

# *community participation plan*

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OUR COMMUNITY OUR FUTURE

**ballina**  
shire council



# our community our future



*Our design rationale for this document is based on a conceptual interpretation of its contents. To symbolise the strategic community approach, we have used segmented shapes to represent the elements of the community that fit into the geographic focus – Ballina. Together, the shapes form the Ballina River map. Every element impacts on the challenges, direction and ultimately the future of its entire form – our community. We hope you enjoy the journey and the view.*

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**ACKNOWLEDGEMENTS:** Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.

Adopted by Council on 28 November 2019 .

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## → RELATIONSHIP OF THIS CPP TO THE DCP:

*The Ballina Community Participation Plan 2019 (CPP) outlines all exhibition and notification requirements under the EP&A Act. It supersedes and incorporates the notification and exhibition requirements set out in Ballina Development Control Plan 2012 (DCP). This CPP prevails over any inconsistency between it and the DCP. Please Note: Where there are inconsistencies between the EP&A Act or EP&A Reg and this CPP, the EP&A Act or EP&A Reg prevails.*



# introduction

Ballina Shire Council is committed to community engagement as a principle of good governance and recognises that community participation in the planning system at the local government level results in better planning outcomes for the community.



The land use planning functions performed by Ballina Shire Council are governed by the legislative requirements of the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act).

All NSW planning authorities, including councils, are required to prepare a Community Participation Plan (CPP) in response to an update of the EP&A Act in early 2018. A CPP outlines how and when a planning authority such as a local council will engage with the community when undertaking certain planning activities under the EP&A Act. These activities include plan making and the assessment of development proposals.

The approach taken for community participation varies depending on the scale and scope of the proposal or plan under consideration. Community, as referred to in the CPP, means anyone that is affected by the local planning system including individuals, community groups, Aboriginal communities, non-government organisations representing a range of interests, and local, State and Commonwealth government bodies.

## → PLANNING TERMS EXPLAINED

Please note many of the planning terms and words in this plan are explained in the glossary section of this document. See Appendix 1.

## what is a community participation plan?

The purpose of this CPP is to clarify and provide certainty as to how and when the community can participate in the various aspects of land use planning in the Ballina Shire. Through the engagement methods and timeframes presented in this plan, Council seeks to facilitate transparency and involve the community in planning decisions.

The objectives of Ballina Shire Council's CPP are to:

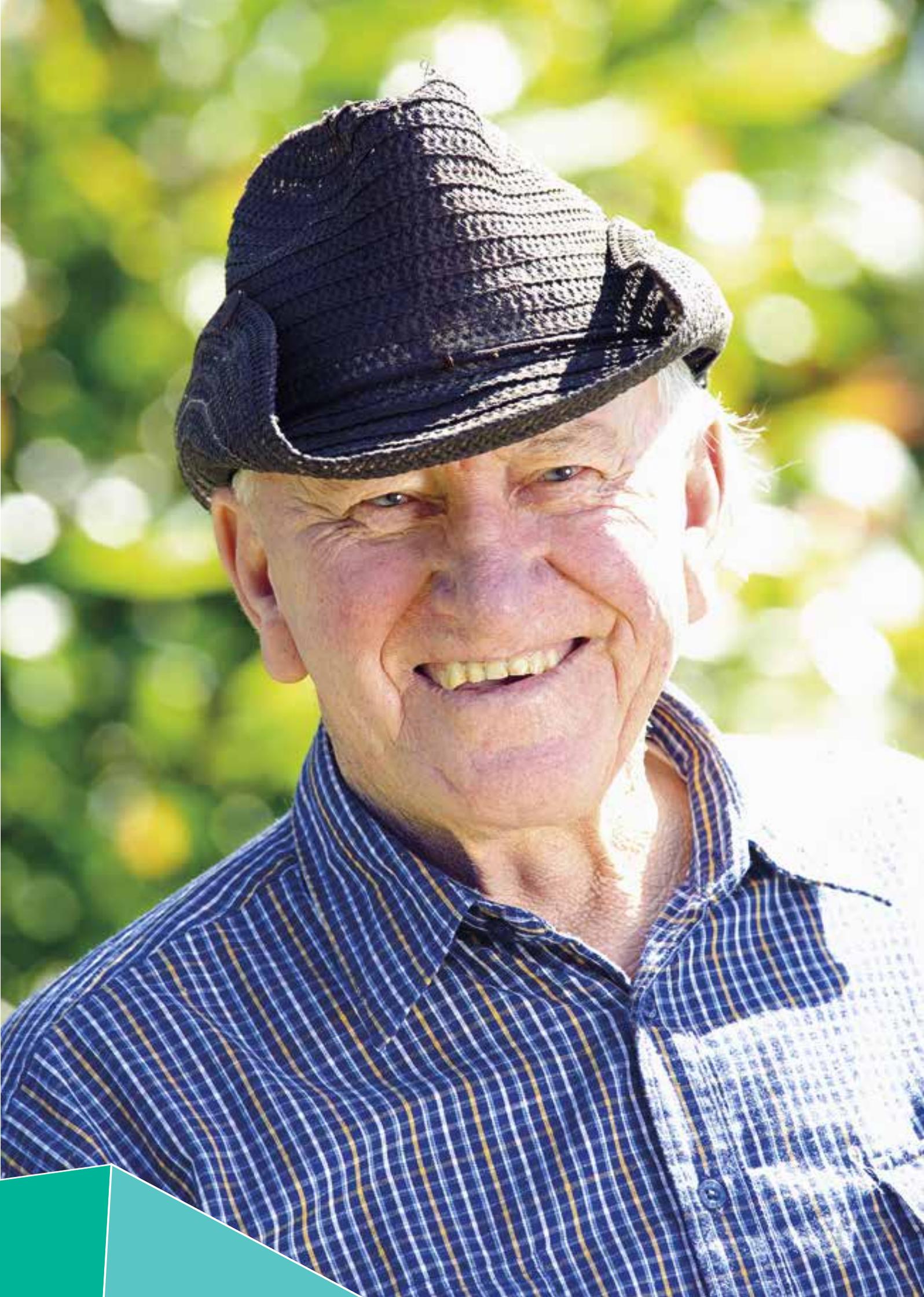
- ▶ **Outline** how the community can participate in Council's planning processes
- ▶ **Involve** the community in Council decision making
- ▶ **Facilitate** and develop relationships and partnerships with the community
- ▶ **Ensure** Council meets its legislative requirements in regards to community participation in planning functions

This CPP does not apply to all of Council's planning functions or to the land use planning functions carried out by other NSW planning authorities such as the State Government. All other NSW planning authorities are required under the EP&A Act to prepare their own CPP. The scope of the CPP is guided by the requirements of the EP&A Act. Importantly, community participation in relation to some planning processes benefits from flexible, specifically designed approaches. In these kinds of situations, Council designs and applies a range of community engagement techniques based on the particulars of a project or circumstance.

