

GWYDIR SHIRE COUNCIL

Draft Community Participation Plan

April 2025

Working together with our community to shape the future
of Gwydir through meaningful participation.

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1. INTRODUCTION

Community participation is a cornerstone of good planning, and Gwydir Shire Council is committed to ensuring that members of the community have meaningful opportunities to contribute to decisions that shape the future of our towns, villages, and rural landscapes. This Community Participation Plan (CPP) outlines how and when Council will engage with the community across a range of statutory planning functions, providing a clear and consistent framework for consultation that ensures transparency in how the public is involved in planning matters—from development applications through to long-term strategic planning initiatives.

1.1 Purpose of the Community Participation Plan

The purpose of this plan is to:

- Outline when and how Gwydir Shire Council will undertake community engagement as part of its planning functions under the *Environmental Planning and Assessment Act 1979*.
- Promote transparency, accountability, and consistency in the planning process.
- Ensure the community is informed, consulted, and given the opportunity to contribute to planning decisions that may affect their land, neighbourhood, or local environment.
- Comply with the statutory requirement under the *Environmental Planning and Assessment Act 1979*, which mandates that all planning authorities prepare and implement a Community Participation Plan.

This Plan specifically addresses Council's responsibilities related to statutory planning processes and activities.

1.2 Legislative Context

This Community Participation Plan has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, specifically under Division 2.6 of the Act. Under this legislation, all NSW councils are required to develop and implement a Community Participation Plan to ensure the community understands when and how it can participate in the planning processes that shape their local area. This Plan aligns with the Act's principles, which emphasise transparency, inclusivity, and meaningful opportunities for public involvement. It also details Council's responsibilities regarding notification and public exhibition of development applications, strategic planning documents, and other planning proposals, reflecting both statutory obligations and best practice guidelines provided by the NSW Department of Planning and Environment.

1.3 Land to Which This Plan Applies

This Community Participation Plan applies to all land within the boundaries of the Gwydir Shire Local Government Area (LGA). Residents, businesses, property owners, and community groups within these boundaries have the opportunity, and are encouraged, to participate in Council's planning processes as outlined throughout this document.



