



October 2019





Acknowledgement of country

Byron Shire Council acknowledges and pays respect to the Bundjalung of Byron Bay–Arakwal People as traditional owners and custodians of the land within Byron Shire, and forms part of the wider Aboriginal Nation known as Bundjalung.

Council further acknowledges and respects the Widjabul and Mindjunbul people as Traditional Custodians within the Byron Shire. Council recognises that the most enduring and relevant legacy traditional owners and custodians offer is their deep understanding of the land and water and their commitment to place.



Citation

Byron Shire Council Community Participation Plan 2019.

Byron Shire Council (2019).
Mullumbimby, NSW

©



Mayor's Message

Our community has a strong history of lively civic engagement and residents are passionate about protecting and retaining the wonderful things they love about this place. This Community Participation Plan (CPP) offers some insight and 'tools' to help our community get the best out of engaging with the planning system.

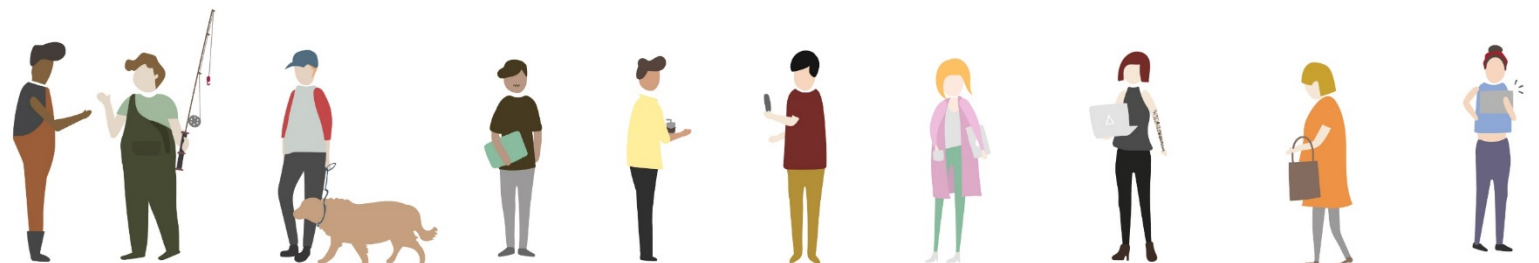
Along with our progressive work on the Byron Model, and our commitment to community engagement throughout the wider organisation, the CPP will facilitate meaningful engagement between Council and the wider community.

Our community engagement practices have always gone above and beyond what is required, and this CPP is no different. As well as setting out details like the timeframes for exhibition of specific documents, the plan encourages people to get involved in the planning process early on. We encourage residents to engage with planning from the outset, as it's often the strategic phase that can have big impacts down the line. I encourage you to read the CPP with this in mind, and to consider this when participating in the exhibition of planning matters.

The CPP will ensure that Byron Shire can continue to be a trailblazer for innovation in getting the most out of our community engagement. It will explore creative and meaningful ways to hear the views of our community.

Contents

Introduction	5
What is a community participation plan?	5
Why has Council created a new plan?	5
What types of functions and decisions does this plan cover?	6
Why should you have a say on planning matters?	7
Who is the Byron community?	7
What are the limitations of this plan?	8
How does this plan fit in Council's engagement framework?	8
Principles and Values	9
What are the principles supporting this plan?	9
What are the values and behaviours you can expect of Council?	11
What are the values and behaviours Council expects of you?	11
What is Council's commitment to working with Indigenous stakeholders?	12
What is Council's commitment to working with other stakeholders?	12
Having your say: Strategic planning	13
What is strategic planning?	13
What will Council do?	15
Having your say: Development assessment	20
What is development assessment?	20
What will Council do?	22
Having your say: Other planning matters	32
What are the other planning matters?	32
What will Council do?	35
How can you be involved?	38
Frequently asked questions	40
Appendix A – Planning Jargon Buster (Glossary)	
Appendix B – Overview Planning System	
Appendix C – Notification Trigger for Development Applications	
Appendix D – Notification Information for Development Applications	
Appendix E – Submission Guide	



Introduction

What is a community participation plan?

This Community Participation Plan explains:



HOW

and



WHEN

Council will engage with our community about planning matters in the Byron area. For example, when Council decides whether to approve a development proposal or rezone land or carry out significant infrastructure works on public land.

The Plan is designed to make it easier and clearer for you to have your say on these types of matters.

For other projects, services or functions, Council will still be actively engaging with you in line with its Community Engagement Policy.

Why has Council created a new plan?

It is a new legal obligation under the planning legislation in NSW for Council to have this Plan.

This planning legislation is known as the *Environmental Planning and Assessment Act 1979*. For simplicity, in this Plan it is called 'the Act'. This legislation is made by the NSW Government.

The Act is also important because it sets up the framework for the planning system for NSW. The Act states how the rules affecting development are made and how development is assessed against those rules.

This Plan includes some technical planning jargon.

At the end of this Plan (in Appendix A) you will find a jargon buster (or glossary of terms) plus an overview of the NSW planning system (in Appendix B). This is to help make it easier for you to understand the Plan.

Where a term has a specific meaning in this Plan, it is underlined and has a definition nearby in a box like this one.

Where a term is defined in the Byron Local Environmental Plan 2014, it is shown in **orange**.



What types of functions and decisions does this plan cover?

For the first time, this Plan sets out in one place *how* and *when* you can have your say on the planning functions and decisions of Council. The Plan covers three areas:



**STRATEGIC
PLANNING**



**DEVELOPMENT
ASSESSMENT**



**OTHER PLANNING
MATTERS**

When carrying out these functions and making planning decisions, Council must follow the Act. This includes balancing all the considerations (both good and bad) about a development proposal or project in order to make a decision. The views of our community are an important part of this decision-making process.

Council's approach in this Plan reflects that our community can have more of a say earlier on in the planning process (i.e. the strategic planning phases). As a development progresses through the process down to the development application or project delivery stage, the approach to engagement becomes more prescribed and the opportunity to be involved is more limited.



Why should you have a say on planning matters?

Council believes that it is important for our community to be involved in planning matters. We are always looking for innovative and new ways to engage our community in these types of decisions.

We also know that genuine and meaningful participation in planning decisions brings benefits to Council including:

- Creating better outcomes
- Fostering more trust
- Helping you feel confident your views will be heard and taken into account

Community participation is also now enshrined in the planning system in NSW as a legal requirement.

Who is the Byron community?

Council is fortunate to serve a community that is interested in its activities and keen to be involved in our decision-making processes. We value this passion.

In the case of planning matters, the Byron community is made up of a diverse range of stakeholders including individuals and interest groups, that may like to have a say. These stakeholders can hold diverging views about development and represent different interests.

All of these voices are valued in our community. This Plan aims to explore ways to capture these diverse voices to improve the quality of planning decisions and outcomes for our community.



What are the limitations of this plan?

This Plan only applies to planning functions and decisions of Council.