Community engagement in activities not governed by the requirements of the EP&A Act, such as Council's integrated planning and reporting functions, and the delivery of non-planning related Council services, functions or infrastructure are not addressed in this CPP. Community engagement strategies for these activities are developed in line with the requirements of Council's Community Consultation Policy which is available on Council's website.

### ➔ WHERE DOES THIS COMMUNITY PARTICIPATION PLAN APPLY?

*This CPP applies to all land within the Ballina Local Government Area (LGA) and planning activities addressed in this document.*





what ...  
 re us  
 other

Water contamination  
 economic stress



# *principles of this community participation plan*

The community participation principles provided in the EP&A Act have informed the preparation of this plan.

| OPEN AND INCLUSIVE   | MEANINGFUL AND RELEVANT  | EASY AND TIMELY   |
|--|--|---|
| <p>↓</p> <p>The community has a right to be informed about planning matters that affect it.</p> <p>↓</p> <p>Planning decisions are made in an open and transparent way and the community will be provided with reasons for those decisions (including how community views have been taken into account).</p> <p>↓</p> <p>Community participation is inclusive and Council will actively seek views that are representative of the community.</p> | <p>↓</p> <p>Council encourages effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.</p> <p>↓</p> <p>Community participation methods (and the reasons given for planning decisions) are appropriate having regard to the significance and likely impact of the proposed development.</p> | <p>↓</p> <p>Planning information seeks to be in plain language, easily accessible and in a form that facilitates community participation in planning.</p> <p>↓</p> <p>The community is given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.</p> <p>↓</p> <p>Council encourages proponents to consult with members of the community who are potentially affected by proposed major development before an application for planning approval is made.</p> |
|    |    |     |

## **council's planning framework**

Council's planning framework is informed by both the Local Government Act 1993 Act (LG Act) and the EP&A Act as outlined in Figure 1. The EP&A Act and the LG Act contain requirements for the minimum level of public participation in some Council functions and processes. Council often goes beyond the minimum requirements for community participation set out in these Acts to make community involvement more accessible and inclusive across the range of Council functions.

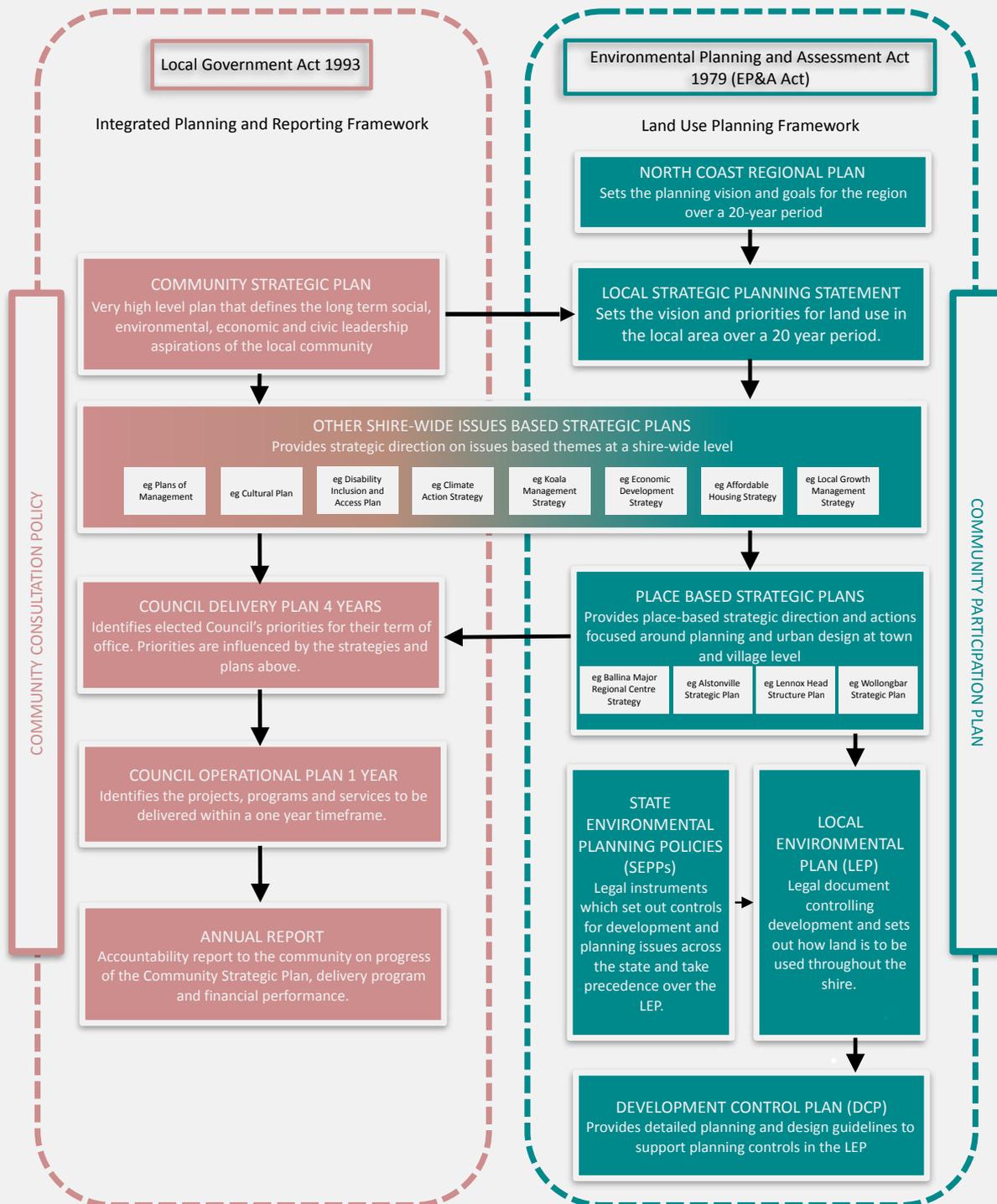
Council's land use planning framework (the green section of Figure 1) has a tiered structure with the EP&A Act sitting at the top. The EP&A Act and associated EP&A Regulation (EP&A Reg) together with Environmental Planning Instruments, various strategic plans and the Development Control Plan provide the framework for planning and development in the Ballina Shire.



This CPP focuses on the minimum requirements for community participation in regard to Council's strategic and statutory land use planning functions as set out in the EP&A Act to ensure that these timeframes are consistently and transparently applied.

# 04 council's planning framework

FIGURE 1: COUNCIL'S PLANNING FRAMEWORK



## *council's land use planning functions*

Council's land use planning functions are divided into strategic planning and statutory planning.

### **STRATEGIC PLANNING**

Strategic planning includes setting the regulatory planning framework for the Shire through the preparation and ongoing amendments to, the Local Environmental Plan (LEP), the Development Control Plan (DCP) and specific precinct or place based plans and strategies.

Strategic planning also sets direction, vision and context for the whole Shire through documents such as the Local Strategic Planning Statement and the Ballina Shire Growth Management Strategy. Council also has plans for specific areas or activities such as the Developer Contribution Plans, management plans, place based plans and site specific plans.