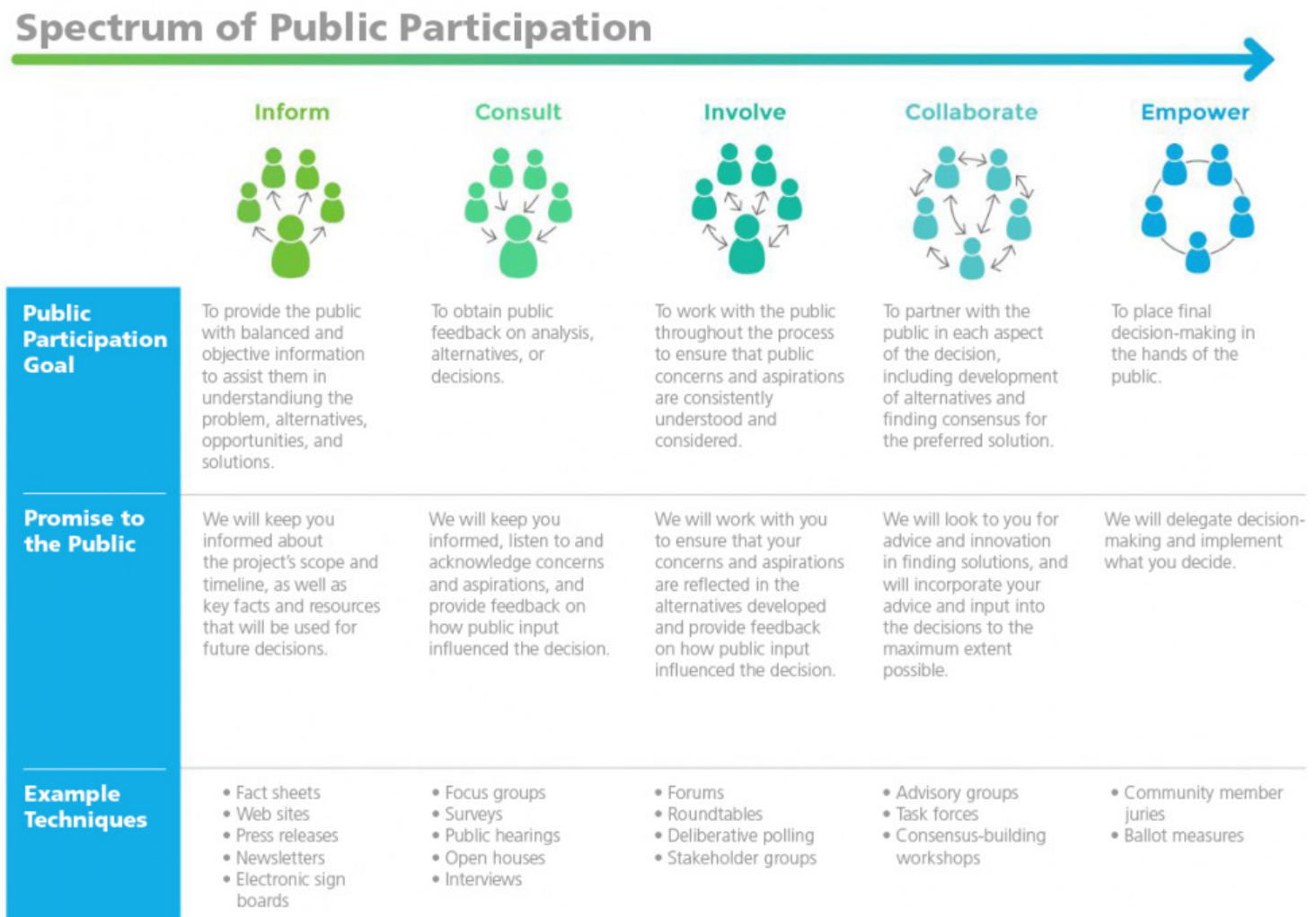
2. ENGAGEMENT PRINCIPLES AND FRAMEWORK

Clear principles and structured frameworks underpin effective community engagement. Gwydir Shire Council's commitment is guided by internationally recognised standards, ensuring our community's voice shapes local planning and development decisions.

2.1 What is Community Engagement

Community engagement is the process of actively involving the community in decision-making, particularly on matters that impact local environments, neighbourhoods, and public spaces. Effective community engagement enables residents, businesses, stakeholders, and community groups to participate in shaping the future of their local areas. It ranges from simply informing the public about planned activities and decisions, to fully collaborating with community members on projects and planning initiatives. Gwydir Shire Council employs engagement strategies based on the International Association for Public Participation (IAP2) Spectrum, which includes five distinct approaches.

Figure 1: IAP2 Spectrum of Public Participation



Adapted from the International Association of Public Participation

2.2 Council's Values

Gwydir Shire Council's approach to community engagement is guided by key values that ensure meaningful, fair, and transparent interactions with the community:

Integrity

Council commits to honesty and openness about the scope, purpose, and outcomes of all engagement activities.

Inclusion

Engagement processes will be inclusive, ensuring opportunities for diverse community views and values to be expressed and heard.

Deliberation

Council will provide clear, sufficient, and credible information, enabling informed dialogue, careful consideration of options, and a thorough understanding of community views and concerns.

Influence

Community participation will meaningfully influence decisions, with Council clearly demonstrating how community input has been considered in decision-making processes.

2.3 Principles of the Community Participation Plan

The *Environmental Planning and Assessment Act 1979* sets out clear principles to guide how planning authorities, including councils, involve the community in the planning system. These principles are designed to make engagement more transparent, inclusive, and easier for the community to understand and participate in. They underpin the development and implementation of this Community Participation Plan and reflect Council's commitment to meaningful, fair, and accessible community involvement.

The principles of community participation, as outlined in the legislation, are:

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- 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.
- 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).
- 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.

3. PLANNING FUNCTIONS AND NOTIFICATION REQUIREMENTS

Gwydir Shire Council undertakes a range of planning functions under the *Environmental Planning and Assessment Act 1979*, each of which requires varying levels of community participation. This section outlines the types of planning functions carried out by Council—such as development assessment, strategic planning, and the preparation of related planning documents—and details how and when the community will be notified or consulted. The level of engagement is guided by legislative requirements and scaled to reflect the significance, complexity, and potential impact of each proposal.

