



# Bogan Shire Council Community Participation Plan



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## Community Participation in Council's Planning Decisions

Bogan Shire Council (Council) recognises that community participation throughout the planning system delivers better planning results for residents, businesses and visitors of the Shire.

Ultimately, our responsibility is to deliver the objectives of various Acts, including the *Environmental Planning and Assessment Act 1979* (EP&A Act). These objectives include the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community Participation is an overarching term covering how we engage the community in our work under the EP&A Act, including re-zonings and making decisions on proposed developments. The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impacts of the decision.

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





## Why is community participation important?

- Community participation builds community confidence in the planning system.
- Community participation creates a shared sense of purpose, direction and understanding of the need to support growth and change, while preserving local character.
- Community participation provides access to community knowledge, ideas and expertise.

### Objectives

The community participation plan objectives are to:

- Build community confidence in the planning system.
- Create a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character.
- Provide access to community knowledge, ideas and expertise.

## What is a Community Participation Plan?

The Community Participation Plan (CPP) is designed to make participation in planning clearer for the community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.



**Table 1: What functions does the Community Participation Plan apply to?**

|                           |   |
|---------------------------|---|
| <p><b>Policies</b></p>    | <p>Council develops policies that shape how we interact with the planning system. These may include policies on developments that do not require a development application, developer contributions or repayment schemes.</p>   |
| <p><b>Plan Making</b></p> | <p>Strategic planning is an essential aspect in Councils work as it supports development and economic investment in the Shire. It involves planning for communities which integrates social, environmental and economic factors with the Shire's special attributes. Examples of this work includes planning proposals such as re-zonings, development control plans and economic growth plans.</p>   |
| <p><b>Assessment</b></p>  | <p>Councillors during Council Meetings, the General Manager and the Director Development and Environmental Services make decisions on a range of developments. When making decisions on these developments, consideration is given to whether land use proposals meet the strategic priorities of Council, the Region and the State. Furthermore, Council considers whether the proposed development is in the public interest and complies with applicable legislation, policies and guidelines.</p> |



## Who does this community participation plan apply to?

The CPP is a requirement of the EP&A Act (see division 2.6 and Schedule 1) and applies to the planning functions exercised by Council. Planning functions are vast and may include determining Development Applications, preparing Local Environmental Plans or Development Control Plans or preparing strategic documents such as the Local Strategic Planning Statement. These functions are generally administered either by the General Manager or their delegates. In general, planning controls and their delegations are outlined in Table 2.

**Table 2: Planning functions**

| <b>Planning Function</b>   | <b>Responsibility</b>                                     | <b>Delegation</b>                                   |
|--|---|---|
| Strategic documents such as the Local Strategic Planning Statement and Community Participation Plan. | Endorsed by Council following a public exhibition period. | Director of Development and Environmental Services. |
| Preparation of Local Environmental Plans and Development Control Plans                               | Endorsed by Council following a public exhibition period. | Director of Development and Environmental Services. |
| Determination or modification of development applications.   | Director of Development and Environmental Services        | Director of Development and Environmental Services. |



## Our approach to community participation

In line with our community participation objectives, we encourage open, inclusive, easy, relevant, timely and meaningful opportunities for community participation in the planning system, our planning functions and individual proposals.

To achieve this, we design our engagement approach so that even where there may not be community wide consensus on a decision or outcomes, there can be acknowledgement that the process was fair with proper and genuine consideration given to community views and concerns.

To achieve the benefits of community participation in the planning system, we will tailor the following community participation approaches for all our planning functions:





**Table 3: Community participation approach**

| What   | When  | How   |
|--|---|---|
| <b>Level 1: Inform</b>   |   |   |
| We will review all Development Applications to determine whether they should be placed on public exhibition in a timely manner.            | We make this decision as soon as practical after the application is lodged with Council and commence public exhibition and neighbor notification as appropriate.    | Advertisements in the local paper, letter mail outs, our website, social media announcements, emails, information sessions etc as deemed appropriate. |
| <b>Level 2: Consult</b>  |   |   |
| We consult with the community and invite them to provide their views and concerns on a development application or other planning function. | During the public exhibition period, we seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at other times if appropriate. | Public exhibition, drop in sessions, walking tours, one on one engagement, emails and phone calls as deemed appropriate.                              |
| <b>Level 3: Consider</b>   |   |   |
| We respond to the community's views by addressing concerns raised.   | In reaching a decision we consider your views and concerns, and outline how we have addressed them in the assessment.   | Phone calls, emails, opportunities to speak at Council Meetings and targeted consultation as appropriate.   |



**Level 4: Determination**

We notify the community of decisions on proposals and detail how their views were considered in reaching the decision.

