

Planning and Development Community Participation Plan

December 2023

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1 INTRODUCTION: COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

1.1 Background

This document is known as the Orange Planning and Development Community Participation Plan 2023.

Section 2.23 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires all Councils in NSW to prepare a Community Participation Plan (CPP). A CPP sets out how a Council will consult with the community when undertaking planning functions under the EP&A Act. This includes how each Council will engage with members of the public when undertaking the following functions:

- Preparation of local strategic plans, including Local Strategic Planning Statements and Local Housing Strategies,
- Drafting of amendments to Council's local environmental plan (LEP),
- Preparation of development control plans (DCPs), development contributions plans and voluntary planning agreements,
- Assessment of planning proposals, and
- Assessment and determination of development applications.

This Orange Community Participation Plan 2023 explains how Council will undertake community participation in accordance with the EP&A Act's requirements.

1.2 What is the CPP?

The Orange Community Participation Plan 2023 describes when and how Council will undertake community engagement in relation to proposals for new development or local planning policy changes. This includes requirements for:

- Consultation Timeframes
- Advertised Development
- Neighbour Notification, and
- Making Submissions.

The type and extent of community engagement undertaken for a given proposal

will vary according to the nature and scope of the proposal, the level of public interest involved and the potential impacts of the decision for the community.

1.3 How will the CPP be applied?

The CPP will be used by Council when undertaking planning functions that require community participation. The CPP sets out:

- What approaches should be taken in engaging the community
- The level of emphasis that should be placed on community participation, relative to the planning function
- At what point in time community participation is of most use to the community and to Council, and
- The method and duration of engagement and exhibition.

The CCP will be used by the community to help guide their expectations for when they are likely to be engaged – and why – in relation to certain planning functions. The CPP will help community members:

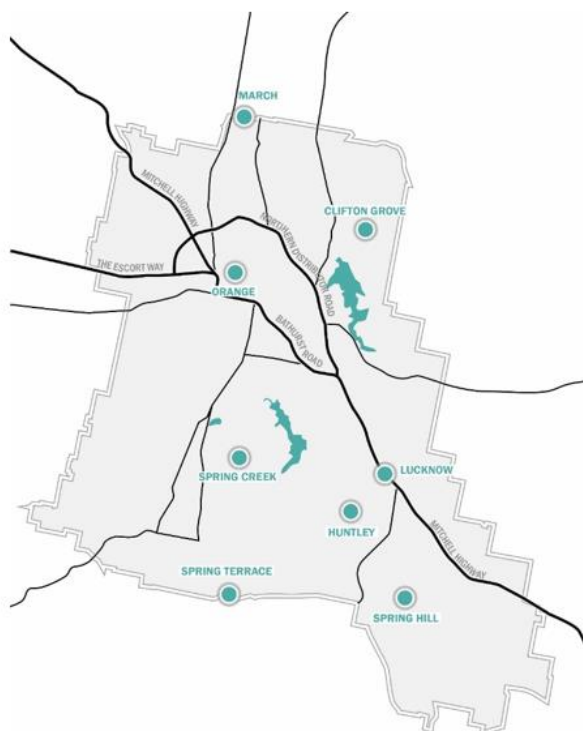
- Feel empowered in understanding the different planning functions that they may be consulted on,
- Engage better and more meaningfully with the planning system,
- Understand how they can use their voice in the planning system, and
- Keep informed of the planning decisions being made in their area.

1.4 Community Participation Objectives

Orange City Council aims to engage with the community to:

- a) Provide an opportunity for public participation and comment on Council's planning functions;
- b) Build strong partnerships with the community;
- c) Incorporate culturally appropriate practices when engaging Aboriginal Torres Strait Islander and culturally and linguistically diverse communities;

- d) Make relevant information available in plain English and translate information when engaging linguistically diverse communities or people living with disabilities;
- e) Ensure information is accessible for groups who find it difficult to participate in usual community participation activities;
- f) Conduct community participation initiatives in a safe environment;
- g) Ensure as many community members as possible can participate;
- h) Increase public awareness of Council's planning functions;
- i) Establish a communication process in relation to consultation on Council's planning functions;
- j) Facilitate ongoing discourse with local community networks;
- k) Specify circumstances when notification of development applications is not required;
- l) Facilitate the efficient processing of applications without compromising the opportunity for public participation; and,
- m) Regularly review the effectiveness of community participation initiatives.