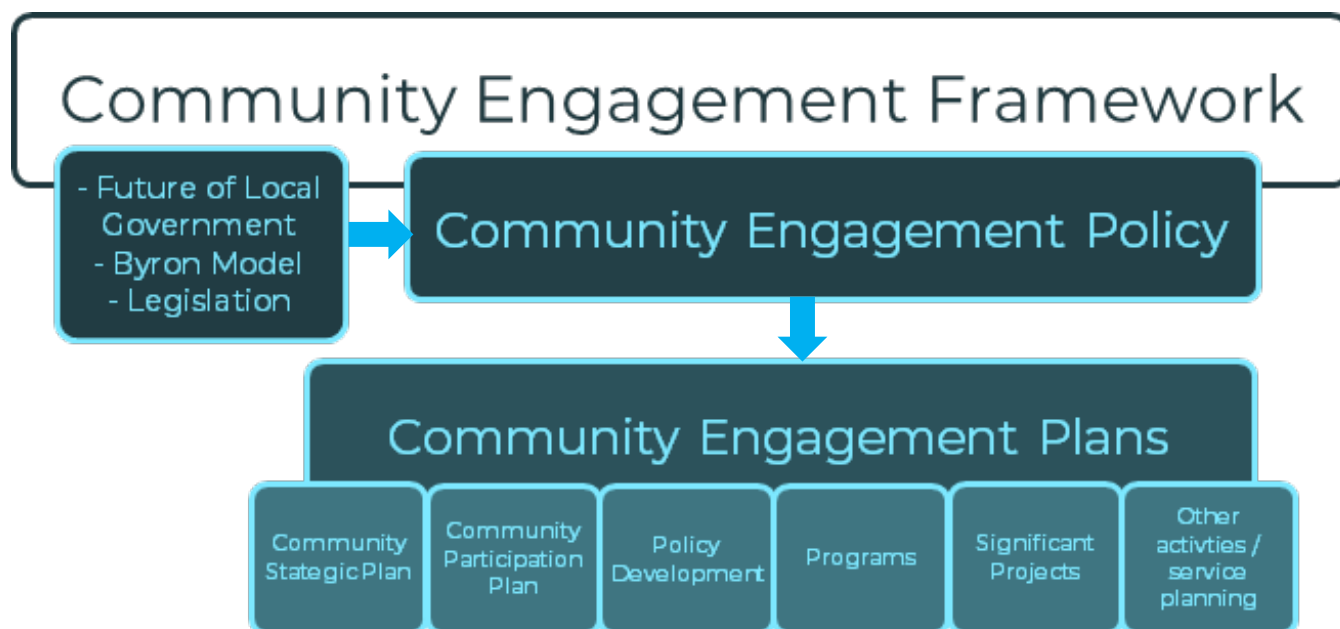
In the planning system, Council does not make all the planning decisions which may affect you.

For example:

- The NSW Government makes decisions about state significant development and sets the State and regional planning priorities.
- Some development can be carried out without any approval. In technical planning terms, this is known as 'exempt' development. This is usually low impact development. For example, a car port or patio.
- Other development is assessed and approved by private certifiers rather than Council staff. In technical planning terms, this is known as 'complying' development'. This is usually development that meets certain standards set out in the rules made by the NSW Government. In this case you may not be notified or consulted about the development.

How does this plan fit in Council's engagement framework?

This Plan is one element of Council's wider community engagement framework. The relationship between this plan and this wider framework is shown in the diagram below.



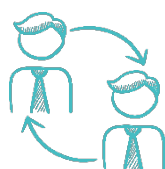
Principles and Values

What are the principles supporting this plan?

Eight main principles support Council's approach to engaging our community about planning matters. These principles come from the Act and are shown on the next page. The principles support and respond to the Byron Model Panel's key recommendations to Council's approach to community participation.

In addition, Council has adopted principles under the Charter of Good Planning, the Future of Local Government Declaration and in the Community Engagement Policy.

Our approach is also based on international best practice including the spectrum of engagement from the International Association for Public Participation (IAP2). Through this Plan we have set out case studies of how Council uses the IAP2 engagement spectrum for planning matters. We also explain how this applies to the different types of planning decisions of Council.



INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Give you up-to date and relevant information to assist you in understanding the planning matter.	Obtain your feedback on planning matters and possible alternatives to achieve a planning outcome.	Work directly with you during the process to make sure your concerns and aspirations are consistently understood and considered within the planning framework or decision.	Partner with you in each aspect of the decision making, including the development of alternatives and the identification of the preferred solution.	Place final decision making in your hands.



Right to be informed

You have the right to be informed of planning matters that affect you.

Ongoing and meaningful

Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for you to participate in planning.

Accessible and appropriate

Council will write planning information in plain language, make it easily accessible and in a form which facilitates your participation in planning.

Early and genuine

You will be given opportunities to participate in strategic planning as early as possible to enable your views to be genuinely considered.

Open and transparent

Council will make planning decisions in an open and transparent way. You will be given reasons for those decisions (including how your views have been taken into account).

Inclusive and representative

Community participation will be inclusive and Council will actively seek views that are representative of the community.

Pre-consultation for major development

If you are affected by proposed major development, you will be consulted by the proponent before an application for development consent is made.

Method to match significance and likely impact

Council will use community participation methods which match the significance and likely impact of the proposed development.

What are the values and behaviours you can expect of Council?

When engaging with you, Council staff and councillors will always be professional and follow the Code of Conduct.

Council will give you relevant, timely and accurate information so that you can be properly informed about planning matters that affect you.

We will listen to you and take your views into account when making our decisions whenever possible.



POSITIVITY

What are the values and behaviours Council expects of you?

All community members, stakeholders and our staff have the right to participate in a respectful environment and behave in a manner that supports everyone's right to present their point of their view.

Council knows that people in our community will often have different views about development, and that certain types of development proposals in specific locations can give rise to passionate community debate. This passion is accepted as a part of the planning process.

Along with this passion, we also ask that you:

- o bring an open mind and willingness to listen to other people's viewpoints
- o respect Council staff, councillors and others in our community during engagement activities
- o be polite and courteous
- o talk to the issue not the person
- o take time to find common ground
- o think about ideas and solutions which meet all participants needs
- o stay curious and positive



RESPECT



OPENNESS



What is Council's commitment to working with Indigenous stakeholders?

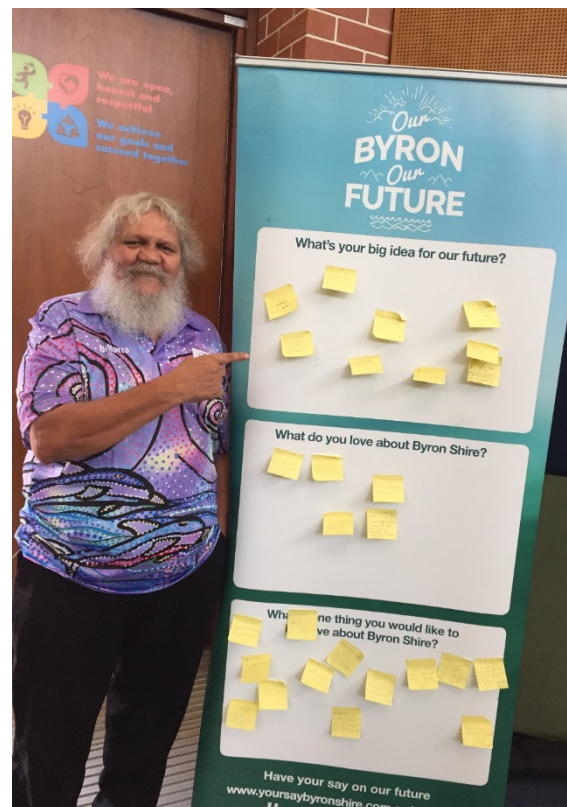
Council acknowledges and is committed to working with the Bundjalung of Byron Bay – Arakwal People as the traditional custodians of land in the Shire.

Council also recognises the Widjabal and Mindjungbul people as traditional custodians within the Shire.

For specific types of development applications, Council will notify indigenous stakeholders during assessment (see page 28). This includes traditional owners and relevant Land Council.

What is Council's commitment to working with other stakeholders?

Council is committed to building ongoing and meaningful relationships and partnerships with local community and interest groups about planning matters.



CASE STUDY - Inform

Notification of Small Scale Development Applications

The main purpose of notification of small scale development applications is often about informing the public and surrounding landowners. Council provides information online and in writing.

Although in these cases the primary focus is to inform there is still opportunity for public comment which may alter the final development outcome.

There are limited opportunities for in-depth community participation at the development assessment stage. If a development meets the planning requirements then Council cannot refuse the application.

It is important to note that not all notification of development applications is only about informing the public and there is potential for more in-depth community participation in some cases (other than small scale development applications).



Having your say: Strategic planning

What is strategic planning?

Council creates important statutory plans under the Act which determine how you can use your land. For example, the zoning of your land, the height and density controls and development types which are permissible. These plans are also used by Council to assess specific development proposals. If a development complies with these plans, then it will usually be approved by Council. It is therefore important for you to be involved early in the strategic planning process, so that the plans and controls reflect your desires for the area.

These plans are often referred to as strategic plans. Examples include:

- o Local Strategic Planning Statements
- o Local Environmental Plans or Planning Proposal to amend or create a Local Environmental Plan
- o Development Control Plans
- o Contributions Plans

Council also prepares a range of other planning documents and policies which set the long-term framework for development in the Byron area or guide the development of specific areas such as villages or town centres.