3.1 Council's Planning Functions

Under the *Environmental Planning and Assessment Act 1979*, Gwydir Shire Council is responsible for a range of planning functions that guide land use, development, and the long-term growth of the local government area. These functions fall into the three key categories of development assessment, strategic planning, and other planning documents.

3.1.1 Development Assessment

Development assessment is one of Council's core planning functions. It involves the review and determination of proposals for new development, changes in land use, and modifications to existing development approvals. Gwydir Shire Council assesses these applications to ensure they comply with relevant planning controls, minimise negative impacts, and contribute positively to the local area.

The types of development assessed by Council include:

Local Development - The most common type, assessed under the *Environmental Planning and Assessment Act 1979* and governed by local planning controls such as the Gwydir Local Environmental Plan (LEP) and Development Control Plans (DCPs).

Integrated Development - Proposals that require approvals from other government agencies (e.g. Heritage NSW, NSW Water). Council coordinates referrals and integrates agency feedback into the assessment.

Designated Development - Typically larger-scale developments or those with potential environmental or social impacts. These require detailed environmental assessments and mandatory public exhibition.

State Significant Development - High-impact proposals assessed by the NSW Department of Planning and Environment and determined by the Minister. While Council is not the consent authority, it may be consulted and may provide submissions on behalf of the community.

Modification Applications - A modification application under section 4.55 of the *Environmental Planning and Assessment Act 1979* may be lodged when the proposed changes result in a development that remains substantially the same as the originally approved development. If the changes go beyond this threshold, a new development application must be submitted.

3.1.2 Strategic Planning

Strategic planning guides the long-term growth and development of the Gwydir Shire and ensures that land use decisions support economic, environmental, and social outcomes for the community. These processes are informed by population trends, infrastructure needs, housing demand, and regional priorities, and involve a forward-looking approach to managing land use and resources.

Council's strategic planning responsibilities include the preparation, review, and implementation of the following instruments:

Local Strategic Planning Statement (LSPS) - Sets out Council's 20-year vision for land use across the Shire, outlining how future planning decisions will respond to local needs and opportunities.

Local Environmental Plan (LEP) - A statutory document that establishes zoning, land use permissions, and development standards. The LEP provides the legal framework for how land can be used and developed within the Shire.

Development Control Plan (DCP) - Provides more detailed planning and design guidelines to support the LEP. It assists applicants and the community in understanding the desired character and development outcomes for specific areas.

Regional Plans - Developed by the NSW Government and applicable to the Gwydir Shire (e.g. the New England North West Regional Plan), these guide broader strategic planning at a regional level and are used to align local strategies with state-wide priorities.

Contribution Plans - Allow Council to levy development contributions for public infrastructure and community facilities required as a result of new development.

3.1.3 Other Planning Documents

In addition to development and strategic planning functions, Council also prepares and administers a range of other planning-related documents that support orderly land use, infrastructure delivery, and good planning outcomes across the Shire.

The types of development assessed by Council include:

Planning Agreements - Also known as voluntary planning agreements, are formal arrangements where a developer offers to dedicate land, contribute funds, or provide material public benefits to support a public purpose in connection with a development proposal. These benefits may relate to the provision of community facilities, affordable housing, infrastructure, ongoing maintenance of services, environmental conservation, or the monitoring of planning impacts. Planning Agreements are exhibited publicly and must be consistent with legislative requirements under the *Environmental Planning and Assessment Act 1979* and associated regulations.

Planning Policies and Guidelines - Non-statutory documents developed by Council to provide greater clarity and direction on specific planning issues. These may include matters such as heritage conservation, floodplain management, design controls, or other local priorities. While they do not carry the statutory weight of an LEP or DCP, these policies assist in interpreting Council's expectations and guiding consistent assessment outcomes.

3.2 What Development is Exempt from Notification

Certain types of development are not subject to community notification or exhibition under this Plan. These include development types that are either exempt from requiring consent or are approved through alternative pathways outside of Council's development assessment process.

Exempt Development refers to minor works or activities that have minimal environmental impact and meet specific development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. These developments do not require development consent and therefore do not involve public notification.