2 COUNCIL'S PLANNING FUNCTIONS

2.1 Strategic Policy and Plan Making

Council has a role to create and implement strategic policies plans for the Orange Local Government Area, under both the EP&A Act and the Local Government Act 1993. These policies and plans are informed by Regional and District policies, plans and guidelines, as well as strategic objectives that are based on Council's Community Strategic Plan.

Community Participation Plan

The Orange City Council CPP (this document) describes how and when Council engages with the community on land use planning matters.

Local Strategic Planning Statement

The Orange Local Strategic Planning Statement links the NSW Government's regional plans and Orange City Council's Community Strategic Plan and planning controls that guide development in our City.

Planning Proposals for Local Environmental Plans

Local Environmental Plans are the local planning laws prepared by Council and approved by the NSW Government. They set out what development can take place, the heights and density of development, and what places need to be protected for their ecological, productive and heritage values. Local Environmental Plans are amended by preparing Planning Proposals.

Development Control Plans

Development Control Plans are guidelines prepared by Council that describe the preferred way to undertake development that is permitted by a Local Environmental Plan. Development Control Plans set to achieve good planning and design outcomes and manage the impact of development.

Contribution Plans

Contributions plans are prepared by Councils to levy new development to fund additional or improve local, public infrastructure needed by the development and used by the whole community.

Planning Agreements

A Planning Agreement is a voluntary agreement or other arrangement entered into by the Council and a developer to deliver public benefits beyond those identified in a Contribution Plan. These include the dedication of land to Council, monetary contributions, public infrastructure, community facilities, affordable housing, any other material public benefit or any combination of these.

2.2 Development Applications

Development Applications ('DAs') can be made for land-uses and development types that are 'permissible with consent' in the Orange Local Environmental Plan 2011. Development applications can be determined by Council staff under delegation, or the Regional Planning Panel. For more information on how development applications are considered and determined please see Council's Declaration of Planning and Development Assessment Procedures and Protocols.

2.3 Infrastructure and Environmental Impact Assessment

Public authorities are responsible for essential infrastructure such as schools, hospitals, roads, railways, water supplies, emergency services or electricity. There are several assessment pathways that these types of development can undertake in NSW. Part 5, Division 5.1 of the EP&A Act allows for the cost-effective provisions or maintenance of essential infrastructure alongside measures to protect the environment.

If a Local Environmental Plan identifies an activity as '*development permitted without consent*' a Review of Environmental Factors (REF) will be undertaken. The *Environmental Planning and Assessment Regulation 2021* outlines when a REF is to be published and made available to the Public.

3 CONSULTATION TIMEFRAMES

3.1 Minimum Exhibition Requirements

The following tables provide the mandatory minimum exhibition timeframes for the planning functions and documents that this community participation plan applies to as set out in Schedule 1 of the EP&A Act. The Environmental Planning and Assessment Regulation 2021 may amend Part 1 of Schedule 1 to prescribe additional mandatory requirements for community participation or to make other changes to that part.

Where a timeframe has not been identified as mandatory, Council has outlined a minimum exhibition timeframe.

Minimum Exhibition Timeframes – Plan Making and Other Strategic Planning Documents	
Draft Document	Timeframes
Draft Community Participation Plans	28 days (mandatory)
Draft Local Strategic Planning Statements	28 days (mandatory)
Planning Proposals for Local Environmental Plans subject to a Gateway Determination	28 days, or any other period specified in the Gateway Determination (mandatory)
Draft Development Control Plans	28 days (mandatory)
Draft Contribution Plans	28 days (mandatory)
Planning Agreements	28 days (mandatory)
Re-exhibition of any of the above, which may be required at the discretion of the Manager Development Assessments or Manager Building and Environment	14 days

All policies can be reviewed or revoked by a resolution of Council, at any time.

Minimum Exhibition Timeframes – Other Strategic Planning Documents	
Draft Document	Timeframe
Draft Planning Policy / Guideline	28 days
Draft Land-use / Planning Strategy	28 days
Draft Master Planning documents	28 days
Re-exhibition of any of the above, which may be required at the discretion of the Manager Development Assessments or Manager Building and Environment	As per original exhibition period.