These documents and plans do not have any force under the Act but are still important in guiding the decisions of Council. They are often referred to as non-statutory plans.

Examples include:

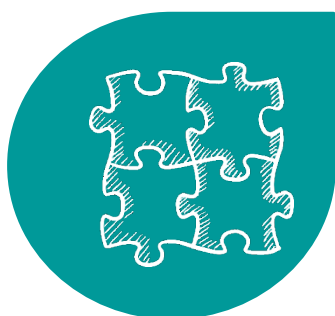
- o Business & Industrial Lands Strategy
- o Rural Land Use Strategy
- o Residential Housing Strategy
- o Village Master Plans



The NSW Government also undertakes strategic planning that applies to the Byron area too. For example, the North Coast Regional Plan 2036. The NSW Government can create State Environmental Planning Policies and can change local environmental plans.



Key phases of strategic planning



PREPARATION	EXHIBITION	ADOPTION
<ul style="list-style-type: none"> o Council resolves to prepare a new strategic plan or change a part of an existing strategic plan o The preparation of a new strategic plan or change to part of an existing strategic plan can be triggered by Council, the community, a private landowner or the NSW Government. o Council may create a community reference group, hold a public meeting or workshop about the draft plan. o Council prepares maps and written information. o Sometimes a strategic plan needs to be approved by the NSW Government to enable exhibition (e.g. Local Environmental Plan or Planning Proposal). This is called a gateway determination. 	<ul style="list-style-type: none"> o Council will place the draft plan on exhibition for formal feedback from the community. o This is usually when Council will carry out other engagement activities which match the scale and likely impact of the plan (e.g. workshops). 	<ul style="list-style-type: none"> o Staff consider the community input from the exhibition phase. o Re-exhibition or extension to an exhibition may occur. o Council staff may hold a Councillor briefing workshop to present the outcomes of the exhibition phase. o Council considers a report on the exhibition phase before deciding whether to adopt the plan (with or without changes) o Sometimes a strategic plan needs to be “made” by the NSW Government after it has been adopted by Council (e.g. Local Environmental Plan or Planning Proposal). o Sometimes a non-statutory strategic plan needs to be endorsed by the NSW Government after it has been adopted by Council (e.g. Local Growth Management Strategy).



What will Council do?

When engaging with our community about strategic plans, Council will use a range of engagement methods and communication channels to make sure you are informed of our work. Council will also design the engagement approach and method having regard to the scale of the project, its impact on the community and whether it is a statutory or non-statutory strategic plan.

Below we explain what Council will do during the preparation and exhibition of a draft strategic plan and the adoption of that plan.

Preparation and Exhibition of Draft Strategic Plans



Notification and exhibition timeframes

At a minimum, Council will exhibit a draft plan for the minimum timeframes set out in Table 1 and Table 2 below which are based on the mandatory and non-mandatory requirements of the Act.

Table 1: Mandatory strategic plans

Type of mandatory strategic plan	Minimum exhibition period
Draft community participation plan	28 days
Draft local strategic planning statement	28 days
Local Environmental Plan or Planning Proposals to amend the Byron Local Environment Plan 2014 subject to gateway determination (which is issued by the NSW Government)	28* days
Draft Development Control Plans	28 days
Draft Contributions Plans	28 days

* If a different timeframe or no exhibition is specified in the gateway determination issued by the NSW Government, then that period



Table 2: Non-mandatory plans

Type of non-mandatory and non-statutory strategic plan	Minimum exhibition period
Local Growth Management Strategy	28 days
Rural Lands Strategy	28 days
Business & Industrial Lands Strategy	28 days
Residential Housing Strategy	28 days
Village Master Plans	28 days

Generally strategic plans advertised during periods of public holidays will have their exhibition period extended by a minimum of the holiday period or exhibition will not occur in holiday periods.





Notification and exhibition methods

When exhibiting and consulting about a draft strategic plan, Council will use a variety of engagement methods along the IAP2 spectrum. This could include:

- o Notice on Council's website or Have Your Say
- o Display at Council's offices
- o Newspaper notice
- o Social media
- o Letters to the people who are most directly impacted by the strategic plan e.g. owners of land proposed to be rezoned
- o Letters to people who live nearby if it is a site or area specific strategic plan
- o Establishment of a community reference group
- o Notification of traditional owners of the land
- o Market stalls or informal drop in sessions
- o Surveys – online and offline
- o A charette or enquiry by design process
- o Workshops or focus groups
- o Public meetings or formal public hearings
- o Collaboration with existing community groups or organisations

In some cases, Council must follow the prescribed method of public participation in the Act. For example, Council must exhibit a draft Development Control Plan in a certain way.

Another example is a voluntary planning agreement which must be exhibited at the same time (as far as practicable) as the development application or planning proposal that it relates to.



Case study - Consult

Changes to the Byron DCP – Public Art

The Public Art chapter in the Byron Development Control Plan (DCP) was changed to reflect the new public art strategy.

The proposed change was on exhibition on Council's website for 6 weeks to allow the public to examine and suggest any other changes to the chapter.

As the changes were of a minor nature and would have minimal direct impact on the general community this lower level of community participation was appropriate.



Adoption of Final Strategic Plan

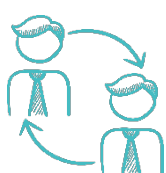
Once Council has formally exhibited a draft strategic plan and carried out any other engagement activities, the final plan will be reported to Council for adoption.

The reasons for Council's decision will usually be set out in the Council report. Occasionally the decision may be different to the staff recommendation.

The Regulations may prescribe that public notice must be given when Council adopts a plan and reasons are given for that decision. For example, adoption of a Development Control Plan.

Also, the adoption of a non-statutory strategic plan may trigger a change to a statutory strategic plan. For example, findings in a Rural Land Use Strategy may be implemented by rezoning land which can only occur through a change to a Local Environmental Plan.





Case study - Involve

Bangalow Village Plan – Guidance Group

During the development of the Bangalow Village Plan a guidance group was established consisting of 19 passionate community members and 3 councillors. The guidance group was pivotal in designing the visions and initiatives in the Bangalow Village Plan.

The guidance group helped to establish the key priorities for Bangalow and promoted the plan to the wider Bangalow community. This ensured there was a wide scope of involvement in shaping the plan which guides the evolution of Bangalow for the next 15 years.



Having your say:

Development assessment

What is development assessment?

Development assessment is the process where Council considers a specific proposal for development and decides whether or not it should be approved having regard to the criteria in the Act. This is also known as granting development consent under Part 4 of the Act.

For the purpose of this Plan, the process has three key phases below.



PRE-LODGEEMENT

- o For some development, Council has a pre-lodgement process.
- o Only higher impact and larger scale development known as community significant development (see following page) requires consultation with the community before lodgement of the application.

ASSESSMENT

- o When Council assesses a development application, it must have regard to the statutory criteria set out in the Act. This is called a merit based assessment.
- o As part of this merit based assessment, Council will consider the views of the community including any submissions made during the exhibition period.
- o Sometimes Council will have to seek approval from NSW Government agencies. This is known as 'integrated development'.

DETERMINATION

- o For most development applications, the decision is made by Council staff with delegated authority
- o Sometimes the decision is made by the elected Council or for regionally significant development, the Joint Regional Planning Panel
- o Council issues a 'notice of determination' to the applicant which sets out whether the development is approved or refused. If approved, Council imposes conditions on its implementation.



What happens after Council makes a decision?

After a decision is made, a development consent may be changed by making another application to Council. In technical planning terms, this is known as a section 4.55 or 4.56 application.

Sometimes, an applicant may ask Council to review its decision (section 8.3 application).

Occasionally, an applicant or third party (like a resident action group) may appeal Council's decision to the Land & Environment Court. This can happen before Council makes a decision (known as a deemed refusal) or after Council makes a decision.



What will Council do?

Generally, the extent of notification and consultation Council will carry out about a development application varies according to its scale and expected impact. The higher the level of impact, the greater the level and type of notification and consultation with the community.

