

GWYDIR SHIRE COUNCIL  
**Community  
Participation Plan**

TRIM 19/31246      Version 1

Council Resolution:  
402/19

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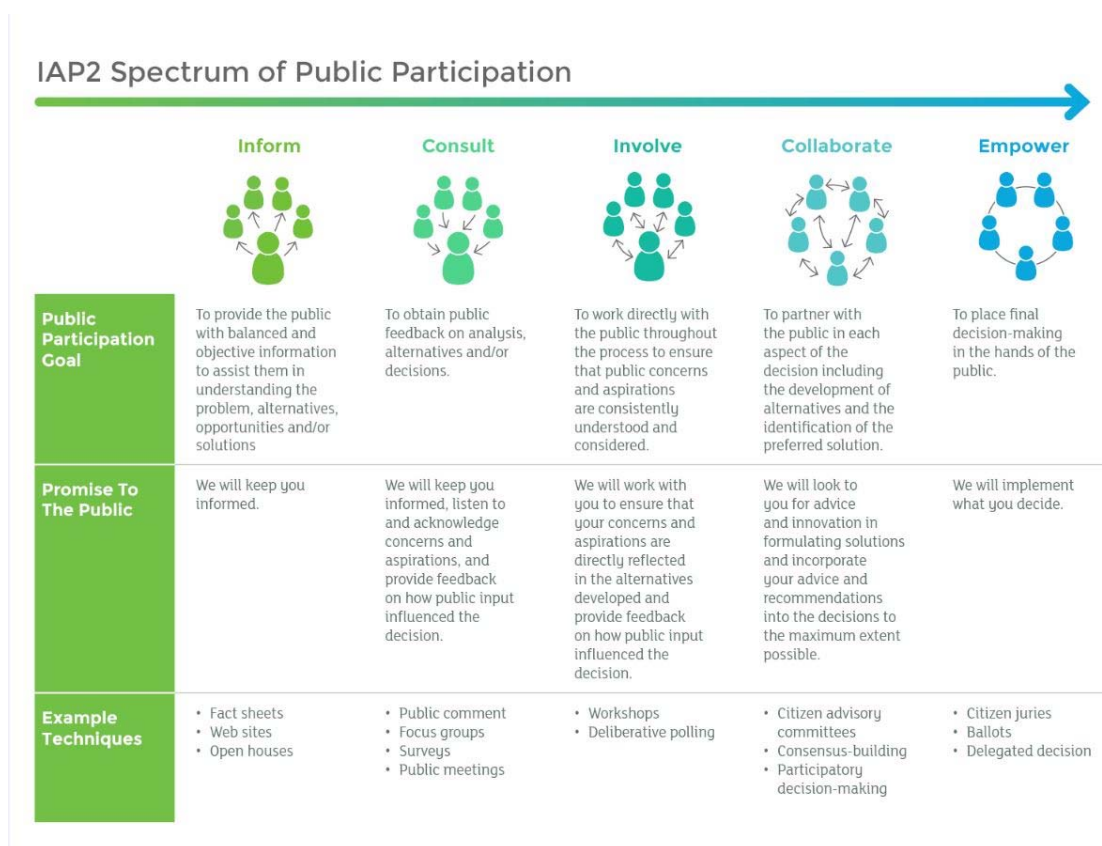
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# 1. WHAT IS COMMUNITY ENGAGEMENT?

Community engagement is a process with a specific purpose to identify and work with groups of individuals with an interest in addressing issues affecting the community’s well-being. The International Association for Public Participation (IAP2) developed the ‘IAP2 public participation spectrum’ to assist in defining the public’s role in any public participation process.

Community engagement by Gwydir Shire Council will be made up of one or more of the IAP2 five strategies:

- Inform
- Consult
- Involve
- Collaborate
- Empower



Collaboration will be the most significant part of the Gwydir Shire Council’s engagement. It involves working with key stakeholders and the community to find solutions and alternatives. This stage comes after all the information has been sought through consultation and understood clearly during the involving stage.

The spectrum notes that the level of “Empower” places the “final decision-making in the hands of the public”. However, as elected representatives of the community, final decisions will ultimately rest with the elected Councillors.