### **STATUTORY PLANNING**

Statutory planning involves the assessment of certain development proposed in the Shire and is based on the suite of relevant regulations, policies and plans set by both State Government and Council. Development applications (DAs) for development for which Council is the consent authority includes houses, subdivisions, alterations and additions and commercial, retail and industrial developments.

DA assessment involves making planning decisions regarding consent or refusal of these proposals to ensure these developments are appropriate based on their potential environmental, economic and social impacts.

Statutory planning also involves consideration of changes proposed in relation to a development that has been granted consent (known as a modification of development consent) and requests to review a decision on a DA.



## ballina shire council's community engagement approach

Council's Community Strategic Plan (CSP) Our Community Our Future Community Strategic Plan 2017 – 2027 identifies the community's priorities and aspirations for the next ten years. It provides the roadmap and primary reference document for all of Council's goals, strategies and plans.



A key aspiration of the CSP is for Council to provide 'Engaged Leadership' where 'Council Works with Community' to develop strong relationships and partnerships by involving our community in the planning and decision making processes of Council.

This CPP reflects this aspiration by clearly outlining how the community can be involved in Council's planning decisions and functions.

The IAP2 Public Participation Spectrum (Figure 2) helps to determine the scope of the community's input, the role those engaged will have on the decision-making process and the likely engagement methods to be used. The level of community participation in planning matters varies depending on factors such as scale, potential impacts, significance, location and conformity to planning provisions. Levels of community participation relative to engagement approaches used by Council in planning are shown in Figure 2.

Council's consultation and engagement with the community in relation to planning occurs across a range of Council functions including strategic and statutory planning processes, instruments, plans and other matters where the EP&A Act and associated EP&A Reg requires community notification or consultation.

Council also engages the community in planning matters where community participation is not mandatory, often through tailored engagement programs.

Planning functions subject to community engagement include activities relating to the Local Environmental Plan, Local Strategic Planning Statement, Development Control Plan, Development Assessment, Developer Contributions, Plans of Management and and this Community Participation Plan.

## THE LEVELS OF COMMUNITY PARTICIPATION IN COUNCIL'S LAND USE PLANNING FUNCTIONS VARIES ACROSS STRATEGIC AND STATUTORY PLANNING FUNCTIONS.

### ► Strategic planning

Community participation in the preparation of strategic planning documents can include a number of public participation levels from “inform” and “consult” through to “involve” and “collaborate”. The level of community participation is considered in the project planning phase for the preparation of a new strategic document and is influenced by the scale, scope and locality of the plan or strategy.

### ► Statutory planning

Public participation in the development assessment process is centered on the “inform” and “consult” levels of the community participation spectrum. This involves placing a development proposal on public exhibition so the community can view the proposed development and informing the public that it is available to comment on through the submission process.

FIGURE 2: IAP2 PUBLIC PARTICIPATION SPECTRUM

|                    | INFORM   | CONSULT  | INVOLVE  | COLLABORATE  | EMPOWER   |
|--------------------|--|--|--|--|---|
|                    |  |  |  |  |   |
| GOAL               | To provide balanced and objective information in a timely manner   | To obtain feedback on analysis, issues, alternatives and decisions   | To work with the public to make sure that concerns and aspirations are considered and understood                     | To partner with the public in each aspect of the decision-making   | To place final decision-making in the hands of the public |
| PROMISE            | <i>“We will keep you informed”</i>   | <i>“We will listen to and acknowledge your concerns”</i>   | <i>“We will work with you to ensure your concerns and aspirations are directly reflected in the decisions” made”</i> | <i>“We will look to you for advice and innovation and incorporate this in decisions as much as possible”</i>   | <i>“We will implement what you decide”</i>                |
| EXAMPLE TECHNIQUES | Fact sheets<br>Web sites<br>Social media<br>Information letters<br>Public notices<br>Site signage<br>Media release and advertising<br>Letter box drops<br>Publication of reasons for decisions | Surveys<br>Drop-in sessions<br>Written submissions<br>Phone discussions<br>Workshops<br>Site meetings<br>Customer meetings | Community workshops<br>Interactive mapping<br>Design focus group<br>Ward meetings                                    | Community working group<br>Participatory decision-making<br>Project reference groups<br>Steering committees<br>Advisory panels<br>Design Charrettes<br>Citizen's Panel | Citizen juries<br>Delegated decisions                     |

INCREASING LEVEL OF IMPACT



## *public exhibition, notification and timeframes*

The process of public exhibition and notification is an important part of how Council engages with our community on planning decisions. This provides a regular and valuable way for the community to participate in the decision making process by making comments on a development proposal or draft plan during the public exhibition period.



Council's public exhibition processes are determined by the type and locality of the draft strategic plan or proposed development. This influences who Council notifies, where the information is available and the timeframe that the documents will be publicly available.

The following section outlines the exhibition and notification processes for strategic planning and statutory planning documents. It includes information about:

- Where to find documents on exhibition,
- How the community will be notified about the public exhibition, and
- Exhibition timeframes for these documents.

Council may however go beyond these timeframes and, at its discretion may provide additional notification or longer timeframes to those property owners and occupiers, community groups, organisations and agencies that, in the opinion of Council, may have an interest in the strategy, plan or development proposal.

### **WHAT IS PUBLIC EXHIBITION?**

Public exhibition means making documents including draft plans, strategies, policies or development applications available for the community to view and comment on, through a formal submission. The public exhibition process typically involves notifying the community that documents are available to view publicly. Depending on the type of development application or plan, notification can be provided through Council's website, the local newspaper and/or by mail (letter or email) to members of the community, adjoining landowners and residents or to relevant agencies and community groups (See Appendix 2 for more detail).

### HOW ARE EXHIBITION TIMEFRAMES DETERMINED?

The EP&A Act details the types of proposals and plans that must be considered in this CPP. Schedule 1 of the EP&A Act sets the minimum statutory exhibition timeframes for these plans and proposals. The LG Act also specifies minimum mandatory exhibition timeframes for some planning related matters such as plans of management (POMs). For proposals and plans not covered by these Acts, Council has its own standard minimum exhibition timeframes.

### WHAT IS A SUBMISSION?

When comments on a draft document or development application are provided to Council they are known as a formal submission. A submission outlines the support or concerns that an individual or group has relating to the draft document or development application. Submissions are usually made in writing through a letter or email (Appendix 3 provides more detail on how to provide a good submission).



### Key points to note about public exhibitions:

- ▶ Timeframes are in calendar days and include weekends and public holidays.
- ▶ If the exhibition period is due to close on a weekend or a public holiday Council may extend the exhibition to finish on the first available work day.
- ▶ The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- ▶ Council is not required to make available for public inspection any part of an environmental impact statement whose publication, in the opinion of Council, would be contrary to the public interest because of its confidential nature or for any other reason.