Complying Development is a fast-track approval pathway for straightforward, low-impact proposals that meet pre-determined standards in the relevant Codes SEPP. These applications are typically assessed and approved by accredited certifiers rather than Council, and while neighbours may be notified under the Code, this is not managed through Council's notification procedures.

Additionally, certain types of development permitted without consent under the *Gwydir Local Environmental Plan 2013* are not subject to public notification. These include uses that are expressly identified as not requiring development consent within their respective land use zones.

Because these types of development are either legislatively exempt from notification or assessed independently of Council's planning functions, they fall outside the scope of this Community Participation Plan.

3.3 Notification Methods

Gwydir Shire Council uses a range of methods to notify and inform the community about development proposals and planning matters. The notification method selected depends on the type, scale, and likely impact of the proposal, as well as the legal requirements under the *Environmental Planning and Assessment Act 1979* and associated regulations.

Notification methods may include:

- Written notice to adjoining or affected landowners and occupiers via mail or email.
- Public exhibition of development or planning documents on Council's website.
- Advertising in local or regional newspapers, where required by legislation.
- Site notices placed on the subject property for developments of wider interest or as required under relevant planning instruments.
- Display of documents at Council offices in Bingara and Warialda during business hours.

All notifications clearly identify the subject property, provide a brief description of the proposal, outline how to access supporting documentation, and specify the timeframe for making a submission. The scale and reach of notification are determined by the nature of the development and its potential impacts, ensuring that affected and interested community members have a fair opportunity to participate.

3.4 Special Notification Considerations

Certain circumstances require specific notification practices to ensure fairness, compliance, and clarity in the development assessment process. These include holiday periods, cross-boundary impacts, and the handling of incomplete applications.

3.4.1 Exhibition and Notification Over the Christmas Period

To ensure community members have a fair and reasonable opportunity to review and respond to development proposals, all public exhibition and notification periods are suspended from 20 December to 10 January (inclusive) each year.

Days within this period are not counted toward any statutory or Council-defined exhibition or notification timeframe. This prevents consultation periods from overlapping with a time when many residents may be away or unavailable.

3.4.2 Notification to Owners in Adjoining Local Government Areas

Where a proposed development is located near or on the boundary of the Gwydir Shire Local Government Area and may impact properties in a neighbouring council area, Council will notify affected landowners across the boundary. In these cases, Council will formally request ownership information from the adjoining council to ensure relevant property owners are included in the notification process.

3.4.3 Deficient Development Applications

Council will not notify or exhibit any development application that is considered deficient, incomplete, or illegible. This includes applications missing key documentation, plans, or supporting reports required under legislation or Council policy.

Applicants will be advised of the deficiencies and given an opportunity to amend or complete their application. Once the application is considered satisfactory, Council will proceed with the formal notification or exhibition process in accordance with this Plan.

3.5 How Council Determines the Notification Area

When assessing development applications, Council determines notification areas based on the physical location of the development site and the extent of potential impact on surrounding landowners.

As a baseline, written notification is issued to owners of land that directly adjoins the development site. Adjoining land is defined as any property that shares a boundary with the subject land. Importantly, features such as roads, laneways, rivers, reserves, or public footpaths are not considered part of a shared boundary and do not exclude properties across them from being notified if the development is likely to have an impact.

Council may notify beyond adjoining land where a development could impact properties across roads or barriers, generate off-site effects (e.g. traffic, noise, overshadowing), or affect sensitive sites such as schools or heritage areas. A defined radius or targeted area may be used, with the extent determined by Council officers based on planning judgement and likely impact.

The following are examples of notification areas that Council may apply.

Figure 2: Adjoining Property Notification

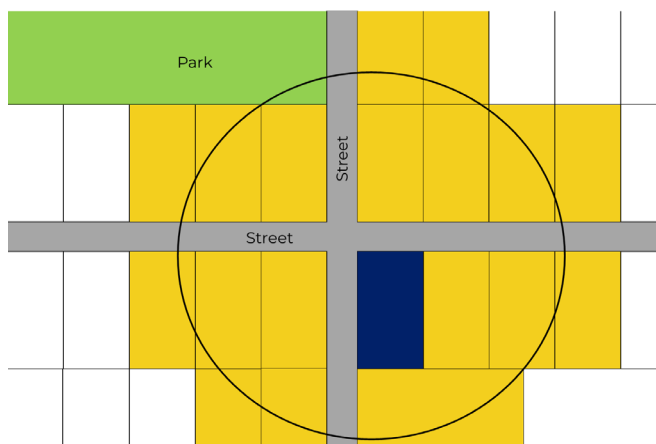


This figure illustrates how Council identifies and notifies landowners of properties that directly adjoin the development site.