## 2. WHAT IS A COMMUNITY PARTICIPATION PLAN (CPP)?

Community Participation Plans (CPPs) are a requirement under the *Environmental Planning and Assessment Act 1979* and are designed to make participation by the public in planning matters clearer. The Gwydir CPP outlines how and when Council will engage the community during its planning functions. The Gwydir CPP will also clarify what is meant by public exhibition, which can include:

- Giving notice to individual land owners / occupiers
- Determining an appropriate exhibition timeframe
- Advertising the exhibition notice, including how submissions can be made and
- Making documents publicly available.

### 2.1 Limitation of the Community Participation Plan

The Gwydir CPP does not outline Council's engagement strategy for the delivery of other Council services, functions or infrastructure. Community engagement for these activities are considered under the Gwydir Community Engagement Strategy.

### 2.2 Objectives of the Community Participation Plan

The Gwydir CPP is built on the principle that **all members of the community have a right, and a responsibility, to contribute to their community's future.** This principle is under-pinned by the following values and goals:

Council's values are:

- **Integrity** – when there is openness and honesty about the scope and purpose of engagement.
- **Inclusion** – when there is an opportunity for a diverse range of values and perspectives to be freely and fairly expressed and heard.
- **Deliberation** – when the sufficient and credible information for dialogue, choice and decisions, and when there is space to weigh options, develop common understanding and to appreciate respective roles and responsibilities.
- **Influence** – when people have input in designing how they participate, when decisions reflect their involvement and when their impact is apparent.

Council's goals are:

- To provide the community with appropriate information
- To capture community input
- To work on an ongoing basis with the community to ensure that ideas, concerns and aspirations are listened to and understood
- To partner with the public to ensure the decision-making process considers alternatives and identifies, minimises or avoids negative impacts.

## 2.3 Principles of the Community Participation Plan

The *Environmental Planning and Assessment Act 1979* guides councils to ensure that it will be clearer and easier for communities to understand how and when to participate in planning decisions. The principles of a Community Participation Plan as outlined by the *Environmental Planning and Assessment Act 1979* are as follows:

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

## 2.4 Land to which the Community Participation Plan applies

The Gwydir Community Participation Plan applies to all land within the Gwydir Shire Local Government Area.

## 2.5 What are Council's Planning functions?

### 2.5.1 Development Assessment

- a) Local Development (other than Complying Development Certificates , Designated Development and State Significant Development):

The Gwydir Local Environmental Plan outlines those types of development and land uses that require development consent before development can take place.

- b) Integrated Development:

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more approvals

under section 4.46 of the *Environmental Planning and Assessment Act 1979*.

c) Designated Development:

Designated developments are generally high impact developments or that located in environmental sensitive areas. Designated developments are listed in Schedule 3 of the *Environmental Planning and Assessment Regulations 2000* or can also be declared in a Local Environmental Plan or State Environmental Planning Policy.

d) State Significant Development

State Significant Development is identified in the State Planning Policy (State and Regional Development) 2011. State Significant development are determined by the Minister for Planning.

e) Modification of development consents

An application to modify a development consent is made under section 4.55 of the *Environmental Planning and Assessment Act 1979* providing the development remains substantially the same. Where this is not the case a new Development Approval must be sought.

## **2.5.2 Strategic Planning**

a) Community Participation Plan

The CPP sets out when and how Council will engage with the community across all planning functions and the minimum requirements for community participation.

b) Regional or District Plans

The New England North West Regional Plan applies to the Gwydir Shire and as developed by the NSW Department of Planning, Industries and Environment to plan for future infrastructure, housing, employment and health needs for the region.

c) Local Strategic Planning Statements

The Local Strategic Plan is a long term visionary document which plans for future land use based on where the shire will be or would like to be in 20 years.

d) Local Environmental Plan

The Gwydir Local Environmental Plan guides planning decisions for the Gwydir Shire. It provides a framework for the use of land and the main planning tool used to shape the Gwydir community and ensure that local development is achieved in an appropriate and sustainable way. Local Environmental Plans are generally reviewed every 5 years.

e) Development Control Plan

A Development Control Plan provides detailed guidelines and specific controls that apply to development proposals in the Gwydir Shire

Council. A Development Control Plan may be periodically reviewed to amend or introduce new controls relating development types, legislative changes or to clarify intent.

f) Developer and Infrastructure Contribution Plans

Contribution plans allow Council to levy contributions on developments to assist in the provision or maintenance of community facilities or infrastructure on which the development impacts.