Pre-lodgement

For all developments considered to be community significant development, consultation with the community is required before lodgement of the development application.

Pre-consultation with communities likely to be affected by this development will assist with identifying issues of concern and enable the development design to respond at an early stage. Pre-consultation can also reduce costs, time and quantities of submissions.

It is the applicant's responsibility to carry out the pre-lodgement consultation.



Community significant development is:

- o a building with a **gross floor area** of 5,000m² or more in an industrial, rural or commercial zone; or
- o any development that will be referred under the Act to the Joint Regional Planning Panel; or
- o any subdivision resulting in 50 lots or more; or
- o **residential accommodation** resulting in 10 or more dwellings; or
- o any development that proposes demolition of a heritage listed item; or
- o **pubs**; or
- o small bars (nightclubs) within the meaning of the Liquor Act 2007; or
- o **function centres**; or
- o **restaurants** in rural areas; or
- o **offensive industries**; or
- o **telecommunications facility**



Council recommends that the applicant designs, prepares and executes community consultation as early as possible having regard to the scale, complexity and issues involved. This is to allow the community enough time to genuinely engage and provide feedback. This also gives the applicant time to respond and potentially adapt the development application before lodgement.

Before the lodgement of a development application for community significant development, the applicant must:

- o carry out a facilitated community meeting or workshop, and
- o notify **adjoining and surrounding landowners** and known community groups, and
- o ensure the community has adequate time to consider and comment on the proposal

Surrounding landowner means a landowner up to 500m from the application site.

Adjoining landowner means the land which abuts an application site or is separated from it only by a road, lane, pathway, right of way, river or stream or similar thoroughfare.

The applicant must, as a minimum, give at least 10 days' notice of the above community consultation meeting or workshop, for community significant development as follows:

- o letter to adjoining owners
- o letter to surrounding landowners
- o letter to known community groups
- o newspaper notice
- o site notice
- o social media



The notice must include the following information as a minimum:

- o An explanation of the proposed application, noting that it has not yet been lodged with Council
- o Details of where further information can be found
- o Information, including the date and time, of the arranged community meeting or workshop
- o Alternative avenues for feedback to be shared – email, telephone etc.
- o Final date feedback will be received and considered.

Council may facilitate or assist in the pre-lodgement consultation process within reasonable means including:

- o Placing an applicant in contact with local community groups
- o Publishing details of the proposed application and consultation on Council's website and Council's foyer screens.

The applicant must collect and collate the submissions and/or feedback received.

If an applicant would like to alter the required consultation as set out above, an engagement plan, stipulating the consultation that would take place instead, must be submitted to Council in writing for approval, giving at least 14 days' notice before the commencement of any consultation.

In addition to the requirements of a development application as per A13 of the Byron Development Control Plan 2014, the following documents are required for

community significant development. A development application that is lodged without the following information will be deemed as incomplete and therefore unlikely to be accepted:

A report that includes:

- o a statutory declaration that consultation was undertaken in accordance with this Plan
- o accurate details of the nature and extent of the consultation
- o copies of what the community was shown during the consultation process
- o copies of all submissions and/or written feedback received
- o a summary of how the community responded to the proposal and the main comments received
- o an outline on how the submitted application has responded to the community's concerns with meaningful changes highlighted.
- o if the application being submitted is substantially different to what the community was shown during the consultation period, detailed reasons are to be given for how and why the proposal is different. Where there are significant changes that do not respond to community feedback, further pre-consultation may be required.

Council will make this report publicly available through the exhibition period for the development application.





Assessment

Notification and exhibition timeframes

Council determines the exhibition timeframe for a development application by the type and scale of the development as outlined in this Plan. Generally, the greater the likely impact, the longer the exhibition timeframe.

At a minimum, Council will always exhibit a development application for the time period set out in Table 3 below which is based on the mandatory requirements of the Act:

Table 3: Mandatory requirements for DAs

Type of development	Minimum Exhibition Period
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	As specified in Table 4
Application for development consent for designated development	28 days
Application for modification of a development consent	As specified on Page 30
Re-exhibition of an amended application	As per original application
Environmental impact statement obtained under Division 5.1	28 days

The exhibition period is the number of days during which any member of the public can view a copy of the development application and supporting information at Council's Front Counter, Station Street Mullumbimby or via Council's website.

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

Development applications advertised during periods of public holidays will have their exhibition period extended by a minimum of the holiday period.





Council may alter the notification methods or increase the time period for exhibition. In doing so, Council will consider whether:

- The previous developments on the land have received a significant level of objection
- The location of the development is unique in terms of unusual landform or vegetation
- The size or extent of the development is beyond that which would normally be expected for the category of the development

Council may increase the level of public exhibition at the time of first giving public notice or at any time before the end of the exhibition period.

Council may also waive notification or exhibition.

Where a particular use has not been nominated as requiring public exhibition or notification, Council will make a decision on a case by case basis as to whether it should be notified or exhibited.





Notification and exhibition methods

Council will notify the types of development listed in Table 4 below before a decision is made in the manner specified. The development types are explained at the end of this Plan (in Appendix C). These are based on the land use definitions in the Byron Local Environmental Plan 2014.

If there is any conflict between these requirements or the development is described in more than one level, the higher level must apply. A reference to a type of development must also be read as a reference to alterations or additions to that type of development (i.e. Hotel includes additions to a hotel).

Table 4: Notification requirements for DAs

Level of development	Timeframe for exhibition	Website	Council Offices Customer Kiosk	Letter to adjoining landowners	Letter to surrounding landowners	Newspaper notice	Site notice	Notice to community members
<u>Level 0</u>	No public exhibition/ notification	✗	✗	✗	✗	✗	✗	✗
<u>Level 1</u> <\$3million	14 days	●	●	● [*]	✗	✗	✗	✗
<u>Level 2</u> \$3million - \$20 million	14 days	●	●	●	✗	●	●	✗
<u>Level 3</u> >\$20 million	21 days	●	●	●	●	●	●	●

Key: ✗ means not required. ● means required.

* Only those adjoining landowners who may be detrimentally affected by the proposed development will be notified (e.g. a garage with a reduced setback will only be notified to the immediately adjoining landowner).



Methods for notification are shown below. A combination of these methods may be used during public exhibition based on the level of development as per Table 4.



COUNCIL'S OFFICES

Make available for inspection an online copy of the development application and any supporting documents at the customer kiosk in Council's Administration Building (Station Street, Mullumbimby).

Council may also specify additional locations for inspection of the application.



NOTICE TO TRADITIONAL OWNERS

Notify the Bundjalung of Byron Bay (Arakwal) and relevant Land Council in writing where the development is on a public reserve or community land, is a type Level 2 or 3 and on land mapped by Council and in association with the Bundjalung of Byron Bay (Arakwal) as having Aboriginal significance or is artwork that is subject to Chapter D8 of the DCP and is produced in an Indigenous style, or is identified as an Aboriginal artwork, or is in any way related to Indigenous heritage or culture.



COUNCIL'S WEBSITE

Make available for viewing on its website the development application and any supporting documents.

www.byron.nsw.gov.au

Then under *Do it online* tab, click on *Find a development application*.



NOTICE TO COMMUNITY MEMBERS

Notify all community members involved in the pre-consultation process if they have provided contact details during the pre-consultation process.



SITE NOTICE

Place a sign on some sites the day before the exhibition period. The notice will include the information set out at the end of this Plan (Appendix D).



NEWSPAPER NOTICE

Place a notice in a newspaper that is circulated within the Byron Shire on or before the day the public exhibition period commences. Council will repeat this notice one week later.

The notice will include the information set out at the end of this Plan (Appendix D).



LETTER TO PEOPLE WHO LIVE NEARBY

Post a letter to an adjoining landowner and/or surrounding landowner no later than three business days before the exhibition period starts, noting delivery can take up to 5 days.

The letter will include the information set out at the end of this Plan (Appendix D).

The quickest and easiest way to see development applications on exhibition and the supporting information is on Council's website through the DA tracker.





Facilitated meetings

In addition to the methods of engagement outline above, during the assessment process Council may hold a facilitated meeting with those that have made a submission (either in favour or against the development proposal).