Key:

- Application Site
- Property Notified
- Target Area Using Radius

Figure 3: Radius-Based Notification



This figure shows how Council may apply a defined radius (e.g. 100m–250m) around the development site to capture additional properties where broader impacts are anticipated.

3.6 Development Types and Notification Periods

To ensure that notification is proportionate to the scale and likely impact of a development, Council has categorised local development applications into three types — Type A, Type B, and Type C. Each type has different notification and exhibition requirements as outlined below.

Table 1: Development by Type and Notification/Exhibition Requirements

Type	Description	Notification & Exhibition Requirement
Type A	<p>Applies to applications of minor significance, having little to no impact to adjoining properties. Council is the delegated authority.</p> <p>Developments of minor significance include:</p> <ul style="list-style-type: none"> Single story dwelling houses; alterations and additions to dwellings and outbuildings; ancillary structures (eg pergolas, garden sheds, swimming pools, landscape features and the like) Change of use where there is no likelihood of significant additional impact to adjoining properties or similar. Any development which is not visible from an adjoining property Carports not protruding in front of a dwelling, and 900mm or more from a side boundary Outbuildings which are classified as not an exempt development, that have a wall height of 3.1m or less, a roof pitch of less than 30 degrees, and which have a wall not less than 900mm from a side or rear boundary, and which are no more than 7m long against that boundary. 	No notification or exhibition required
Type B	<p>Applies to applications for small scale developments that have a minimal environmental, social and economic impact which need notification. Council is the delegated authority.</p> <p>Type B Developments are defined as:</p> <ul style="list-style-type: none"> Secondary dwellings Dual occupancies Attached dwellings (less than 8 dwellings) Boarding houses (less than 10 lodgers) Group homes (less than 10 lodgers) Hostels (less than 10 lodgers) Multi-dwelling housing (less than 8 dwellings) Residential flat buildings (less than 8 dwellings) Senior's housing (less than 8 beds or 8 dwellings) Shop top housing (no more than 2 dwellings) Farm building not considered to be exempt development Change of use that may impact adjoining properties Any other development not subject to larger scale development notification and advertising and where, in the opinion of the delegated Council officer, it is likely to impact residential properties 	<p>Minimum Timeframe of 14 days.</p> <p>Notification via letters to owners of adjoining properties and exhibition of development on Council's website.</p> <p>The notification must include:</p> <ul style="list-style-type: none"> A clear and legible site plan A clear and legible floor plan Clear and legible elevations A concise description of the development The name of the applicant Advice as to where the development and supporting documentation may be viewed, free of charge The closing date for written submissions (generally 14 days from the date of notice plus 3 days postage)