### 2.5.3 Other Planning Documents

a) Planning Agreements

Planning Agreements (also known as voluntary planning agreements) are an offer by a developer to Council to dedicate land, make monetary contributions, or provide material for the public benefit, to be used for or applied toward a public purpose which include:

- i. a community facility
- ii. affordable housing
- iii. transport or other infrastructure
- iv. the funding of recurrent expenditure relating to a the provision of a community facility, affordable housing or transport or other infrastructure
- v. the monitoring of the planning impacts of development
- vi. the conservation or enhancement of the natural environment.

## 2.6 Development excluded from Notification under the Community Participation Plan

There are types of development activities that are exempt from consent or can be approved by others, being Private Certifiers, outside of Council. Community participation does not form a part of the pathway for these types of development. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 list the types of exempt or complying development. The Gwydir Local Environmental Plan 2013 also list types of development that are permitted without consent in each of the land use zones

## 2.7 The Community Participation Plan's relationship to other plans and strategies

a) *Environmental Planning and Assessment Act 1997*

Section 2.23 of the *Environmental Planning and Assessment Act 1979* requires Council to develop a Community Participation Plan. Division 2.6 of this Act outlines the requirements for the creation of the plan.

b) Gwydir Community Engagement Strategy

The founding principle of the Gwydir Community Engagement Strategy is that **“all members of the community have a right, and a responsibility, to contribute to their community’s future.”**

The Gwydir Community Participation Plan acknowledges the established Council procedure in relation to planning decisions.



c) Gwydir Community Strategic Plan

The Gwydir Community Strategic Plan 2017-2027 is a road map for the future of the Gwydir Shire. In addition to the community priorities it considers trends, issues and future demands. It spans a period of 10 years and belongs to the community, reflecting the community's main priorities and future aspirations.

The Community Participation Plan addresses, specifically, the following key strategies of the Gwydir Community Strategic Plan:

- 4.1.1 Encourage an informed community
- 4.1.2 Enable broad, rich and meaningful engagement to occur
- 4.2.1 Build strong relationships and shared responsibility
- 4.2.2 Work in partnership to plan for the future

## 2.8 Stakeholders in the Planning Process

Key individuals involved in the planning process include but are not limited to the following:

- Applicant
- Landowner
- Neighbour/s
- Developer/s
- Business owner/s
- Councillors
- Agents
- Planning specialist or consultants
- Architect
- Local and State Political representatives
- Service providers

Key interested community groups may include (but are not limited to):

- Warialda Chamber of Commerce
- Bingara Vision 20/20
- Local Aboriginal Land Council

Industry interested groups include (but are not limited to):

- Landcare
- Local Land Services
- Tamworth Regional Council
- Moree Plains Shire Council
- Inverell Shire Council
- Armidale Shire Council

Council referral agencies and groups (but are not limited to):

- Department of Planning Industries and Environment
- Roads and Maritime Services
- Rural Fire Service
- NSW Office of Water
- Department of Primary Industry

## **3 DEVELOPMENT APPLICATIONS**

### **3.1 Objectives**

- Raise awareness
- Establish communication links with the community
- Encourage active participation in planning
- Encourage community participation prior the initial planning phases
- Collect and respect views, opinions and ideas
- Foster community pride, support and ownership in the planning process
- Build Trust and confidence between Council and the community

### **3.2 Goals**

The Community Participation Plan aims to nurture effective communication networks, however this does not mean that all interest stakeholders will be satisfied with the planning outcome. The plan is about ensuring that all planning proposals are completely investigated, impacts identified and community interest upheld.

Thus the goal is to CONSULT – obtain community feedback on development proposals.

### **3.3 Channels**

- Newspaper advertising – local, regional and state
- Written notification to stakeholders
- Exhibition on Council's Website
- Exhibition at front counter of Council offices
- Planning Portal
- Notice on the land, where required by regulations

### **3.4 Tools**

Consultation tools allow public participation in the planning process by informing and providing a vehicle for input.

- Request for written submission during exhibition period
- Customer Service Request
- Online feedback through emails and Council's website

### **3.5 Feedback**

Council encourages all interested stakeholders to lodge written submissions in addition to any feedback received on development proposals through one of the other tools listed above.

### **3.6 Consultation Period**

Consultation periods may vary depending on the development proposal type. However, no proposal will be exhibited for less than the time indicated for each development type listed in section named Development Types.