The purpose of the facilitated meeting will be to:

- o Identity and clarify the key concerns of all people interested in the development
- o Identify any ways in which the development application could be amended to address these concerns where warranted under the planning controls

Council may engage an independent party to assist with the process.

Panels

For more complex development proposals, Council may use the Community Solutions Panel as an engagement method to ensure views are representative and inclusive.

Council may also refer some applications to panels with specific expertise (for example, heritage or art panel) for review.

Panels are made up of interested community members, staff, councillors and other experts.



Determination

When Council decides whether or not to approve a development application, Council issues a 'notice of determination'. This notice will state whether the development is approved or refused. And if approved, the conditions of consent.

Council will:

- Give the notice to the applicant.
- Publish the notice on its website

The reasons for Council's decision, where the decision is consistent with the staff recommendation, will be set out in the assessment report..

The length of time taken by Council to make a decision about a development application will depend upon the complexity and scale of the proposal.

Where an application is required to go before a Council meeting for determination by Councillors, those who made a submission will be advised of the time and date of the meeting, where you will have the opportunity to address the Councillors before they make their decision. The assessment report and recommendation will be available on Council's website approximately one week before the meeting.

A development application may be determined by Council staff under delegated authority or by the elected Council. Development applications over \$10 million, subdivisions over 20 lots and designated development will be decided by the elected Council.

Councillors can also select to have an application go to the Council meeting to be decided. This could be based on the number of submissions and their content or the perceived public significance.

For regionally significant development, the development application will be determined by the Joint Regional Planning Panel.

For state significant development, the development application will be determined by the Independent Planning Commission

The *State Environmental Planning Policy (State and Regional Development) 2011* defines the criteria for regionally and state significant development.



Modification of Development Consents

Generally, Council will notify and exhibit applications to modify a development consent in the same manner as the original development application. In technical planning terms, such an application is known as a section 4.55 or 4.56 application.

There are some exceptions to this as follows:

- o changes to conditions of consent where those conditions do not involve the design or location of a building (or key component) or hours of operation, (i.e. developer contributions); or
- o modification considered by Council to be a minor change to the proposed development and of low environmental impact (i.e. altered car parking layout, changes to the entry of shop); or
- o internal alterations to a building; or
- o modification to a **dwelling-house** which does not involve a reduction in **setback** of the **dwelling-house** from the boundaries of the property; or modification to the first or higher floor level of the **dwelling-house**;

In this case, Council will not notify or exhibit the application.

Where the original development application was advertised/placed on public exhibition/ notified before this Plan coming into force, the level of public exhibition or notification of the application to modify the consent must be determined in accordance with the levels of development as set out in Appendix C.

Review of Determination

Council will notify and exhibit applications to review a decision in the same manner as the original development application. In technical planning terms, a review of determination application is known as a section 8.3 application.

There are some exceptions to this as well.

These are the same as modifications of development consents along with cases where no amendments are made to the development described in the original application



Having your say:

Other planning matters

What are the other planning matters?

Other planning matters include functions and decisions of Council which impact upon the use of public land in the Byron area.

This relates to four main things:

- Plans of management (POM) for public land made under the *Local Government Act 1993* (for either Council owned or Crown land)
- Assessment of Council infrastructure projects being either a review of environmental factors (REF) or environmental impact statement (EIS) under Part 5 of the Act.
- Contributions Plans
- Voluntary Planning Agreements

This Plan does not cover Council's engagement approach for implementation of its programs and projects in accordance with the annual Operational Plan. This is done in line with Council's Community Engagement Policy.

Plans of management (POM)

Council prepares plans of management under the *Local Government Act 1993* for land that Council owns which is classified as 'community land'.

Council must also prepare plans of management for Crown land which it manages as 'community land'. The plan of management is an important document because it sets out what can happen on that land.





Review of environmental factors (REF)

When Council intends to carry out certain infrastructure projects in the Byron area, it may need to prepare a 'review of environmental factors' under Part 5 of the Act. This is known as an REF.

The REF considers the environmental and other impacts arising from a project to determine whether it should proceed and if so, under what measures to reduce any impacts.

For minor and routine Council works, no REF is needed. In technical planning terms, this is known as 'exempt development'.

For small scale projects, the REF is prepared by Council and approved by Council staff under delegated authority. Sometimes there may be specialist reports or studies to support the REF.

For significant, controversial or highly complex projects, the REF may be prepared by an external consultant and/ or reviewed by an external consultant and/ or approved by the elected Council.

Environmental impact statement (EIS)

For specific types of infrastructure projects carried out by Council, being those that are likely to significantly affect the environment, Council must prepare an 'environmental impact statement' (EIS) in line with the Act and Regulations.

Some Council infrastructure projects that are 'exempt development' are included in the *State Environmental Planning Policy (Infrastructure) 2007*, sometimes referred to as ISEPP.

This document was prepared by the NSW Government to simplify the process for providing important infrastructure on public land.

Examples of 'exempt development' that may occur on public reserves are picnic tables, walking tracks, hand rail barriers and some play equipment.

This type of development is not exhibited.



Contributions Plan (CP)

A Contributions Plan is a statutory plan prepared by Council to enable a monetary contribution to be levied on developers at the development application stage, to help pay for additional community facilities and/or infrastructure such as provision of libraries; community facilities; open space; roads; drainage and the provision of car parking in commercial areas.

The rationale for the contribution is based on the increased demand that new developments place on existing facilities and provides for expansion of facilities to cater for the demand.

New contributions plan and amendments to existing contributions plans are exhibited by Council for minimum of 28 days in accordance with the mandatory requirements of the Act.

Voluntary Planning Agreement (VPA)

A voluntary planning agreement (VPA) is an agreement entered into by a planning authority (such as a Council) and a developer. Under the agreement a developer agrees to provide or fund:

- o public amenities and public services
- o affordable housing
- o transport or other infrastructure.

Contributions can be made through:

- o dedication of land
- o monetary contributions
- o construction of infrastructure
- o provision of materials for public benefit and/or use.

VPAs may be part of a strategic planning or development application process and cannot be entered into unless public notice has been given and an explanatory note is made available for inspection for at least 28 days as per the Act.



What will Council do?

When engaging with the community about other planning matters such as POMs, REFs and EISs for Council infrastructure projects, Council will use a range of engagement methods and communication channels to make sure you are informed of our work. Council will also design the engagement approach and method having regard to the scale of the issue and its impact on the community.

Below we explain what Council will do for each.

Plans of Management



Notification and exhibition timeframes

The Act does not specify any mandatory exhibition timeframes for the notification and exhibition of Plans of Management (POM).

However, Council must follow the process and requirements set out in the *Local Government Act 1993* for preparing and adopting a plan of management. This legislation requires Council to publicly exhibit the draft plan of management for a minimum of 28 days and allow for at least 42 days for submissions.

Together with the draft plan, Council must exhibit any other material which it considers appropriate or necessary for the draft plan and its implications to be understood.



CASE STUDY - Collaborate

Byron Arts and Industry Estate – Enquiry by design

The Enquiry by Design was a two day intensive workshop with a group of stakeholders and technical experts working together to create solutions for the Arts and Industry Estate.

These workshops were critical in forming the Arts and Industry Estate Precinct Plan which identifies how the estate can overcome problems and evolve into the future.





Notification and exhibition methods

When engaging the community about a draft POM, Council will use a variety of consultation methods.

Generally, Council will consult with the stakeholders of the site during the preparation of the draft plan and will then carry out broader consultation with the community when the draft plan is on exhibition.

The methods of engagement about a draft POM could include:

- o Notification on Council's website
- o Display at Council's offices
- o Newspaper notice
- o Consultation with people or groups who are most directly impacted by the plan. For example, site users or direct neighbours.
- o Establishment of a community reference group
- o Notification of traditional owners of the land
- o Market and street stalls
- o Surveys – online and offline
- o Workshops or focus groups
- o Public meetings



Review of environmental factors and environmental impact statements



Notification and exhibition timeframes

The Act does not specify any mandatory exhibition timeframes for the public notification and exhibition of an REF. There is also no legal obligation on Council to consult the community about an REF. Council will generally make REFs available upon request.