Type	Description	Notification & Exhibition Requirement
Type C	<p>Applies to applications that have the potential to cause a broader impact than Type A and Type B Developments. Type C does not include complying development certificates, designated development or state significant development. Council is the delegated authority.</p> <p>Type C Developments are defined as:</p> <ul style="list-style-type: none"> ▪ Attached dwellings (8 or more dwellings) ▪ Boarding houses (10 or more lodgers) ▪ Group homes (10 or more lodgers) ▪ Hostels (10 or more lodgers) ▪ Multi-dwelling housing (8 or more dwellings) ▪ Residential flat buildings (8 or more dwellings) ▪ Senior's housing (less than 8 beds or 8 dwellings) ▪ Shop top housing (2 or more dwellings) ▪ Complete or substantial demolition of any significant feature of a heritage item ▪ Hotel or motel accommodation ▪ Serviced apartments ▪ Public entertainment facilities ▪ Registered Clubs ▪ Pubs ▪ Restricted premises ▪ Adult service premises ▪ Massage parlours ▪ Educational establishments ▪ Hospitals ▪ Other medical clinics or facilities ▪ Community facilities ▪ Places of public worship ▪ Recreation areas and major recreational facilities ▪ Amusement centres ▪ Child care centres ▪ Funeral homes ▪ Non-residential development in the residential zone ▪ New buildings in an industrial or business zone ▪ Development in an industrial zone which is adjacent or opposite residential zoned land ▪ Development under SEPP 33 ▪ Development near zone boundaries as prescribed under clause 5.3 of the Gwydir Local Environmental Plan 2013 ▪ Any other development not subject to Type A or Type B 	<p>Minimum Timeframe of 21 days.</p> <p>Notification via letters to owners of all adjoining and surrounding properties and any other individuals, groups, organisations and/or public authorities likely to have an interest in the proposed development.</p> <p>Advertisement in the local media. The development is also to be exhibited on Council's website and may also be exhibited at Council's offices.</p> <p>The notification must include:</p> <ul style="list-style-type: none"> ▪ A concise description of the development ▪ The name of the applicant and consent authority ▪ The name and contact details of the relevant Council officer ▪ Advice as to where the development and supporting documentation may be viewed, free of charge ▪ A statement that any person may make a submission during the notification period ▪ The closing date for written submissions (generally 14 days from the date of notice plus 3 days postage) <p>Council will limit neighbour notification to those adjoining and surrounding properties affected by the proposal. The delegated Council officer may extend the notification area or timeframe as considered necessary.</p>

3.7 Other Development Types and Notification Requirements

Certain types of development fall outside the standard Type A–C classification due to their complexity, scale, or statutory requirements. These developments are subject to specific notification and exhibition procedures under the *Environmental Planning and Assessment Act 1979* and associated regulations. The notification and exhibition requirements are outlined in the table below.

Table 2: Development Types and Notification Requirements

Type	Minimum Exhibition Period	Notification Requirements
Integrated Development	28 days	Written notice to adjoining and affected owners, exhibition on Council's website, and advertisement in local or regional media (if required).
Designated Development	28 days	Written notice, newspaper advertisement, and public exhibition. May require an Environmental Impact Statement (EIS).
State Significant Development	28 days	Assessed by the NSW Department of Planning and Environment. Council may be consulted but is not the consent authority.
Development requiring an Environmental Impact Statement under Division 5.1 or 5.2	28 days	Must be publicly exhibited with all supporting documentation and notified in accordance with legislative requirements.
Other development requiring exhibition under regulation	28 days	Includes intensive agriculture or activities not captured in Type A–C but still requiring public notice.

3.8 Development Consent Modification and Notification Requirements

Applications to modify an approved development consent are made under Section 4.55 of the *Environmental Planning and Assessment Act 1979*. The level of public notification or exhibition required depends on the nature and extent of the proposed modification, and whether it introduces any new or increased environmental or amenity impacts. The notification and exhibition requirements are outlined in the table below.

Table 3: Development Consent Modification and Notification Requirements

Type of Modification	Minimum Exhibition Period	Notification Requirements
Minor error, misdescription, or miscalculation	Not required	No notification or public exhibition
Modification with minimal environmental impact	Not required	No notification or public exhibition
Modification where impact of change is minor or an improvement	Not required	No notification or public exhibition
Other modifications, including applications which cause increased environmental impact	14 days	Written notice to adjoining or affected owners, and exhibition on Council's website Written notification to persons who made a submission on the previous development application

3.9 Exhibition Timeframes for Strategic Planning Documents

Strategic planning documents play a vital role in shaping the long-term future of the Gwydir Shire. These documents are subject to public exhibition to ensure the community has meaningful opportunities to provide input during their preparation or review.

The minimum exhibition timeframes for key strategic planning documents are:

Table 4: Strategic Document Exhibition Periods

Type	Minimum Exhibition Period
Regional or District Strategic Plans	45 days
Local Strategic Planning Statement (LSPS)	28 days
Draft Local Environmental Plan (LEP)	28 days
Planning Proposals (subject to Gateway)	28 days
Development Control Plans (DCPs)	28 days
Contributions Plans	28 days
Community Participation Plan	28 days
Community Strategic Plan	28 days
Delivery Program and Operational Plan	28 days

4. MAKING A SUBMISSION

Community submissions play a vital role in Council's decision-making process, and feedback is welcomed from individuals, community groups, and other stakeholders during the exhibition or notification period for development applications and planning proposals. Submissions must be received within the specified timeframe and clearly identify the matter being addressed, with all relevant views considered prior to the finalisation of a planning document or determination of an application.