### **3.7 Minimum Exhibition and Notification Periods**

The minimum levels for exhibition neighbour and stakeholder notifications, for the following types of development, are set by Schedule 1 of the *Environmental Planning and Assessment Act 1979*:

- Local Development – 14 days
- Integrated Development – 14 days
- Designated Development – 28 days
- State Significant Development – 28 days

### **3.8 Commencement and conclusion of public exhibition or notification periods**

- Matters requiring a notice in a newspaper – Exhibition

The commencement of exhibition period is taken to be the first business day following the publication of the notice in the newspaper. The exhibition period is inclusive of weekends and public holidays (other than the Christmas period noted in the next section) and will conclude after the required number of days.

In addition, the development proposal will also be concurrently available on Council's website and may be available in a paper based form at the reception of Council's offices.

- Matter not requiring a notice in a newspaper – Notification

The commencement of the notification period is taken to be the fourth day following the posting of the written notification. The notification period is inclusive of weekends and public holidays (other than the Christmas period noted in the next section) and will conclude after the required number of days has elapsed.

In addition, the development proposal will also be concurrently available on Council's website.

### **3.9 Exhibition and Notification over Christmas Period**

All public exhibitions and/or notification periods will be suspended between 20 December and 10 January (inclusive).

### **3.10 How Council determines who is notified**

Generally, written notification will be sent to all adjoining land owners to which the proposed development borders. For the purpose of clarification, roads, pathways, rivers or other significant features are excluded when considering adjoining land. Council may determine, where a proposed development's impacts are considered to have a wider effect, to include land within a certain radius or along impacted haulage routes.

A notification is a written advice concerning the development proposal. The notification includes the exhibition period parameters and the locations of where the proposed development's related documentation can be viewed (if not attached to the notification itself). The notification is either posted or emailed; depending on the available information about the land owner/s on Council's records.

The notification of modified developments will be determined based on whether the modification shall adversely impact the adjoining or surrounding land owners.

### 3.11 Notification to owners in adjoining Local Government areas

Where a proposed development is located on or will affect properties on the boundary between the Gwydir Shire and another local government area, Council will request land owner details from that local government area and give written notification to those land owner/s.

### 3.12 Deficient Development Applications

Development applications that are considered by Council to be deficient, by lack of appropriate or required supporting documentation or is unreadable may not be placed on exhibition or notified until such time as the Development Application is deemed to be sufficient.

### 3.13 External Referrals

The referral of Development proposals to external experts/government departments/agencies/bodies/groups, whether for general terms of approval or concurrence, may be required under legislation. Council may also refer a Development Application where it is considered that the opinion of expert/government department/agency/body/group is of value to the planning process.

### 3.14 Local Development Application Types

**Type A:** Minimum Timeframe - 14 days

Planning Document: Type A Developments	Required Advertising and Exhibition
Applies to applications for small scale developments that have a minimal environmental, social and economic impact. Council is the delegated authority.	Notification via letters to owners of adjoining properties and exhibition of development on Council's website.
Type A Developments are defined as: <ul style="list-style-type: none"> <li>• Dwelling houses, alterations and additions, swimming pools or ancillary structures up to two storeys</li> <li>• Secondary dwellings</li> <li>• Dual occupancies</li> <li>• Attached dwellings (less than 8 dwellings)</li> <li>• Boarding houses (less than 10 lodgers)</li> <li>• Group homes (less than 10 lodgers)</li> <li>• Hostels (less than 10 lodgers)</li> <li>• Multi-dwelling housing (less than 8 dwellings)</li> <li>• Residential flat buildings (less than 8 dwellings)</li> </ul>	The notification must include: <ul style="list-style-type: none"> <li>• A clear and legible site plan</li> <li>• A clear and legible floor plan</li> <li>• Clear and legible elevations</li> <li>• A concise description of the development</li> <li>• The name of the applicant</li> <li>• Advice as to where the development and supporting documentation may be viewed, free of charge</li> <li>• The closing date for written submissions (generally 14 days from the date of notice plus 3 days postage)</li> </ul>

<ul style="list-style-type: none"> <li>• Senior’s housing (less than 8 beds or 8 dwellings)</li> <li>• Shop top housing (no more than 2 dwellings)</li> <li>• Farm building not considered to be exempt development</li> <li>• Change of use that may impact adjoining properties</li> <li>• 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</li> </ul>	
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**Type B:** Minimum Timeframe - 21 days from the date of the advertisement in the local newspaper