For significant, controversial or highly complex projects, Council may notify and exhibit a draft REF before it is finalised and approved by Council.

Council will notify and exhibit an EIS in accordance with the Act and Regulations.



Notification and exhibition methods

When engaging the community about a REF or EIS, Council will use a range of methods to match the significance and likely impact of the project.

The methods could include:

- o Notification on Council's website
- o Display at Council's offices
- o Newspaper notice
- o Consultation with people or groups who are most directly impacted by the project.
- o Establishment of a community reference group
- o Notification of traditional owners of the land
- o Market stalls
- o Workshops or focus groups
- o Public meetings



How can you be involved?

There are lots of ways that you can be involved in strategic planning, development applications and other planning matters in the Byron area:

BE INFORMED



To keep informed you can:

- Subscribe to Council's e-news
- Read the local newspaper
- Listen to Council meetings via our website
- Read Council reports and information on our website
- Follow our social media (where relevant)
- Check the DA tracker on Council's website - this allows you to track the progress of applications and certificates submitted and view applications on public exhibition
- Check Council's Your Say website - www.yoursaybyronshire.com.au/

HAVE YOUR SAY



To have your say, you can:

- Make a formal written submission to Council during the exhibition period of a document
- Give feedback informally to Council staff over the phone by contacting the relevant officer

You can:

- Submit your submission on Council's Your Say website
- Post by letter to Council at:
PO Box 219
Mullumbimby NSW 2482
- If the submission relates to a development application you can use the submission form located with the relevant application on the DA tracker
- Send an email to:
submissions@byron.nsw.gov.au

The *Submission Guide* at the end of this Plan (in Appendix E) explains how to write a submission and tells you what happens after you make your submission.



GET INVOLVED



To be more actively involved in planning matters, you can:

- Join a local community group
- Attend a Council meeting
- Speak at a Council meeting about a particular issue

COLLABORATE WITH US



To collaborate with us on planning matters you can:

- Nominate to be part of a guidance or reference group for a specific site
- Participate in a focus group or workshop

BE EMPOWERED



To be empowered to make decisions relating to planning matters you could be part of Community Solutions Panel.



CASE STUDY -Empower

Sustainable Visitation Strategy – Community solutions panel

In developing Council's new tourism strategy, a range of consultation methods were used including kitchen table workshops and surveys.

After a large amount of community feedback was collected and collated, a community solutions panel was established consisting of 34 random members of the public who were tasked with examining the results of the consultation period and collaboratively determining what information should be presented to Council which would then be used to inform the Sustainable Tourism Strategy.



Frequently asked questions

Can I get an extension to the exhibition period?

Requests for extensions may be considered based on the circumstances of the request

What happens if I lodge my submission late?

Late submissions may be considered if received before the public submissions report is finalised. Submissions should be received by Council during the stated exhibition period to ensure they are considered.

What happens if the exhibition period is due to close on a weekend or public holiday?

Council may extend the exhibition period to finish on the first available workday.

What happens if the exhibition period includes a public holiday?

Council may extend the exhibition period.

Are the timeframes in this Plan business or calendar days?

The timeframes are in calendar days and include weekends.

What happens over the Christmas holidays?

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

I don't have access to a computer, who should I call?

You can view these documents on Council's information kiosk computers at the Mullumbimby head office or try your local library.

What happens if I think the engagement requirements have not been met by an applicant for a community significant development project?

The development application for a community significant development that does not meet the engagement requirements may be considered as an incomplete application and not accepted.

You can put your concerns in writing and pass this information on to the relevant officer to be reviewed.

Why does Council sometimes redact certain information from an EIS or REF?

Council is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of Council, be contrary to the public interest because of its confidential nature or for any other reason

What if I can't make the workshop?

If you cannot make a workshop or other public consultation event you can still provide feedback in other ways including sending in a submission or contacting Council staff.



How do I know my submission was considered?

All received submissions are addressed in a submissions report presented to Council or in an assessment report.

What if I can't find a development application that I wish to review?

All development application (DA) information is available online on the DA tracker on Council's website. If the DA is not on exhibition anymore you can still find it on the DA tracker by searching using the DA number or the property address.

If you're unable to find a DA, it may be that the DA you are looking for has not yet been lodged.

If the DA is not on the DA tracker, you can put in a GIPA request using an informal access to information form available on Council's website.

Who can help with DA tracker issues?

If you need any assistance using DA tracker, please contact Council's Development Support Officers on 02 6626 7025.



Appendix A

Planning Jargon Buster (Glossary)



Strategic planning

Name	Acronym	Explanation
Environmental Planning & Assessment Act 1979	The Act	The principal legislation governing the land use planning system in New South Wales.
Environmental Planning & Assessment Regulation 2000	The Regulation	The regulations which support the Act.
Environmental planning instrument	EPI	<p>A local environmental plan (LEP) or State Environmental Planning Policy (SEPP) made under Part 3 of the EP&A Act.</p> <p>An EPI contains planning controls that apply in relation to the development of an area / site.</p>
State environmental planning policy	SEPP	A form of EPI which sets out planning controls on matters that are of State or regional environmental planning significance.
Local environmental plan	LEP	A form of EPI which is the principal legal document for controlling development at a local level. This sets the zones for land and what type of development is permissible or prohibited.
Development control plan	DCP	Detailed statutory guidelines that illustrate the controls that apply to a particular type of development or in a particular area.
Contributions Plan	CP	A plan that enables Council to levy monetary contributions from developers or applicants (at development application stage) to help pay for additional community facilities and infrastructure.
Voluntary Planning Agreement	VPA	<p>A voluntary agreement between a public authority (such as Council or the NSW Government) where a developer agrees to provide or fund:</p> <ul style="list-style-type: none"> o public amenities and public services o affordable housing o transport or other infrastructure.

Name	Acronym	Explanation
Regional Plan	-	The plan which identifies the basis for strategic planning in the region, having regard to economic, social and environmental matters and taking into account any SEPP, other strategic plans and State infrastructure priorities.
District Plan	-	The plan which is below a regional plan and identifies the basis for strategic planning in the district, having regard to economic, social and environmental matters and taking into account any LEP and SEPP, other strategic plans and State infrastructure priorities.
Local strategic planning statement	LSPS	<p>The plan that sets out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future.</p> <p>This plan is the link between a local environmental plan (LEP) and the community strategic plan (CSP) for local councils.</p>
Community participation plan	CPP	This plan that sets out how the community can participate in planning decisions by the relevant decision maker.
Gateway process/determination		The process used to change an LEP. The State give a gateway determination approval which sets out conditions for the exhibition of a planning proposal
Planning proposal	PP	The document prepared to support a proposed change to an LEP.
Zoning	-	<p>The system for categorising land uses as prohibited, requiring consent or not requiring consent within particular areas.</p> <p>The zoning is set out in environmental planning instruments (i.e. LEP or SEPP).</p>
Zoning certificate / Section 10.7 certificate	-	A certificate issued by a local council which sets out the zoning for the land, how it may be used and any restrictions on the land.
Charette	-	A public meeting or workshop devoted to a concerted effort to solve a problem or plan the design of something.
Community Strategic Plan	CSP	The long-term strategic plan adopted by Council under the <i>Local Government Act 1993</i>

Development and environmental assessment

Name	Acronym	Explanation
Consent authority	-	The decision maker responsible for determining a development application. This could be a local council, Independent Planning Commission, Joint Regional Planning Panel or a local planning panel.
Development Application	DA	An application to obtain consent to carry out development on an area / site. This usually includes a form, detailed plan drawings and supporting documents such as a SEE.
Statement of Environmental Effects	SEE	The document that accompanies a development application which sets out how the proposed development meets the planning controls for the area/ site.
Development consent	-	Consent given under Part 4 of the EP&A Act which gives approval to carry out the development usually subject to conditions.
Notice of determination		The legal document issued by the consent authority to grant or refuse development consent.
Construction Certificate	CC	A certificate to the effect that work completed in accordance with specific plans and specifications will comply with the requirements of the relevant legislation.
Occupation Certificate	OC	A certificate that authorises the occupation and use of a new building, or a change of building use for an existing building. Post construction check on whether necessary approvals and certificates are in place for the development and the building is suitable for occupation or use in accordance with its Building Code of Australia (BCA) classification.
Environmental impact statement	EIS	A report which is prepared to assess the environmental impact of a proposed development.
Review of environmental factors	REF	A report which is prepared to support a proposed development by a public authority such as a local council.
Exempt development	-	Low impact development that an EPI provides may be carried out without the need for development consent.
Complying development	-	Routine development that an EPI provides can be approved by meeting specified predetermined standards.
Integrated development		Development that, in order for it to be carried out, requires development consent and one or more approvals from an

Name	Acronym	Explanation
		NSW Government agency.
Designated development		Development that is high-impact (e.g. likely to generate pollution) or is located in or near an environmentally sensitive area (e.g. a wetland),
Section 4.55 or 4.56 application		An application to change an existing development consent.
Section 8.3 application		An application to review a notice of determination.