# notification methods

There are a number of methods used by Council to notify the community that draft planning documents or development applications are on public exhibition. These are outlined below. A combination of these may be used during the different phases of strategic planning or development assessment. Appendix 3 provides detail on the sort of information that is contained in some of these notifications.

|   |  |  |
|---|--|--|
|  <p><b>COUNCIL'S WEBSITE</b></p> <p>Draft planning documents on public exhibition are available on Council's website <a href="http://ballina.nsw.gov.au">ballina.nsw.gov.au</a></p> <p>Development applications (DAs) are available electronically on the DAs Online portal<br/><a href="http://da.ballina.nsw.gov.au">da.ballina.nsw.gov.au</a></p> |  <p><b>BALLINA SHIRE COUNCIL CUSTOMER SERVICE CENTRE</b></p> <p>Council staff are available to assist with community enquirers. Computer access is available to access exhibition documents electronically at Council's Customer Service Centre located at the Cnr Tamar &amp; Cherry Streets Ballina between 8:15am and 4:30pm Monday to Friday excluding public holidays.</p> |  <p><b>NEWSPAPER</b></p> <p>Information about what strategic planning documents are currently on public exhibition may be included local media. Notification that a DA, planning proposal (LEP amendment) or DCP amendment is on public exhibition is included in the Ballina Shire Council Public Notices in the local shire wide paper.</p>   |
|  <p><b>SITE SIGNAGE</b></p> <p>Council staff may provide a sign on the site of the proposed development.</p>   |  <p><b>COMMUNITY WORKSHOPS</b></p> <p>Council will often hold community workshops or meetings to discuss a draft strategic plan or strategy.</p>  |  <p><b>COMMUNITY ACCESS POINTS</b></p> <p>Draft strategic planning documents on public exhibition are usually available for viewing at Council's Community Access Points:</p>   |
|  <p><b>STAKEHOLDER MEETINGS</b></p> <p>Council staff are available to discuss a draft plan or development application. Phone 1300 864 444 to make an appointment.</p>  |  <p><b>LETTER</b></p> <p>Council may send letters (post or email) to people who may have an interest in a draft plan or are adjoining a proposed development site.</p>  | <p><b>Ballina Shire Council Customer Service Centre</b><br/>Cnr Tamar &amp; Cherry Streets Ballina</p> <p><b>Ballina Library</b> 6 River Street Ballina</p> <p><b>Alstonville Library</b><br/>46 Commercial Road Alstonville</p> <p><b>Lennox Head Library</b> Cnr Park Lane &amp; Mackney Lane Lennox Head</p> <p><i>Where a plan is specific to a particular place, Council may limit the hardcopy exhibition locations to the particular place and the Customer Service Centre.</i></p> |

## 07 public exhibition, notification and timeframes cont.

# strategic planning – exhibition and notification

### WHERE TO FIND DRAFT STRATEGIC PLANNING DOCUMENTS ON PUBLIC EXHIBITION

Information about what strategic planning documents are currently on public exhibition is included in a local shire wide paper under the Ballina Shire Council Public Notices.

Strategic planning documents on public exhibition are available for electronic download on Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au).

Hardcopy documents are also typically available for viewing at Council's Community Access Points (see notification methods).

Where a plan is specific to a particular place, Council may limit the hardcopy exhibition locations to the particular place and Customer Service Centre.



### HOW THE COMMUNITY WILL BE NOTIFIED ABOUT DRAFT STRATEGIC PLANNING DOCUMENTS

Informing the community that a draft plan or amendment to a plan is on public exhibition is usually provided through Council's website and by an advertisement or public notice in the local newspaper.

Additional notification on draft strategic studies, strategies and plans may be undertaken in line with the associated communication or engagement plan for the project. This may include all methods of notification outlined in the notification methods section above as well as direct engagement through workshops and meetings with relevant community groups and organisations.

### PUBLIC EXHIBITION TIMEFRAMES FOR STRATEGIC PLANNING DOCUMENTS

Council's mandatory public exhibition timeframes for strategic planning documents are provided in Table 1.

## 07 public exhibition, notification and timeframes cont.

TABLE 1: MANDATORY PUBLIC EXHIBITION TIMEFRAMES FOR STRATEGIC PLANNING DOCUMENTS.

| STRATEGIC PLANNING DOCUMENT   | PUBLIC EXHIBITION TIMELINE   |
|---|--|
| Local Strategic Planning Statements                                     | → at least 28 days   |
| Planning Proposal to modify the Ballina Local Environmental Plan (BLEP) | → at least 28 days or as specified in the gateway determination which may specify, due to minor nature of the proposal, that a shorter exhibition or no public exhibition is appropriate |
| Development Control Plan  | → at least 28 days   |
| Developer Contribution Plans  | → at least 28 days   |
| Ballina Shire Council Community Participation Plan                      | → at least 28 days   |
| Voluntary Planning Agreements   | → at least 28 days   |



## 07 public exhibition, notification and timeframes cont.

### OTHER STRATEGIC PLANNING NOTIFICATION AND REPORTING REQUIREMENTS

#### ▶ Voluntary Planning Agreements – Reporting and Notification

If Council is a party to a voluntary planning agreement (VPA) it will, while the agreement remains in force, identify the VPA in Council's Annual report to the community prepared as a requirement of the LG Act.

Council will facilitate public inspection of relevant planning agreements (and maintain a register). Notification will be provided to the broader community through Council's website and an advertisement or public notice in the local newspaper. Ongoing reporting is provided to the broader community via Council's Annual Report which is accessible through Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au)