<b>Planning Document: Type B Developments</b>	<b>Required Advertising and Exhibition</b>
<p>Applies to applications that have the potential to cause a broader impact than Type A Developments. Type B does not include complying development certificates, designated development or state significant development. Council is the delegated authority.</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. Advertisement in the local newspaper/s. The development is also to be exhibited on Council’s website and may also be exhibited at Council’s offices.</p>
<p>Type B Developments are defined as:</p> <ul style="list-style-type: none"> <li>• Attached dwellings (8 or more dwellings)</li> <li>• Boarding houses (10 or more lodgers)</li> <li>• Group homes (10 or more lodgers)</li> <li>• Hostels (10 or more lodgers)</li> <li>• Multi-dwelling housing (8 or more dwellings)</li> <li>• Residential flat buildings (8 or more dwellings)</li> <li>• Senior’s housing (less than 8 beds or 8 dwellings)</li> <li>• Shop top housing (2 or more dwellings)</li> <li>• Complete or substantial demolition of any significant feature of a heritage item</li> <li>• Hotel or motel accommodation</li> <li>• Serviced apartments</li> <li>• Public entertainment facilities</li> </ul>	<p>The notification must include:</p> <ul style="list-style-type: none"> <li>• A concise description of the development</li> <li>• The name of the applicant and consent authority</li> <li>• The name and contact details of the relevant Council officer</li> <li>• Advice as to where the development and supporting documentation may be viewed, free of charge</li> <li>• A statement that any person may make a submission during the notification period</li> <li>• The closing date for written submissions (generally 14 days from the date of notice plus 3 days postage)</li> </ul>

<ul style="list-style-type: none"> <li>• Registered Clubs</li> <li>• Pubs</li> <li>• Restricted premises</li> <li>• Adult service premises</li> <li>• Massage parlours</li> <li>• Educational establishments</li> <li>• Hospitals</li> <li>• Other medical clinics or facilities</li> <li>• Community facilities</li> <li>• Places of public worship</li> <li>• Recreation areas and major recreational facilities</li> <li>• Amusement centres</li> <li>• Child care centres</li> <li>• Funeral homes</li> <li>• Non-residential development in the residential zone</li> <li>• New buildings in an industrial or business zone</li> <li>• Development in an industrial zone which is adjacent or opposite residential zoned land</li> <li>• Development under SEPP 33</li> <li>• Development near zone boundaries as prescribed under clause 5.3 of the Gwydir Local Environmental Plan 2013</li> <li>• Any other development not subject to Type A notification.</li> </ul>	<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>
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### 3.15 Other Development Types - Exhibition Timeframes - Mandatory / Best Practice

Planning Document	Mandatory Timeframes	Required Advertising and Notification
Integrated Development	28 days	<ul style="list-style-type: none"> <li>• Public Exhibition at Council offices</li> <li>• Exhibition on Council's website</li> <li>• Written notification to adjoining and surrounding property owners as impacted</li> <li>• Advertising in local, regional and state newspapers as required by legislation</li> <li>• A sign exhibited on the land where required by legislation</li> </ul>
Designated Development	28 days	
State Significant Development	28 days	
Environmental Impact Statements (under Divisions 5.1 and 5.2 of the <i>Environmental Planning and Assessment Act 1979</i> )	28 days	
Applications for Development Consent required to be publicly exhibited by regulations, but not included in Type A or Type B e.g. Intensive Agriculture not deemed to be integrated and/or designated	28 days	

Specific public notification requirements for integrated, designated and state significant developments are found a clauses 77- 81, 84-85 and 87- 89 of the *Environmental Planning and Assessment Regulations 2000*.

### 3.16 Exhibition of Modification of Development Consents

Type of Modification	Timeframe	Advertising and Notification
Modifications involving minor error, mis-description or miscalculation	0	<ul style="list-style-type: none"> <li>No advertising or notification</li> </ul>
Modifications involving minimal environmental impacts	14 days	<ul style="list-style-type: none"> <li>Exhibition on Council's website</li> <li>Written notification to adjoining and surrounding property owners as impacted</li> </ul>
Other modifications, including applications which cause increased environmental impact	21 days	<ul style="list-style-type: none"> <li>Exhibition on Council's website</li> <li>Written notification to adjoining and surrounding property owners as impacted</li> <li>Written notification to persons who made a submission on the previous development application</li> </ul>

## 4 STRATEGIC PLANS AND STRATEGIES

### 4.1 Goals

Council's engagement goals are to:

INVOLVE – Work directly with the public to ensure that public concerns and aspirations are consistently understood and considered

And/or

CONSULT – Obtain public feedback on analysis, alternatives and/or decisions

### 4.2 Channels

- Newspaper advertising
- Letter drops or Council notices
- Media releases - focus groups
- Public display and pop-up shopfronts
- Social media
- Surveys
- Council's website
- Any other procedure as required

### 4.3 Tools

- Workshops or forums
- Public meetings

- Committee meetings
- Written submissions through the public exhibition process

#### 4.4 Feedback

Council encourages all interested stakeholders to lodge written submissions in addition to any feedback received on development proposals through one of the other tools listed above.