[illegible]

State legislation and local planning rules and policies set out the controls which determine what development can occur on your land and in the Byron area. Generally, this is known as the NSW planning system. The planning system has a hierarchical structure with the Act sitting at the top of the hierarchy.

The Act sets up the framework for the planning system as follows:

Environmental Planning and Assessment Act 1979

- o How rules affecting development are made; and
- o How development is assessed against those rules.

Environmental Planning and Assessment Regulation 2000

The Regulation details certain processes that must be followed by councils when assessing a development application or making a strategic plan such as a LEP or DCP.

Environmental Planning Instruments (EPIs)

EPIs introduce controls and requirements for specific issues and places in the Byron area. There are two types of EPIs:

State Environment Planning Policies (SEPPs)

SEPPs deal with issues that are of importance to the whole State.

It is important to note that this does not necessarily mean that each SEPP will be of relevance to a specific development proposal or planning issue.

A common SEPP relevant to Council projects is the Infrastructure SEPP (ISEPP) which enables Council and other public authorities to do some infrastructure works on public land without undertaking community consultation.

Local Environmental Plans (LEP)

Each council has their own LEP which does four main things.

1. Zones land to specify what development is permissible without consent, permissible only with consent or prohibited in the zone
2. Identifies whether your house or the area it is situated in has heritage significance
3. Identifies special matters for consideration. This may be specific environmental issues such as flooding, bushfire, acid sulfate soils and environmentally sensitive land.
4. Identifies the principal development standards. These standards control the size and form of development such as maximum building height and maximum Floor Space Ratio (FSR).

Council's LEPs are known as the Byron Local Environmental Plan 2014 and Byron Local Environmental Plan 1988.

Development Control Plan (DCP)

While the rules set out in LEPs and SEPPs are most important, more detailed design and planning requirements are provided in Council's DCP. Here you will find information in simple language, with diagrams and pictures on issues including:

- o Building design, siting and size
- o Access to sunlight
- o View sharing
- o Landscaping
- o Car parking
- o Heritage
- o Stormwater treatment
- o Waste management
- o Fences and walls

The DCP provides guidance only, which means there can be flexibility to make variations when supported by a good argument in a development application.

Council's DCPs are known as the Byron Development Control Plan 2014 and Byron Development Control Plan 2010. DCP 2010 applies to land to which the Byron Local Environmental Plan 1988 applies.

Other plans, policies and strategies

In addition, Council develops other plans, policies and strategies which play an important part of the planning process. For example, contributions plans which levy contributions on a development where that development generates an increased demand on Council's services and facilities.

There are other plans which do not have any statutory force under the Act, but can still be relevant to the planning decision or process.

You can access the Act, the Regulation, SEPPs at:

www.legislation.nsw.gov.au

You can access Council's LEPs, DCPs and other plans, policies and strategies on the website.

www.byron.nsw.gov.au

A collection of 25 stylized illustrations of diverse people in various poses and activities, representing a multicultural and inclusive community. The figures are depicted in a flat, modern style with simple clothing and accessories. They are arranged in a loose, non-repeating pattern across the white background. Activities include cycling, walking, talking, using a phone, holding a dog, and interacting with others. The diversity is shown through different skin tones, hairstyles, and clothing styles.

Level 0

Timeframe for exhibition	Website	Council Offices Customer Kiosk	Letter to adjoining landowners	Letter to surrounding landowners	Newspaper notice	Site notice	Notice to community members
No public exhibition/ notification	✗	✗	✗	✗	✗	✗	✗

Development applications of the following development types

- o **Agriculture** other than **intensive livestock agriculture**
- o Alterations and additions to a building type that is not specifically listed in Level 1 or Level 2
- o Boundary adjustment subdivisions that do not provide an additional **dwelling** entitlement
- o Buildings and works ancillary to a **dwelling-house** (garages, pools, sheds, fences)
- o Buildings and works ancillary to **agriculture** 5 metres or greater from a property boundary
- o Change of use to a **business** or **office premises** within a Business Zone
- o Change of use to a **light industry** within an Industrial Zone
- o Change of use to a **shop** within a Business Zone
- o Business or **office** premises within a Business Zone that are single **storey**
- o Demolition of a structure that is not a heritage item or within a heritage conservation area
- o Development required to be carried out in an emergency (e.g. relocation of a dwelling to prevent damage from coastal erosion)
- o **Dwelling-houses** that are single **storey**
- o **Dwelling-houses** that are double **storey** and comply with the prescriptive measures of the Byron DCP 2014 for setbacks and building height plane
- o **Environmental facilities**
- o **Forestry** involving establishment of native plantations
- o Fences that are no higher than 1.8 metres
- o Industrial buildings within an Industrial Zone
- o Internal alterations to a building
- o **Signage**
- o Shops within a Business Zone that are single **storey**
- o Strata subdivision of existing buildings
- o Utility installations

Where a term is defined in the Byron Local Environmental Plan 2014, it is shown in **orange**.

Level 1

Timeframe for exhibition	Website	Council Offices Customer Kiosk	Letter to adjoining landowners	Letter to surrounding landowners	Newspaper notice	Site notice	Notice to community members
14 days	●	●	● *	✗	✗	✗	✗

Development applications of the following development types with less than \$3 million dollar estimated development cost

- o Alterations and additions to building or use that is included within this Level
- o Buildings and works ancillary to a **dwelling-house** (garages, pools, sheds, fences etc.) that do not comply with the prescriptive measures in the Byron DCP 2014 for setbacks and building height plane
- o Buildings ancillary to **agriculture** within 5 metres of a property boundary
- o Change of use to a **light industry** not within an Industrial Zone
- o **Dual occupancy** developments
- o **Dwelling-houses** that are double storey and do not comply with the prescriptive measures in the Byron DCP 2014 for setbacks and building height plane
- o **Farm stay accommodation**
- o Professional consulting rooms
- o **Rural industry**
- o **Rural workers dwellings**
- o **Secondary dwellings**
- o Subdivisions that will result in the creation of two or up to and including five lots
- o Any other development type not listed in any other level
- o Alterations and additions to any development type listed in Level 2

Setback has the same meaning as building line or setback in Byron LEP 2014.

Building height plane means the plane projected at an angle of 45 over the land to be built upon, measured from a vertical distance of 1.8 metres above ground level (existing) at the site boundary.









