



# Community Participation Plan 2019

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# COMMUNITY PARTICIPATION IN COUNCILS PLANNING DECISIONS

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

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, rezonings 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, NGOs, 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.
- It provides access to community knowledge, ideas and expertise.

## Objectives

The community participation plan objectives are to:

- Build community confidence in the planning system;
- Ensure that the needs and concerns of the community are identified and addressed wherever possible; and
- Ensure Council’s planning functions reflect the aspirations of our community

## What is our Community Participation Plan?

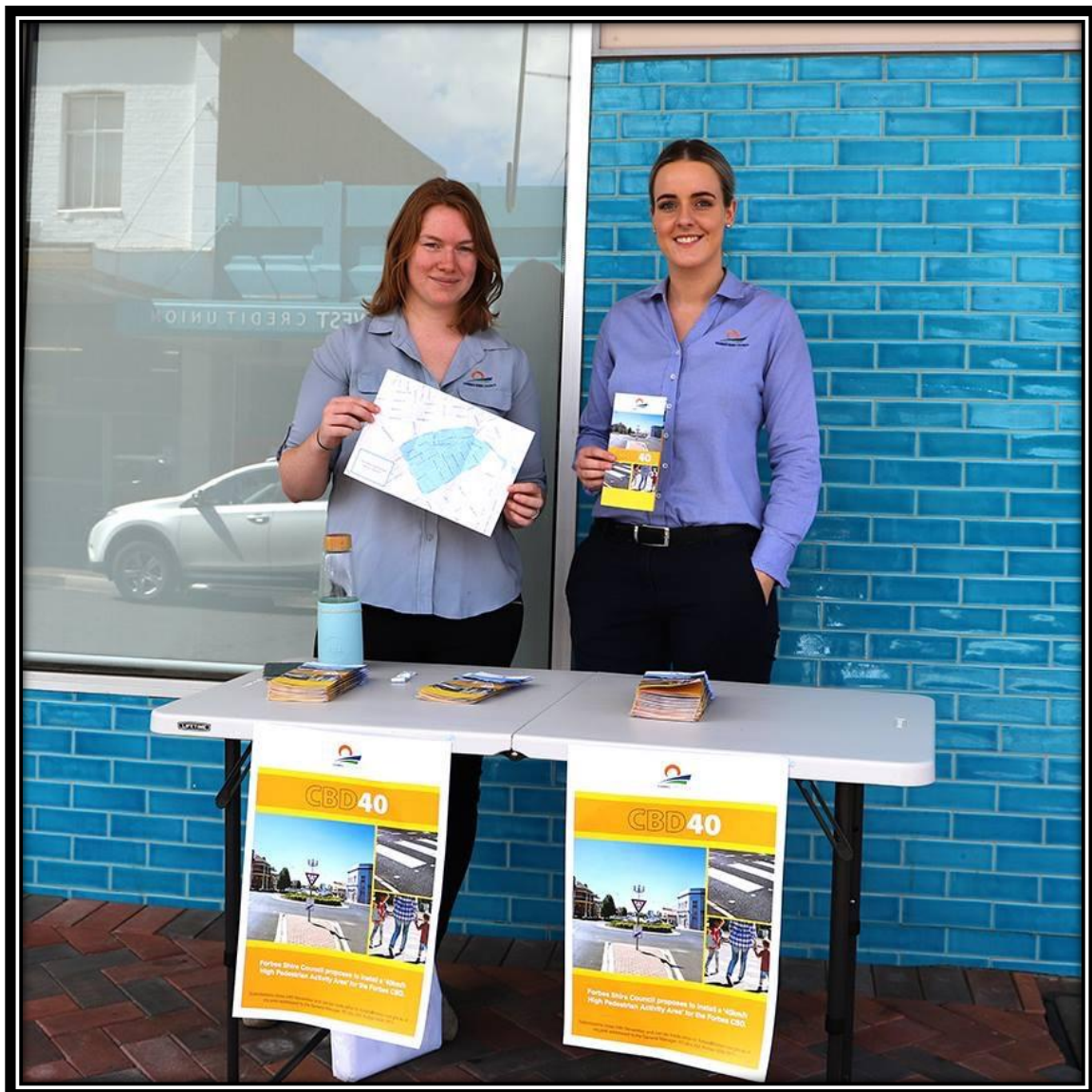
Our Community Participation Plan (CPP) is designed to make participation in planning clearer for the community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also establishes our community participation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

<b>Policies</b>	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.
<b>Plan Making</b>	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 Shires special attributes. Examples of this work includes Planning Proposals such as rezonings, development control plans and economic growth plans.
<b>Assessment</b>	<p>Councillors in a Council Meeting, the General Manager, Director Planning and Growth and various officers in Councils Planning and Growth department make decisions on a range of developments. When making decisions on these developments, consideration is given to whether land use proposals are in accordance with the strategic priorities of Council, the Region and the State. Further, Council considers whether the proposed development is in the public interest and complies with applicable legislation, policies and guidelines.</p> <p>Proposals assessed may be residential developments, freight facilities, commercial development and agricultural development. In these proposals the planning</p>

phase is just one aspect of the overall lifecycle and at other phases engagement may be undertaken by either the proponents or NSW Government agencies. In some instances, we require ongoing engagement as a condition of approval.