#### ▶ Planning Proposals – Notification Determination

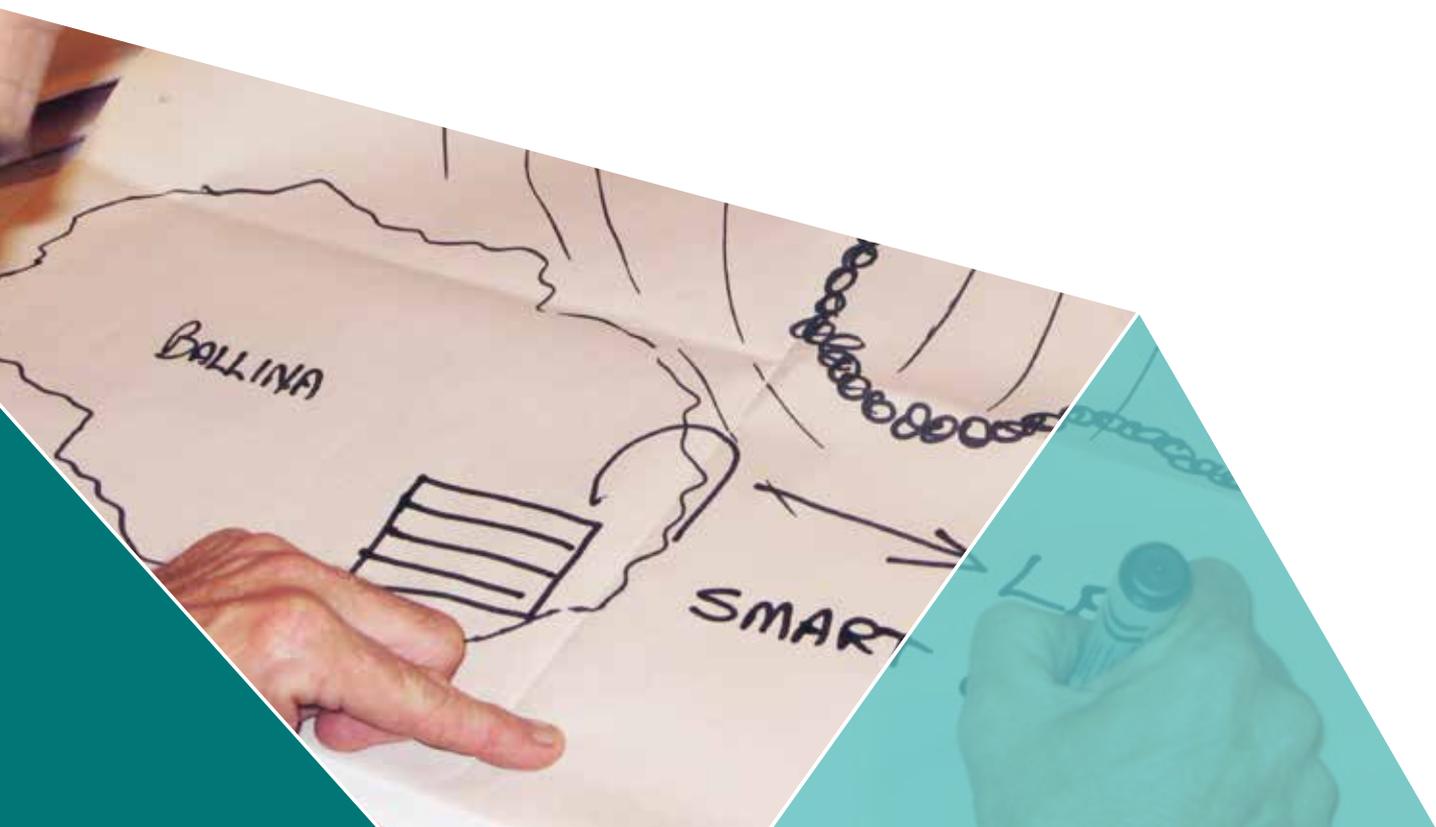
When Council does not support a written request to prepare planning proposal, Council will notify the person making the request as soon as practicable in writing that the proposal is not supported. Further information can be sourced through Council's relevant Planning Officer.

#### ▶ Other Strategic Land Use Plans, Strategies or Studies – Exhibition

The preparation or amendment of most other Strategic Land Use Plans, Strategies or Studies has a standard exhibition timeframe of at least 21 days. Notification will be provided to the broader community through Council's website and advertisement or public notice in the local newspaper.

#### ▶ Plans of Management – Exhibition

Council prepares plans of management (PoMs) for land classified as "community land". This plan sets out what can happen on land that is owned or managed by Council. The EP&A Act does not specify mandatory timeframes for the exhibition and notification of PoMs as these particular plans are prepared under the LG Act. The LG Act requires Council to publicly exhibit the draft PoM for a minimum mandatory exhibition period of 28 days and allow at least 42 days for submissions.



# statutory planning – exhibition and notification

## WHERE TO FIND DEVELOPMENT APPLICATIONS ON PUBLIC EXHIBITION

Development applications (DAs) and associated documents are available for public viewing electronically on the DAs online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

Computer access is available at Council's Customer Service Centre. The community can continue to view the progress of the development application and its assessment through the DAs Online portal.

Depending on the type of DA, additional exhibition locations may be included and relevant stakeholders, community groups and organisations notified directly (mail or email) depending on the type and scale of the development.



### STEP 1

Go to  
[da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

### STEP 2

Read and agree to the terms and conditions for use of the website  
[da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

### STEP 3

Click on the 'Applications on Exhibition' on the applications menu on the left side of the page

→ Specific applications can also be found via the 'search' function on this page.

## 07 public exhibition, notification and timeframes cont.

### HOW THE COMMUNITY WILL BE NOTIFIED ABOUT DEVELOPMENT APPLICATIONS

If notification is required for a DA, Council’s notification methods typically include one or more of the following (see Table 2 for details):

▶ **Council’s website**

Development applications (DAs) are available electronically on the DAs Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

▶ **Newspaper**

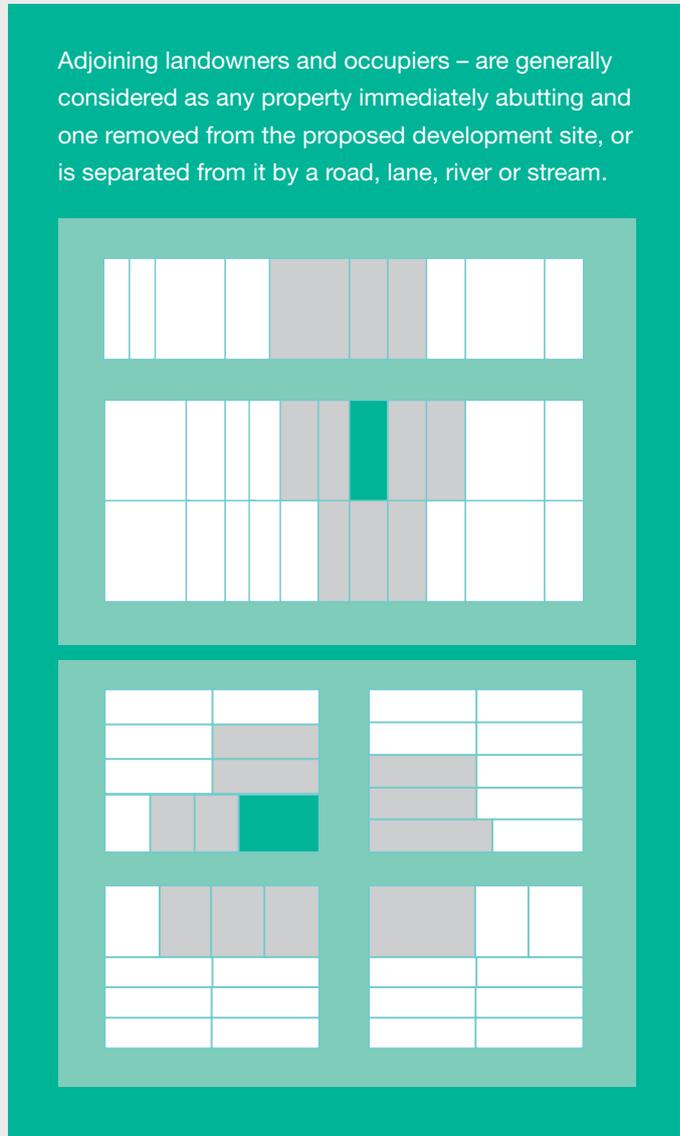
DAs on public exhibition are included in the Ballina Shire Council Public Notices in the local shire wide paper.