Minimum Exhibition Timeframes – Development Applications	
Application Type	Mandatory timeframe
Development Application, being advertised or neighbour notified	14 days
Re-exhibition of the above, which may be required at the discretion of the Manager Development Assessments or Manager Building and Environment.	14 days
Development Application, being designated development	28 days (mandatory)
Development Application, being nominated integrated development or threatened species development (applications with a BDAR)	28 days (mandatory)
Development Applications, being State Significant Development	28 days (mandatory)
Development for category 1 remediation work under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	28 days (mandatory)
Council-related development applications	28 days (mandatory)
Environmental impact statement obtained under Division 5.1	28 days (mandatory)
Environmental impact statement for State significant infrastructure under Division 5.2	28 days (mandatory)

Minimum Exhibition Timeframes – Modification Applications	
Type of modification or review application	Notification
Section 4.55(1) application – modifications involving minor error, misdescription or miscalculation	Applications are not required to be notified.
Section 4.55(1A) application – modifications involving minimal environmental impacts	Applications are not required to be notified, but may be notified at the discretion of the Manager Development Assessments or Manager Building and Environment.
Section 4.55(2) applications – other modifications	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act and Regulations specify additional advertising and notification procedures for Section 4.55(2) Modification applications.
Section 4.56 application – consents granted by the Court	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified.

3.2 Amended Applications

Development Applications may be amended or varied by the applicant before the application is determined. If a Development Applications is amended post neighbour notification, the application may be renotified at the discretion of the Manager Development Assessments or Manager Building and Environment.

4 ADVERTISING AND NOTIFICATION

4.1 Additional Considerations

Council may advertise or notify any other type of proposals, even if the proposal is not listed in the following Tables, if so required, at the discretion of the Manager Development Assessments or Manager Building and Environment.

4.2 How does Council notify an applications?

The Council will notify an application in two ways:

- **Notification** – sending a letter to adjoining property owners.
- **Notification and advertising** – In addition to the above, notice is placed on Council's website. Council will also sometimes notify of advertising on its social media pages, when determined appropriate.

5 ADVERTISED DEVELOPMENT

Heritage (all zones)
Development for the purposes of alterations, additions, demolition, damaging or defacing of building or work that is a Heritage Item, except development not required to be advertised at the discretion of the Manager Development Assessments or Manager Building and Environment.
Development relating to conservation incentives under clause 5.10(10) of the Orange LEP.

Occurring in All Land Zones	Occurring in Residential Zones Only
<ul style="list-style-type: none"> • Attached dwellings • Boarding Houses • Crematoria • Correctional Centres • Co-living housing • Freight transport facility • Helipad • Intensive Livestock Agriculture • Intensive Plant Agriculture • Group Homes • Health services facility • Heavy Industry • Hostels • Multi dwelling housing • Recreation facility (major) • Registered Club • Residential flat buildings • Seniors Housing • Shop Top Housing • Sex services premises • Torrens subdivision which would create 3 or more lots than the number of lots planned for in an endorsed subdivision concept plan (in a DCP) • Tourist and Visitor Accommodation • Development subject to a clause 4.6 of the LEP, where variation from a standard exceeds 10% • Development listed within Schedule 1 Additional Permitted Use of the Orange LEP • innominate forms of development 	<ul style="list-style-type: none"> • Centre-based childcare facility • Community facility • Emergency services facility • Entertainment facility • Function Centre • Information and education facility • Neighbourhood supermarket • Places of public worship • Recreation facility (indoor) • Recreation facility (outdoor) • Respite day care centre • Veterinary hospital • innominate forms of development

5.1 How will Council advertise?

Council's Declaration of Planning and Development Assessment Procedures and Protocols outlines that Council will provide a list of received DAs on its website and within the local newspaper, in addition to a list of DAs which have been approved.