4.1 How to Lodge a Submission

Submissions can be lodged in writing via the following methods:

E-mail: mail@gwydir.nsw.gov.au

Mail: Gwydir Shire Council
PO Box 5
Bingara NSW 2404

In Person: Council offices in Bingara or Wialda

Each submission should include:

- The name and contact details of the person or organisation lodging the submission;
- The application number or title of the planning matter; and
- A clear statement of the reasons for the submission, including any supporting evidence or documentation.

Anonymous submissions will not be accepted.

4.2 Submission Timeframes

Submissions must be received within the formal exhibition or notification period. Late submissions may be considered at Council's discretion but only if they are received prior to determination or adoption of the relevant matter.

Council will not make a determination or finalise a planning document until the close of the public exhibition period.

4.3 Consideration of Submissions

All submissions received during the relevant exhibition period will be reviewed and considered as part of the assessment or decision-making process. Submissions are assessed on their planning merit, not the number of objections or level of support alone.

Where appropriate, applicants may be invited to respond to matters raised in submissions before a determination is made.

4.4 Petitions

Where a petition is submitted, Council will treat it as one submission. The head petitioner, or first listed signatory (if not otherwise nominated), will be the point of contact for any future correspondence, updates, or outcomes.

4.5 Access to Submissions

Submissions are not confidential and may be made available to the public through Council meetings, planning reports, or via a formal Government Information (Public Access) (GIPA) request. Personal information, such as names and contact details, will be managed in accordance with Council's Privacy Management Plan.

4.6 Applicant Notification of Submissions

In most cases, copies of submissions are provided to the applicant so they have the opportunity to address any concerns raised. Applicants may respond through written clarification, amended plans, or supporting reports.

4.7 Notification of Decision

Following the determination of a development application or the adoption of a planning document or strategy, all persons who made a submission will be notified in writing of the decision.

5. STAKEHOLDERS AND ADDITIONAL INFORMATION

Council works with a range of stakeholders and agencies to ensure that planning decisions are well-informed, transparent, and accessible. This section outlines who may be involved in the planning process and where further information can be accessed.

5.1 Key Stakeholders in the Planning Process

Stakeholders involved in planning matters may include individuals, landowners, developers, residents, business operators, and community groups with an interest in the development or planning outcome. These may include:

- Applicants and developers
- Adjoining and nearby landowners
- Local residents and ratepayers
- Planning consultants, architects, and surveyors
- Local businesses and industry representatives
- Aboriginal Land Councils and Traditional Owners
- Chambers of commerce and economic development groups
- Community advocacy and special interest organisations

Engagement with these stakeholders may vary depending on the type and scale of the proposal, with Council applying a tailored approach to ensure appropriate community involvement.

5.2 Government Agencies and Referral Bodies

Council may be required to consult or refer planning matters to state government agencies and authorities as part of the development assessment or strategic planning process. These bodies may provide concurrence, issue conditions of approval, or offer expert advice.

Referral bodies may include:

- NSW Department of Planning, Housing and Infrastructure
- Transport for NSW
- Rural Fire Service
- Environment Protection Authority (EPA)
- Local Land Services
- NSW Office of Water
- Department of Primary Industries
- NSW Heritage Council
- Regional Joint Planning Panels (where applicable)

Referrals may be mandatory under legislation or undertaken voluntarily where the nature of the proposal warrants specialist input.

5.3 NSW Planning Portal and Online Tools

The NSW Planning Portal is a central platform for accessing planning information, lodging development applications, and tracking the status of proposals. It supports online submission of applications and provides visibility over the assessment process.

Visit: www.planningportal.nsw.gov.au

Council's website also provides access to:

- Current development applications on exhibition
- Strategic planning documents and adopted policies
- Community Participation Plan and submission



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