▶ **Letter**

Council may send letters (email or post) to adjoining and or surrounding landowners who may be potentially impacted by the development proposal.

▶ **Site signage**

Council staff may provide a sign on the site of the proposed development.



- Adjoining owners and occupiers to be notified
- Proposed development site

#### ➔ SURROUNDING LANDOWNERS AND OCCUPIERS

Surrounding landowners and occupiers are considered as those additional properties that Council may elect to notify depending on the nature of the proposed development and the characteristics of the locality.

## 07 public exhibition, notification and timeframes cont.

Council has a tiered system for notification depending on the type and scale of the development proposed. The following outlines what level of notification is required and provides examples of the typical development this level relates to.

### LEVELS OF NOTIFICATION

| ▶ No Notification required   | ▶ Level 1 Targeted Notification   | ▶ Level 2 Three Step Notification   |
|--|---|---|
| <p>Certain development applications that will not, in the opinion of Council, create any unreasonable impacts on surrounding properties will generally not be subject to any notification. These include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Change of use applications within Zone B3 Commercial Core and industrial uses in Zone IN1 General Industrial;</li> <li>• Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings and group homes (comprising up to 10 bedrooms being within one or more group homes on a site) that generally comply with development controls;</li> <li>• Industrial developments within Zone IN1 General Industrial;</li> <li>• Commercial developments within Zone B3 Commercial Core;</li> <li>• Minor boundary adjustments;</li> <li>• Vegetation management and/or clearing works; and</li> <li>• Most forms of signage.</li> </ul> | <p>This involves direct mail being sent to owners and occupiers of those properties which, in the opinion of Council, may or are likely to be unreasonably impacted by the proposed development.</p> <p>This notification typically relates to relatively small scale development such as:</p> <ul style="list-style-type: none"> <li>• Front fences (that are not exempt development);</li> <li>• Pontoons;</li> <li>• Building line and/or setback variations (other than those considered minor);</li> <li>• Dwelling houses, dual occupancies, rural worker's dwellings, secondary dwellings and group home proposals (when such group homes comprise up to 10 bedrooms being within one or more group homes on a site) where it is determined that there may be an issue such as impacts on privacy, overshadowing or view loss beyond that which could have reasonably been expected given the planning controls applying in the locality.</li> </ul> | <p>This involves notification by way of direct mail to adjoining owners and occupiers, site signage and an advertisement in the local newspaper.</p> <p>Developments which would normally be treated this way are those which, in the opinion of Council:</p> <p>Have the potential to have an unreasonable impact on the amenity of adjoining or nearby land uses and/or residents; and/or</p> <p>Are of a scale or intensity beyond that which could reasonably have been envisaged given the planning controls applying in the locality.</p> <p>Developments typically subject to this level of notification include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> <li>• Residential accommodation (other than dwelling houses, dual occupancies, rural worker's dwellings and secondary dwellings) that do not comply with the development controls applying in the locality;</li> <li>• Tourist and visitor accommodation (other than bed and breakfast accommodation);</li> <li>• Industries of any kind in residential or rural areas;</li> <li>• Sex services premises and home occupation (sex services);</li> <li>• Subdivisions (except minor boundary adjustments); and</li> <li>• Temporary uses.</li> </ul> |

## 07 public exhibition, notification and timeframes cont.

### ▶ Level 3 Legislative Notification

This applies to DA's that are required to be publicly exhibited by the EP&A Act and/or an environmental planning instrument. The procedures for carrying out such exhibitions are established by the EP&A Act and EP&A Reg and outlined in Table 2.

### ▶ Other statutory planning notification requirements

#### Part V 'Activity' Application

Unless the Part V Application includes an EIS (under Division 5.1) no notification is required. Council may however, depending on the potential impacts associated with proposed works, notify surrounding property owners. If required, notification will be provided to those surrounding land owners/ occupiers that in the opinion of Council may be potentially impacted by the works. Council may also notify the broader community of a Part V proposal through advertising in local media at its discretion.

#### PUBLIC EXHIBITION TIMEFRAMES FOR DAS

Table 2 provides information on the standard and mandatory public exhibition timeframes for DAs and the notification requirements regarding the determination of some applications.



## 07 public exhibition, notification and timeframes cont.

TABLE 2: STANDARD AND MANDATORY DA PUBLIC EXHIBITION NOTIFICATION AND TIMEFRAMES

| APPLICATION  | ASSESSMENT PROCESS  |  |
|--|---|--|
|  | EXHIBITION NOTIFICATION   | EXHIBITION TIMEFRAME   |
| Application for development consent (DA) (other than for complying development certificate, for designated development or for State significant development) | <p>Where Level 1 Targeted Notification is required, notification provided to surrounding owners and occupiers of those properties which in the opinion of Council, may or are likely to be unreasonably impacted by the proposed development by direct mail.</p> <p><b>Level 2 Three Step Notification is required:</b></p> <ul style="list-style-type: none"> <li>To adjoining owners and occupiers by direct mail</li> <li>To the broader community through site signage</li> <li>To the broader community through a newspaper notice.</li> </ul> | Where Level 1 or Level 2 notification is required the standard exhibition timeframe is at least 14 days. |
| Application for development consent for designated development   | <p><b>Level 3 Legislative Notification is required:</b></p> <ul style="list-style-type: none"> <li>To adjoining owners and occupiers by direct mail</li> <li>To the broader community through site signage</li> <li>To the broader community through a newspaper notice (at least twice during the exhibition period).</li> </ul>   | The mandatory exhibition timeframe is at least 28 days.  |
| 'Activity' Application including an Environmental Impact Statement (EIS) under Division 5.1  | <p><b>Level 3 Legislative Notification is required:</b></p> <ul style="list-style-type: none"> <li>To adjoining owners and occupiers by direct mail</li> <li>To the broader community through site signage</li> <li>To the broader community through a newspaper notice (at least twice during the exhibition period).</li> </ul>   | The mandatory exhibition timeframe is at least 28 days.  |
| Modification of a development consent under Section 4.55(1) and 4.55(1A)   | No exhibition /notification required.   | NA   |
| Modification of a development consent under Section 4.55(2) and 4.56(1)  | <p>Level 3 Legislative notification required:<br/>In the same manner as the original development application.<br/>Council will notify those that provided a submission to the original DA by direct mail.</p>   | The mandatory exhibition timeframe is at least 14 days   |

→ Council reserves the right to undertake notification and exhibition timeframes in addition to the table above for any DA, where Council is of the view that such action is warranted.

→ Mandatory exhibition timeframes are those set by the EP&A Act or associated EP&A Reg. Standard exhibition timeframes are those set by Council.

## 07 public exhibition, notification and timeframes cont.

### DETERMINATION NOTIFICATION

Council informs the community of its decision regarding a DA through a “Notice of Determination”. This notice informs whether the DA was approved or refused and if approved, the conditions of consent.

Council provides this determination notice direct to the applicant and includes this information in the application’s assessment report on the DAs online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

Council will also inform the broader community on Council’s decision regarding a DA through the public notices in the local newspaper.