For advertised proposals the following forms of advertising will be used:

- Letters sent out to properties adjoining the land to which the proposal relates,
- Online through Council's website, and
- In hard copy for viewing at the:
Civic Administration Building.
135 Byng Street, Orange

5.2 Information to be publicly exhibited

During the public advertising period, Council must make available, upon request, extracts of the Development Application or Modification Development Application to any interested persons. This information shall include:

- Details of the applicant and the land to which the application relates.
- Plans of the development proposal ("view only access").
- Where relevant, a copy of the Statement of Environmental Effects accompanying the application.

6 NOTIFIED DEVELOPMENT

Heritage (all zones)

Development for the purposes of a new dwelling, alterations, additions, demolition, damaging or defacing of building or streetscape, or work that is within a heritage conservation area, except development not required to be advertised at the discretion of the Manager Development Assessments or Manager Building and Environment.

Occurring in All Land Zones	Occurring in Residential Zones Only
<ul style="list-style-type: none"> • Caravan parks • Development in relation to 'existing use rights' • Dual occupancy or 2 lot subdivision • Eco-Tourist Facility • Entertainment facility • Food and Drink Premises • Farm Gate Premises • Highway Service Centre • Light Industry (excluding home industries and within the E4 General Industry Zones) • Plant nursery • Recreation area • Registered club • Restricted premises • Rural Workers Dwellings • Secondary dwellings • Semi-detached dwellings • Service Station • Clearing vegetation that requires consent under Part 4 of the EP&A Act. • innominate forms of development 	<ul style="list-style-type: none"> • A dwelling house, dual occupancy, secondary dwelling or group home which contains a two storey component • Alterations and additions to an existing single storey dwelling, secondary dwelling or group home to create a second storey • Alterations and additions to the second storey of a dwelling, secondary dwelling or group home within 2 metres of the side or rear boundary • Centre-based child care facility • Educational Establishments • Environmental facility • Home occupation (sex services) • Kiosks • Neighbourhood shops • Temporary use of the land, if the use would ordinarily be prohibited on that land • innominate forms of development

6.1 How will Council notify?

Notification involves the following elements:

- Letters being sent out to properties adjoining the land to which the proposal relates, providing recipients with opportunities to view the plans and supporting material, via the following methods:
- online through Council's website, <https://www.orange.nsw.gov.au/on-exhibition-for-comment/>, and
- in hard copy at the Civic Administration Building, 135 Byng Street, Orange.

6.2 Who does Council notify?

The notification area comprises the properties that adjoin the site to which the proposal relates, however additional properties may be included in the notification area at the discretion of the Manager Development Assessments or Manager Building and Environment. Where an adjoining property is in single ownership, including properties owned by a single company, the letter will be addressed to that owner. Where an adjoining property has multiple owners but is not under strata or community title (i.e. more than one individual owner or more than one company owner), letters will be addressed to all owners.

Where an adjoining property is in strata or community title, letters will be addressed to the Owners Corporation and to individual owners of strata units.

6.3 What information is provided as part of the consultation process?

The notification letters will specify (as applicable):

- a) the application reference number;
- b) the property description and address of the proposed development;
- c) the description of the proposed development;
- d) the invitation to make a written submission;
- e) where and when the development application can be inspected;
- f) the period during which submissions can be made;
- g) a statement outlining the privacy rights of any person making a submission to Council;
- h) a statement outlining the requirement for a submitter to a development application to make a public disclosure of any donation to a Councillor and/ or gift to a Councillor or Council employee; and
- i) Council's contact details including address, telephone and e-mail.

7 SUBMISSIONS

7.1 Who can make a submission?

Anyone may make a submission, regardless of whether they received a notification letter.

7.2 When can I make a submissions?

The exhibition period is also the submissions period for a proposal. Any submissions received before or after this period may not necessarily be considered in the making of a decision. If early/late submissions are considered, they may not be explicitly mentioned in an assessment report.

7.3 How does Council deal with Petitions?

Where a petition is received the acknowledgement and all future contact will be sent to the head petitioner or, where not nominated, the first petitioner supplying contact details.

Submissions received in the form of a petition will only be recorded as one submission regardless of the number of signatures.

7.4 Will Council consider an extension to submission periods?

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

If a notification/advertising period finishes on a weekend or a public holiday, it will be extended to the next business day.

7.5 What if the adjoining property is located within a different LGA?

Where adjoining properties are not within the Orange Local Government Area and are considered to be affected, the owner(s) of such properties will be notified in accordance with the provisions of this Plan where possible. Notification of adjoining properties will require the adjoining Local Government Authority to provide Orange City Council with the property details of properties.

