.com.au* or you can send a written submission to Council before 5.00pm on the closing date. All submissions must specify the name(s) of the writer(s) and respective address, telephone, fax number or email (if available). Submissions should be addressed to:

The General Manager PO Box 63 Gunnedah NSW 2380

If your submission is an objection, the reasons for your objection should be clearly given. It is important that submissions only contain information relevant to the proposal. Petitions may also be used for submissions, provided they satisfy the submission guidelines. A petition should identify a nominated contact for correspondence.

Note: Any submission sent or emailed directly to a staff member or a Councillor(s) may not be acknowledged as a submission. To ensure that your submission is considered, please send all submissions directly to Council as outlined above.

WHO DISCLOSES A POLITICAL GIFT OR DONATION?

Should you make a submission, you must also make a public disclosure of any donation to a Councillor and/or gift to a Councillor or Council employee in the previous two years. Failure to disclose relevant information is an offence under the Act. It is also an offence to make a false statement.

Further information, including a 'Political Donation and Gifts Disclosure Statement' form and a glossary of terms, can be viewed on the Department of Planning's website www.planning.nsw.gov.au or is available on Council's website www.gunnedah.nsw.gov.au. You can also visit Council's Customer Relations team at the Gunnedah Shire Council administration building at 63 Elgin Street, Gunnedah NSW 2380.