Where the DA was publically exhibited, Council will notify all those that provided a submission during the public exhibition period by direct mail, usually a letter or email.

Depending on the type of application Council may also inform the community about a determination in the following ways:

- To adjoining landowners/ occupiers by direct mail.
- To surrounding landowners/ occupiers by direct mail.
- To those that provided a submission to the assessment process by direct mail.
- To other relevant agencies involved in the assessment process by direct mail.
- To the broader community through additional advertising in local media.

### REVIEW OF DETERMINATION

Applications to review a determination (applications made under 8.3) may be subject to notification.

If required, notification is provided to the broader community through the newspaper and the standard exhibition timeframe is 14 days.

If the original application was previously exhibited Council may also notify those that provided a submission to the assessment process by direct mail.

Depending on the scale of the proposed development Council at its discretion may also notify surrounding/ adjoining land owners by direct mail.



# appendix 1

## planning glossary

| PLANNING TERM   | ACRONYM  | DEFINITION   |
|---|----------|--|
| Community Participation Plan                          | CPP      | The CPP is a document made under Division 2.6 of the EP&A Act that sets out how and when planning authorities will engage with their communities across all of the planning functions they perform.  |
| Designated Development                                | -        | Development that is declared designated development by an environmental planning instrument or Schedule 3 of the EP&A Regulation. This type of development is likely to have significant impacts on the environment (e.g. likely to generate pollution or are located in or near an environmentally sensitive area (such as a coastal wetland) and is required to be accompanied by an Environmental Impact Statement. |
| Development Application                               | DA       | A formal application for development that requires consent under the EP&A Act. It is usually made to your local council and consists of standard application forms, supporting technical reports and plans.  |
| Development Assessment                                | -        | The process Council undertakes to assess a Development Application against matters for consideration under Section 4.15 of the EP&A Act, including the likely impacts of the development on the natural and built environment, the suitability of the site for that development and any submissions made in relation to an application.  |
| Development Consent                                   | -        | It is the written approval issued by Council after the DA is determined. The development consent will often contain certain conditions which must be met at certain stages of the development.   |
| Development Control Plans                             | DCP      | A plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan. This requirement is set out in Division 3.6 EP&A Act.<br>When assessing Development Applications (DAs), Council must consider the relevant provisions of these DCPs.  |
| Development Contribution Plans                        | -        | 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. Contributions Plans are prepared under Section 7.11 of the EP&A Act.   |
| Environmental Impact Statement                        | EIS      | An Environmental Impact Statement (EIS) is a publicly available document that provides information on a project, including its environmental impacts and mitigation measures, and is used to inform development consent decisions.   |
| Environmental Planning and Assessment Act 1979        | EP&A Act | The Environmental Planning and Assessment Act 1979 sets out the laws under which planning in NSW takes place.  |
| Environmental Planning and Assessment Regulation 2000 | EP&A Reg | The regulations which support the EP&A Act. The Environmental Planning and Assessment Act Regulation sets out how certain functions under the EP&A Act should be carried out, fees associated with development assessment and details certain processes that must be followed by councils when assessing a DA or making a strategic plan such as an LEP or DCP.  |
| Environmental Planning Instrument                     | EPI      | Environmental planning instruments are statutory plans made under Part 3 of the EP&A Act that guide development and land use, such as State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs). An EPI contains planning controls that apply in relation to the development of an area/site.   |
| Exempt Development                                    | -        | Exempt development is a development that is of minimal environmental impact and does not require development consent. Details of what development is classified as exempt is contained in State planning policies and in the Local Environmental Plan.   |

# appendix 1 cont.

| PLANNING TERM                         | ACRONYM | DEFINITION  |
|---------------------------------------|---------|---|
| Gateway Determination                 | -       | A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an Local Environmental Plan and allows for the proposal to proceed to public exhibition   |
| Integrated Development                | -       | For integrated development approval will need to be obtained from other public authorities (e.g. the EPA) before consent can be granted. Integrated DAs require a permit listed in s91 section 4.46 of the EP&A Act (e.g. an aquaculture permit, mining lease, pollution licence, Aboriginal heritage impact permit).   |
| Local Environmental Plan              | LEP     | An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area. This requirement is set out in Division 3.4 of the EP&A Act.   |
| Local Government Act 1993             | LG Act  | The Local Government Act 1993 provides a legislative framework reflecting modern community expectations, and gives councils broad powers to plan for and provide local community services and facilities.   |
| Local Strategic Planning Statement    | LSPS    | The Local Strategic Planning Statement sets out our 20 year vision for land use in our local area and how change will be managed into the future. The LSPS includes planning priorities that are consistent with the North Coast Region and our Community Strategic Plan.<br>The LSPS will help shape how the development controls in our Local Environmental Plan 2015 (LEP) evolve over time to meet the community's needs. This requirement is set out in Division 3.1 of the EP&A Act.  |
| Modification of a Development Consent | -       | Relates to an application to seek approval to amend a development consent under EP&A Act Section 4.55(1), 4.55(1A), 4.55(2), Section 4.56. Types of applications include: <ul style="list-style-type: none"> <li>• Section 4.55(1) modification – Involving minor error, misdescription or miscalculation</li> <li>• Section 4.55(1A) modification – Involving minimal environmental impact</li> <li>• Section 4.55(2) modification – Involving other modifications</li> <li>• Section 4.56 modification – Involving modification by consent authorities of consents granted by the NSW Land and Environment Court</li> </ul>   |
| Part V Applications                   | -       | Part V Applications relate to activities which are undertaken by Council as part of their everyday responsibilities (e.g. water supply infrastructure, road construction), and require consideration of the potential environmental impacts of the activity.  |
| Planning Proposal                     | PP      | The document prepared to support a proposed change to an LEP. This requirement is set out in Division 3.4 of the EP&A Act.  |
| Regional Plan                         | -       | 20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPE Region   |
| Section 8.3 Application               | -       | An application to review a notice of determination.   |
| State Environmental Planning Policy   | SEPP    | An environmental planning instrument developed by the NSW Department of Planning, Industry and Environment, that relates to planning matters that are state significant or are applicable across the state  |
| Voluntary Planning Agreements         | VPA     | Voluntary Planning Agreements (VPAs) made under Part 7 Subdivision 2 of the EP&A Act 1979, may be entered into in association with a DA or a change to an environmental planning instrument where the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit (or any combination of these) that are to be used for or applied towards a public purpose. A public purpose here may include (without limitation): the provision of public amenities or public services; the provision of affordable housing; the provision of transport or other infrastructure relating to the land; the funding of recurrent expenditure relating to the above; the monitoring of planning impacts associated with the development; and the conservation or enhancement of the natural environment. |

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# appendix 2

## public notification information

The details typically contained in the different methods of public notification are provided below.

### NOTIFICATION THAT A DEVELOPMENT APPLICATION HAS BEEN LODGED

#### ► To people who live nearby - includes adjoining or surrounding landowners and occupiers

Adjoining landowners and occupiers – are generally considered as any property immediately abutting and one removed from the proposed development site, or is separated from it by a road, lane, river or stream (see figure on page 24).