7.6 Process for making submissions.

Submissions should be made in writing, and should include the reference numbers and address of the proposal to make it clear which proposal you are commenting on.

7.7 What should I include in my submission?

A submission may support a proposal, oppose it, request that amendments be made, or that conditions be imposed. If the matter is complex, you may engage a consultant to prepare and make a submission on your behalf. You are not obliged to lodge a submission simply because you have been alerted of a proposal as an adjoining property owner.

Please be aware of the following before making a submission:

- a) In the context of making a submission, any information provided to, or collected by, Orange City Council is for the purpose of assessing a proposal.
- b) The information supplied to Council in a submission will be made publicly available.
- c) The intended recipients of the information are Council staff, the proponent, the public, and Councillors.
- d) The submitter's name and general address may be made publicly available.
- e) The making of any submission is entirely voluntary.
- f) The person providing the information has a right to access the information to correct any personal information supplied.
- g) The submission will be placed in Council's file and a redacted version may appear on Council's website during the consideration of the proposal.
- h) Council's file on the proposal may be accessed by any person, subject to an information request being received and agreed to by Council.
- i) Comments of an abusive or offensive nature should not be included.

Other parties may view comments within a submission as potentially offensive, slanderous, libellous, or defamatory. In this regard:

- a) The views expressed in submissions remain those of the submitter only and do not reflect the views or position of Council, or of any Councillor, staff member, or contractor.

b) Submitters should not rely upon the redaction procedures of Council to prevent publication of potentially offensive, slanderous, libellous or defamatory material.

c) Council accepts no liability for, or responsibility to defend or protect the authors of submissions in respect of any legal proceedings that may arise from the publication of submissions.

If you decide to make a submission and object to the proposal, the reasons for your objection must be included in your submission.

7.8 What is the process for making a submission.

Submissions must include contact details (name and number) including a return address (postal or email address). This is so Council can advise the contact person of the progress and outcome of the application.

Verbal submissions will not be considered.

The submission must be made in writing. Comments on Council's social media will not be considered.

There are three ways you can send your submission in to Council:

Post your written submission to:

The Chief Executive Officer

Orange City Council

PO Box 35

ORANGE NSW 2800

Bring a printed version of your written submission to:

Orange City Council - Customer Service Counter

135 Byng Street

Orange NSW 2800

Emailed submissions should be sent to:

council@orange.nsw.gov.au

Include the reference number for the proposal in your submission.

7.9 Recording of Submissions.

Submissions received will be acknowledged as soon as practicable.

Submissions not received in hard copy or via email will not be considered a formal submission and may not be taken into consideration.

Correspondence with elected representatives or on social media sites regarding your concerns does not amount to a submission.

Anonymous or illegible submissions will not be acknowledged.

Submissions are not confidential and are open to public access under the *Government Information (public Access) Act 2009*.

If a person making a submission does not wish to have the content of the submission or their identity revealed, the submission should include a clear request to that effect and reasons given for that request. Issues raised within the submission may still be made available on a paraphrased or summarised basis.

8 POST-DETERMINATION

Following a determination being made on a proposal, several different parties will be notified. Post-determination notification to submitters will take place when proposals have attracted submissions during their exhibition.

8.1 How will I be notified of a determination?

Strategic Planning

In most circumstances, a media release will be provided and notice of the outcome on will be published on Council's Website.

Development Applications

DAs that have been determined will be listed as a monthly summary in a local newspaper.

The notice of determination will also be uploaded to the NSW Planning Portal website, which can be accessed by anyone through <https://www.planningportal.nsw.gov.au/>

Any person who made a submission about the Development Application will also receive a copy of the Notice of Determination.

9 CONTACT US

If you have questions regarding anything to do with the Planning and Development: Community Participation Plan, please contact Council through any of the following channels:

Phone: 02 6393 8000

Email: council@orange.nsw.gov.au

Website: <https://www.orange.nsw.gov.au>

Visit: 9am to 5pm, Monday to Friday

Orange City Council

PO Box 35

Orange NSW 2800

Planning & Development Community Participation Plan		
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