#### 4.5 Exhibition and Notification over Christmas Period

All public exhibitions and/or notification periods are suspended between 20 December and 10 January (inclusive).

#### 4.6 How Council determines who is engaged

Council officers will choose the most appropriate audience and stakeholders for the strategic planning projects.

#### 4.7 Consultation periods for Strategic Plans and Strategies

Strategic Planning Document	Mandatory Timeframes
Regional or District Strategic Plans	45 days
Local Strategic Planning Statement	28 days
Local Environment Plans, Planning Proposals subject to Gateway determination	28 days
Draft Community Participation Plan	28 days
Draft Development Control Plans	28 days
Developer and Infrastructure Contribution Plans	28 days

## 5 OTHER PLANNING DOCUMENTS

### 5.1 Goals

Council's engagement goals are to:

CONSULT – Obtain public feedback on analysis, alternatives and/or decisions

### 5.2 Channels

- Newspaper advertising
- Letter drops or Council notices
- Council's website
- Any other procedure as required

### 5.3 Tools

- Committee meetings
- Written submissions through the public exhibition process

### 5.4 Feedback

Council encourages all interested stakeholders to lodge written submissions in addition to any feedback received on development proposals through one of the other tools listed above.



## 5.5 Exhibition and Notification over Christmas Period

All public exhibitions and/or notification periods are suspended between 20 December and 10 January (inclusive).

## 5.6 How Council determines who is engaged

Council officers will choose the most appropriate audience and stakeholders for the strategic planning projects.

## 5.7 Consultation periods for Strategic Plans and Strategies

Strategic Planning Document	Mandatory Timeframes
Planning Agreements	28 days
Road Naming	28 days
Policy or guidelines	28 days
Plans for urban renewal areas and masterplans	42 days

# 6 SUBMISSIONS

## 6.1 How can the public lodge submission

- The submission period is the same as the exhibition/notification period.
- Submissions are in the form of letters, petitions or similar written representations from individuals or groups regarding a particular application or planning document.

## 6.2 How will submissions be considered?

All submissions received within the nominated timeframe will be considered when determining an application or finalising a planning document.

Submissions received outside the nominated timeframe will only be considered where possible.

Applications will not be determined or planning documents finalised prior to the expiry of the nominated exhibition/notification period.

Submissions should:

- Be in writing (via mail, email, fax or hand delivered)
- Be delivered to Council on or before the last day of the exhibition/notification period (unless otherwise specified) and
- Contain the name and address of the person/s making the submission; the application number and address of the property subject to the development proposal or the planning document name; and details of all reasons for the submission and supporting documentation.

Anonymous submissions will not be considered by Council.

### **6.3 Where to deliver submissions**

- Email: [mail@gwydir.nsw.gov.au](mailto:mail@gwydir.nsw.gov.au)
- Mail: Gwydir Shire Council  
Locked Bag 5  
BINGARA NSW 2404
- Fax: (02) 67241 771
- In person: Warialda Council Office, 54 Hope Street, Warialda or  
Bingara Council Office, 33 Maitland Street, Bingara

All submissions received during the exhibition/notification period will be acknowledged as soon as practicable by Council following the conclusion of the exhibition/notification period.

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

### **6.4 Petitions**

Where a petition is received in relation to a Development Application or Strategic Planning document, the head petitioner or, where not nominated, the first petitioner, will be acknowledged for the purpose of future contact as to the progress of the application. Only the head petitioner, or first petitioner, will be advised of any related meeting times or receive written confirmation of the determination of an application or outcome of the matter.

It should also be noted that a petition is considered as one submission.

### **6.5 Disclosure of submissions**

Submissions may be accessed by the public by way of a GIPA request (accompanied by the requisite fee) to Council. Also, if the proposal is reported to a Council meeting, the issues raised in that submission will be summarised within the Council report and the submission attached to the report.

### **6.6 Referral of submission to applicant**

Copies of the submissions will be forwarded to the applicant who will be encouraged to address the issues or concerns raised in the submission by way of comments or amended plan.