In reaching a decision we consider your views and concerns, notify you of the reasons for the decision and how community views were considered.

Updates to websites, publication of submission reports, letters to submitters. Council provides a “Reason for the Decision” on the consent for each Development Application.

## Exhibitions

A key technique we use to encourage community participation is formal exhibition. During an exhibition period we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community feedback on. In conducting public exhibition, we receive submissions and maintain the privacy of the submitter.

In reaching decisions on proposals that have been exhibited, the Council, the General Manager, the Director of Development and Environmental Services or a delegated assessment officer balances a wide range of factors to ensure that decisions are made in the public interest. This includes the consideration of the objectives of the EP&A Act, the strategic priorities of Council, the community’s feedback and the land use priorities identified in strategic plans and applicable policies and guidelines.



## How can you get involved in a public exhibition?

- Make a formal submission on an exhibition by email or post.
- Connect directly with Council staff working on a proposal, policy, plan or project.

### Exhibition timeframes

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 of the Act sets a minimum exhibition timeframe for most of these proposals. Council will exhibit a proposal for this minimum timeframe but will consider an extended timeframe based on the scale and nature of the proposal. The only requirements in this plan that are mandatory are those set out in the table below which are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act.

**Table 4: Mandatory exhibition timeframes**

|  |  |
|--|--|
| <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 Plan</b>  | 28 days  |
| <b>Draft Contribution Plans</b>  | 28 days  |
| <b>Application for development consent for designated development</b>                      | 28 days  |
| <b>Environmental impact statement obtained under Division 5.1</b>                          | 28 days  |



Several of Council’s functions and proposals do not have minimum exhibition timeframes. Council typically exhibits documents related to the exercising of these functions and proposals for the timeframes described in the tables below:

**Table 5: Exhibition timeframes for Development Applications**

|  |  |
|--|--|
| <b>Notification to all landowners considered by the Director of Development and Environmental Services to be impacted by the Development Application</b> | 14 days  |
| <b>Advertisement if deemed to be of significant public interest by the Director of Development and Environmental Services</b>                            | 14 days  |
| <b>Integrated Development</b>  | 28 days  |
| <b>Amendments to Development Applications</b>  | In the same manner as the original development application unless varied at the discretion of the Director of Development and Environmental Services |

**Key points to note regarding public exhibition include the following:**

- 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.
- Timeframes are in calendar days and include weekends.



- 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.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

## Making a submission

It is important that submissions only contain information relevant to the development or planning proposal. Council officers are required to assess proposals on planning grounds identified in relevant legislation. Issues such as a moral objection, commercial competition or personal circumstance of an applicant or objector cannot be given weight in Council's assessment. At a minimum, each submission must:

- Clearly identify the matter to which the submission relates
- State the grounds for any support or objection expressed in the submission
- Include appropriate contact details

Late submissions may be considered at Council's discretion until a determination has been made.

## Feedback

There are many ways for the community to provide feedback or raise questions outside of formal public exhibition periods and Council is committed to considering and responding to your views and concerns in this regard. Contact us:

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## Glossary

| Planning term                                     | Definition   |
|---|--|
| <b>Contribution plans</b>                         | A plan developed by Councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development |
| <b>Designated development</b>                     | Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)               |
| <b>Development application</b>                    | Development application refers to developments require consent pursuant to the <i>Environmental Planning and Assessment Act</i> .  |
| <b>Development control plans</b>                  | A plan that provides detailed planning and design guidelines to support the planning controls in a LEP   |
| <b>Gateway determination</b>                      | A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition                                   |
| <b>Local Environmental Plan (LEP)</b>             | An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area  |
| <b>State Environmental Planning Policy (SEPP)</b> | An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state   |