Surrounding landowners and occupiers - are considered as those additional properties that Council may elect to notify depending on the nature of the proposed development and the characteristics of the locality.

If the land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.

Information provided in the letter includes:

- a description of the land (including the address) on which the development is proposed to be carried out
- the name of the applicant, name of the consent authority, and if applicable the name of the determining authority (i.e. Regional Planning Panel)
- a description and type of the proposed development
- a statement informing where the application can be viewed or accessed
- the dates of the exhibition period
- a statement that the person may during the exhibition period may make a written submission to the Council in relation to the development application

- a statement that where the submission is by way of objection the submission must set out the grounds of the objection
- a statement as to Council's policy for supplying copies of written submissions to other people
- in the case of an application to modify consent, an outline of the modification sought
- notification that an email address must be supplied to Council by all those wishing to be notified of the determination. Email addresses should be supplied to Council at [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au) stating the DA reference number.
- A statement that the DA may be reported to Council for determination at one of its Council Meetings.

#### ► When notifying the broader community

Information provided in a newspaper notice includes:

- a description of the land (including the address) on which the development is proposed to be carried out
- the name of the applicant, name of the consent authority and if applicable the name of the determining authority (i.e. Regional Planning Panel)
- a description and type of the proposed development
- a statement as to the approvals required from other agencies in relation to the application
- a statement informing where the application can be viewed or accessed
- A statement that the DA may be reported to Council for determination at one of its Council Meetings.
- the dates of the exhibition period
- a statement that any person during the exhibition period may make a written submission to Council in relation to the application
- a statement that, where the submission is by way of

## appendix 2 cont.

objection, the submission must set out the grounds of the objection

- a statement as to Council's policy for supplying copies of written submissions to other people
- in the case of an application to modify consent, a statement summarising the modification sought.

When notifying the broader community via site signage, information on the site sign must:

- Be headed in capital letters and bold type 'DEVELOPMENT PROPOSAL'
- Be clear and legible
- Display a copy of the notice from the local newspaper and, if practical, a plan showing the boundaries of the development
- Contain the name of the applicant, a brief description of the development proposal and the location where further details can be found
- Be erected on the land to which the development application relates
- Situated where it can be read from a public road, public place or public reserve. Council may erect a second sign near the site to ensure visibility from the public road, public place or public reserve.
- Be displayed on a board or signpost with minimum dimensions of A3 standard paper.

### ► Notification that a development application has been determined

Where a DA was publicly exhibited and a decision has been made in regard to the proposed development. Council will publically notify as soon as practical, the decision and provide detail on:

- The decision,
- The date of the decision,
- The reasons for the decision (having regard for any statutory requirements applying to the decision); and
- How the community views were taken into account in making the decision.

This information will be provided to the applicant, all submitters and posted to Council's DAs Online portal

**[da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)**

# appendix 3

## making a submission

### WHERE CAN I GET INFORMATION ABOUT A DEVELOPMENT APPLICATION (DA) OR DRAFT PLAN?

Development proposal information is available for viewing through Council's DA Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au) (see page 23). You may also contact the Council officer, whose name appears on the letter, if you have specific questions.

Strategic planning documents on public exhibition are available for electronic download on Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au). Hardcopy documents are also typically available for viewing at Council's Community Access Points (see notification methods page 19).

### WHAT IS A SUBMISSION?

When comments on a draft plan or development application (DA) are provided to Council they are known as a submission. A submission outlines the support or concerns that an individual or group has relating to the draft strategic plan or DA. Submissions are usually made in writing through a letter or email.

### ARE SUBMISSIONS PUBLIC DOCUMENTS?

Submissions to documents on public exhibition are public documents and may be viewed by the public and published on Council's website, listed on Council's DAs Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au) and/or included in Council meeting reports and agendas.

In accordance with the Government Information (Public Access) Act 2009, submissions made on DAs and applications for modification to a DA are made available to the public for viewing through Council's DAs Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au).

If you do not want your submission to be publicly available, a written request for confidentiality will be required.

Council may also determine a submission is not suitable for public viewing and publication. This could be because it contains personal, private or defamatory material. Further information about how Council manages submissions can be found in the 'Your Privacy' section of Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au).

### DISCLOSING POLITICAL DONATIONS

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 imposes disclosure obligations on submitters in relation to political gifts and donations. Detailed information about your obligations under the Act can be found in the 'Disclosure of Political Donations' section of Council's website [ballina.nsw.gov.au](http://ballina.nsw.gov.au).

### HOW DO I WRITE A GOOD SUBMISSION?

A good submission should:

- Include the name of the draft strategic plan or the DA Reference Number and the property address the DA relates to (this information is usually included in the notification material).
- Clearly state the reasons for objecting or supporting the draft strategic plan or development proposal and why. Give details about how you arrived at your assertions.
- Be brief and to the point or include a single page summary sheet where the submission is lengthy because a number of issues covered.
- Be specific to the DA, strategic plan or strategy and avoid generalising.
- Be well researched and based on facts, not on hearsay. Talk to the Council officer who is dealing with the application prior to writing your submission and make sure that you understand what is proposed.

## appendix 3 cont.

- Avoid statements which are defamatory or offensive.
- Suggest changes that might resolve the problems identified.
- Include your name and contact details as well as a daytime telephone number, as a Council officer may need to clarify matters you raised in your submission.

### SHOULD I SIGN A PETITION?

You may find that someone has started a petition to object to a development proposal. Someone may also ask you to sign a pro forma letter. Council will consider petitions and letters received. However, an individual letter about how the proposal will affect you gives Council a much clearer picture of the likely effects.

### WHERE SHOULD I SEND MY SUBMISSION?

Unless otherwise stated on the exhibition material, a submission should be sent:

|           |  |
|-----------|--|
| By email  | council@ballina.nsw.gov.au   |
| By post   | Ballina Shire Council,<br>Customer Service Centre<br>PO Box 450 BALLINA NSW 2478 |
| In person | 40 Cherry Street BALLINA NSW 2478  |

Your submission must be received at Council offices by the date and time specified in the exhibition notification. If you are sending your submission through the mail, make sure you allow sufficient time for delivery by 4.00pm on the closing date of the submissions.

Objections relating to a DA or strategic planning document received after the exhibition period has concluded may not be taken into consideration by Council in the assessment of the DA or finalisation of the draft strategic plan.

If for some reason you cannot meet the submission deadline, talk to the Council officer handling the application before the closing date for submissions.

### WHAT HAPPENS TO MY SUBMISSION?

A letter will be provided to you acknowledging that your submission has been received. Your submission, along with others received, will then be considered as part of an assessment of a DA, preparation of a strategic plan or finalisation of a draft document.

You can continue to track the process of a DA via the DA's Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au). You can also contact Council to find out the progress of the development application or draft strategic plan after the exhibition period has closed.



***ballina***  
shire council

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