## Who does this community participation plan apply to?

Our CPP is a requirement of the EP&A Act (see division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions by the General Manager (and their delegates and nominees), as well as Council when a development is required to be determined at a Council Meeting. Our CPP will be reviewed on a periodic basis.



# COMMUNITY PARTICIPATION PROCESSES

## Exhibitions

A key technique we use to encourage community participation is formal exhibition. During an exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on. Submissions, including personal information included within the submission, may be made available to the public and the applicant, as well as used in Councils reports.

In reaching decisions on proposals that have been exhibited, the Council, the General Manager, Director of Planning and Growth or an assessment officer balances a wide range of factors to ensure that decisions are in the public interest. This includes considering the objectives of the EP&A Act, the strategic priorities of Council, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

## 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. We will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition 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 and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act.

**Table 2: Mandatory exhibition timeframes**

<b><i>Draft Community Participation Plan</i></b>	28 days
<b><i>Draft local strategic planning statements</i></b>	28 days
<b><i>Planning proposals for local environmental plans subject to a gateway determination</i></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><i>Draft development control plan</i></b>	28 days
<b><i>Draft contribution plans</i></b>	28 days

<b><i>Application for development consent for designated development</i></b>	28 days
<b><i>Environmental impact statement obtained under Division 5.1</i></b>	28 days

Several of our functions and proposals do not have minimum exhibition timeframes. Where a Development is considered to be of a minor nature by the Director, Planning & Growth or their delegate notification may not be undertaken. For other developments as a matter of course Council will typically notify &/or advertise Development Applications as described in the table below:

***Table 3: Notification &/or advertising timeframes for Development Applications***

<b><i>Notification to all landowners considered by the Director of Planning and Growth to be impacted by the Development Application</i></b>	10 days
<b><i>Advertisement if deemed to be of public interest<sup>1</sup> by the Director of Planning and Growth</i></b>	14 days
<b><i>Integrated and Advertised Development</i></b>	28 days
<b><i>Amendments to Development Applications</i></b>	In the same manner as the original development application unless varied at the discretion of the Director of Planning and Growth.

<sup>1</sup> A development application is generally deemed to be in the public interest if it may have environmental impacts that impact a broad section of the Forbes community.

## Neighbour Notification

For Development Applications where the Director of Planning and Growth or their delegates determine that only Neighbour Notification is required the following process applies:

- Potentially impacted neighbours notified of the development application and submissions invited from interested persons for a period of not less than 10 days, including a minimum of 7 working days.
- The notification requirements may be varied (increased or decreased) at the discretion of the Director of Planning and Growth or their delegates having regard to the potential impacts of the proposed development.
- Potentially impacted neighbours may include those with shared boundaries and directly adjacent across roads and laneways.

## Public exhibitions generally:

Key points to note about public exhibitions 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, we 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.

## Development that does not require public exhibition

The following applications of minor impact generally do not require notification or public exhibition:

- Complying Development;
- Internal Alterations to dwellings, commercial premises and industrial buildings;
- Strata or community title subdivision of an approved development;
- A modified application which is substantially the same as an application which has been previously notified; and
- Development Applications which the Director, Planning & Growth or their delegate consider to have a minimal impact on the surrounding environment.



## Making a submission

A submission must be received in writing, either by email, post or in person. 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.

Matters that assessment officers can take into account may include:

- Compliance with Local Environmental Plan or Development Control Plan
- Neighbourhood amenity including noise, odour, privacy and overshadowing
- Scale and design
- Ecological impact
- Parking, traffic and pedestrian access
- Drainage and engineering matters
- Cultural, economic or social impacts
- Any other matter as identified in the Environmental Planning and Assessment Act, State Environmental Planning Policies or any other relevant legislation or planning policy.

At a minimum, each submission must:

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

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*To make a submission:*

*Email us at [forbes@forbes.nsw.gov.au](mailto:forbes@forbes.nsw.gov.au)*

*Write to the General Manager: PO Box 333 Forbes NSW 2871*

*Or visit Council's Administration Office at 2 Court Street (cnr Court & Harold Streets), Forbes.*

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**It is important to note the following about making a submission:**

- Issues such as a moral objection, property value, commercial competition or personal circumstance of an applicant or objector cannot be given weight in Council's assessment.
- Late submissions may be considered at Council's discretion until a determination has been made.
- Submissions, including personal information included within the submission, may be made available to the applicant, the public as well as used in Councils reports.



## Appendix A - Glossary

<b>Planning term</b>	<b>Definition</b>
<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>	An application to undertake development of some sort on land within the Forbes Shire area.
<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
<b>State significant development (SSD)</b>	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities

## Appendix B – Template Submission Form

The General Manager  
2 Court Street  
Forbes NSW 2871

**Subject: Submission to Development Application \_\_\_\_/\_\_\_\_**

Dear Sir,

I refer to the abovementioned Development Application and wish to lodge a submission in support/objection. The matters I wish the Assessment Officer to take into account are the following:

Kind regards,

[NAME]

[ADDRESS]

[PHONE NUMBER]

[EMAIL ADDRESS]