Level 2

Timeframe for exhibition	Website	Council Offices Customer Kiosk	Letter to adjoining landowners	Letter to surrounding landowners	Newspaper notice	Site notice	Notice to community members	Notice to traditional owners
14 days	●	●	●	✗	●	●	✗	●

Development applications of the following development types or any development application with an estimated development cost between \$3 million and \$20 million dollars

- o Amusement centres
- o Change of use to a restaurant or café within a Business Zone
- o Change of use to a take away food and drink premises within a Business Zone
- o Demolition of a building or work that is a heritage item or a use of a building or land that is a heritage item for a purpose that would otherwise be prohibited
- o Development on a public reserve or community land
- o Educational establishments
- o Entertainment facilities
- o Erection of a neighbourhood shop within a Residential Zone.
- o Forestry involving harvesting of native forests or establishing non-native plantations.
- o Function centres
- o Group Homes
- o Hazardous industries
- o Hotel or motel accommodation
- o Hostels
- o Intensive livestock agriculture
- o Liquid fuel depots
- o Non-designated extractive industries
- o Offensive industries
- o Places of public worship
- o Pubs
- o Recreation facility (major), recreation facility (indoor), recreation facility (outdoor)
- o Regional development
- o Retrospective approvals
- o Residential flat buildings, multi dwelling housing, multiple occupancies or the like
- o Restaurants or cafes and commercial premises other than within a Business Zone
- o Sawmill or log processing works
- o Seniors housing
- o Sex services premises
- o Small bars
- o Subdivisions that create subdivisions of more than 6-49 lots inclusive
- o Tourist and visitor accommodation (other than bed and breakfast accommodation and Farm stay accommodation, camping grounds, caravan parks and eco tourist facilities)
- o Any development that exceeds a development standard of the Byron LEP 2014

Level 3

Timeframe for exhibition	Website	Council Offices Customer Kiosk	Letter to adjoining <u>landowners</u>	Letter to <u>surrounding</u> <u>landowners</u>	Newspaper notice	Site notice	Notice to community members	Notice to traditional owner
21 days								

Development applications of the following development types

- o Any development type with an estimated development cost of \$20 million dollars or more
- o Any development application that will be referred to the Joint Regional Planning Panel for determination
- o Subdivision that create 50 or more lots
- o Telecommunication towers

A collection of 25 colorful illustrations of diverse people in various everyday activities, arranged in a grid-like pattern. The illustrations depict a wide range of human experiences and interactions. In the top row, a person cycles with a large pink bag, two men shake hands, a woman stands with a headset, and two women hug. The second row shows two people talking with a rainbow heart above them, a group of three people walking, a woman with a shopping bag and keys, a woman with a coffee cup, a couple walking away, and an elderly man with a cane next to a woman on a mobile phone. The third row features a person on a scooter, a woman talking on a phone while carrying a bag, a group of three people talking, a woman with a pink balloon, and a woman walking with a coffee cup and a laptop. The bottom section includes two women talking, a woman on a phone, a woman walking a dog, a woman with a shopping bag, a man holding a baby, a woman on a phone, and a woman walking. The illustrations use a flat, modern style with a variety of colors and simple shapes to represent different ages, ethnicities, and lifestyles.

Notice to people who live nearby

Information in notice to adjoining or surrounding landowners

- a) a description of the land (including the address) on which the development is proposed to be carried out
- b) the name of the applicant and the name of the consent authority
- c) a description of the proposed development
- d) a statement that the application and the documents accompanying that application may be inspected at Council's Front Counter, Station Street Mullumbimby during ordinary office hours (Council may specify additional locations for inspection of the application)
- e) the dates of the exhibition period
- f) a statement that the person may during the exhibition period may make a written submission to the General Manager in relation to the development application
- g) a statement that where the submission is by way of objection the submission must set out the grounds of the objection
- h) a statement as to Council's policy for supplying copies of written submissions to other people
- i) in the case of an application to modify consent, an outline of the modification sought
- j) 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@byron.nsw.gov.au stating the development application number.

When notifying adjoining landowners and/or surrounding landowners;

- a) if the land is a lot within the meaning of the *Strata Schemes (Freehold Development) Act* 1973, a written notice to the owners corporation is taken to be a written notice to the owner or occupier of each lot within the strata scheme, and
- b) if the land is a lot within the meaning of the *Strata Schemes (Leasehold Development) Act* 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written notice to the owner or occupier of each lot within the strata scheme, and
- c) 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.

Newspaper Notice

Information in newspaper notice

- a) a description of the land (including the address) on which the development is proposed to be carried out,
- b) the name of the applicant and the name of the consent authority
- c) a description of the proposed development
- d) a statement that the application and the documents accompanying that application may be inspected at Council's Front Counter, Station Street Mullumbimby during ordinary office hours (Council may specify additional locations for inspection of the application) or within Council's website during the exhibition period
- e) the dates of the exhibition period
- f) a statement that any person during the exhibition period may make a written submission to the General Manager in relation to the application
- g) a statement that, where the submission is by way of objection, the submission must set out the grounds of the objection
- h) a statement as to Council's policy for supplying copies of written submissions to other people
- i) in the case of an application to modify consent, a statement summarising the modification sought.

Site Notice

Information in site notice

- a) must be headed in capital letters and bold type 'DEVELOPMENT PROPOSAL'
- b) must display a copy of the notice to be placed in the local newspaper and, if practical, a plan showing the boundaries of the development
- c) must contain the applicant, a brief description of the development proposal and the location where further details can be found
- d) must be erected on the land to which the development application relates
- e) must, if practical be capable of being read from a public road, public place or public reserve (Council may erect a second sign near the land where the sign cannot be read from a public road, public place or public reserve)
- f) must be displayed on a board with minimum dimensions of A3 standard paper



This submission guide explains how you can make a submission about the planning matters that this Community Participation Plan applies to and what happens after you make your submission.

What is a submission?

A submission is a comment received from a member of the public on a plan, application or proposal that Council is considering.

Submissions can be in the form of a letter or sent in digital format e.g. email or online form.

Writing a submission gives you the opportunity to raise your issues and concerns about a specific plan, proposal or application. This submission could support or object to the matter.

Submissions may be made by an individual or a group (such as a community reference group) or be in the form of a petition.

Input to a development application, plan or proposal (being the main planning functions of Council) may also occur verbally at a public meeting, market stall or over the phone in a discussion with a Council officer. This is not considered to be a formal submission, but does form part of the community participation process.

What do I need to know about making a submission?

Council considers development applications or other plans and proposals as soon as possible as part of its service to local residents and applicants. As a result, submissions must be lodged within the timeframe indicated in the notification letter, newspaper advertisement or as indicated on Council's website.

If you lodge your submission after the close of this exhibition period it is possible that Council may make a decision without considering your submission.

Submissions, including objection letters, which are made about development applications or planning proposals may be made available for inspection by members of the public and may be published in Council reports or on Council's website.

Your submission should contain information relevant to the development application, plan or planning proposal. Your submission must clearly set out your concerns so that they can be properly considered by Council.

Council will consider your comments together with its legal responsibilities under the Act, the interests of the community at large and the reasonable expectation and rights of the applicant.

How do I write a good submission?

Good submissions:

- Are specific to the development application, plan or proposal
- Are as clear and concise as possible
- Avoid using emotive or abusive language
- Give details about how you arrived at your assertions
- Identify what the issue is and what level of impact it may have on you or the neighbourhood
- Are informed by supporting documents such as the statement of environmental effects
- Focus on non-compliance only where that has a significant impact
- Suggest changes that might resolve the problems identified
- Consider the wider context and broader issues

You should include your name and contact details and date of the submission.

Approaching a submission according to the requirement of the Act increases its relevance, by addressing the issues in the same way that Council staff do.

Issues outside of the Act are still relevant and it does not mean you have to disregard other issues. Feel free to raise these upfront where they are crucial to the construction of an issue.

What happens if my submission contains defamatory statements?

Your submission should not contain any statements which are defamatory or offensive to others in the community, Council staff or councillors.

What happens to my personal information?

Your details in the submission may be viewable by the public and posted online.

Submissions will be attached to a submissions report for Council. Phone number and email address on each submission will not be redacted. The contact details will be used to respond to the submissions

How do I make a submission?

You can lodge your submission by:

- Send an email to:
submissions@byron.nsw.gov.au
- The DA tracking website or the Have Your Say website
- Post by letter to Council at:
PO Box 219
Mullumbimby NSW 2482

What happens after I make a submission?

When a submission is received, Council will register it electronically and allocate it to the relevant officer to be considered as part of the decision making process.

If the submission is received via email an automatic acknowledgement will be sent to the submission maker.

When the matter is determined and/or reported to Council, your submission will be taken into account. Council officers will review all submissions received and draft a report identifying the outcomes of the public notification process.

Council will attempt to notify the person who lodged the submission of the date the matter is being reported to Council, Council's decision regarding the submission and reason for the decision. If you would like to be notified, make sure you provide an email address with your submission.

You can also:

- Check the progress of the development application, plan or proposal you are interested in on Council's website
- Listen to Council meetings via our website
- Read Council report's and information on our website
- Subscribe to Council's e-news

