



**Nambucca  
Valley Council**

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**COMMUNITY  
PARTICIPATION  
PLAN**

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## 1.0 Community Participation in the Planning System

Nambucca Valley Council recognises community participation throughout the planning system is not only your right; it also delivers better planning results.

Ultimately, our responsibility is to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act) including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community participation is an overarching term covering how Council will engage the community in our work under the EP&A Act, including plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

### 1.1 What is a Community Participation Plan?

The Nambucca Community Participation Plan (CPP) is designed to make participation in the planning system clearer for the community. It does this by setting out in one place how and when Council will engage with its community when exercising planning functions.

### 1.2 Planning Functions applicable to this Community Participation Plan

Council's planning functions applicable to this CPP are outlined in section 2.21(2) of the EP&A Act. These functions include:

- The preparation of Local Strategic Planning Statements, Local Environmental Plans, Development Control Plans, Contribution Plans, and Planning Agreements.
- Assessing and determining development applications, complying development applications, and applications to modify development consents.
- Assessing the environmental impact of an activity under Division 5.1 of the EP&A Act if an environmental impact statement is required.

### 1.3 Principles of the Community Participation Plan

The EP&A Act guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions. The EP&A Act outlines the principles that underpin Council's Community Participation Plan. These principles are outlined below:

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

- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

## 1.4 Land to which this Community Participation Plan applies

The Nambucca Community Participation Plan applies to all land within the Nambucca Valley Council Local Government Area (LGA).

## 2.0 The role of exhibitions in the planning system

Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal or project being considered or assessed. A regular and valuable way for the communities to participate in the planning system is by making a submission on a proposal during an exhibition.

### 2.1 Exhibitions

A key technique Council use to encourage community participation is formal exhibitions. During an exhibition, we make available relevant documents that may include a draft of a policy, plan or proposed development that we are seeking community input on.

In reaching decisions on proposals that have been exhibited, the Council balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Council, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

### 2.2 How to get involved in a public exhibition

To get involved during a public exhibition you can:

- Make a formal submission on an exhibition by emailing Council at [council@nambucca.nsw.gov.au](mailto:council@nambucca.nsw.gov.au) or sending a letter to the General Manager, Nambucca Valley Council – PO Box 177, Macksville NSW 2447.
- Visit Council and staff will help you access public exhibition documents. Relevant Council staff will also answer any questions that you have.
- Connect directly with Council staff working on a proposal, policy, plan or application. Contact details are typically available on the exhibition documentation.

### 2.3 Exhibition timeframes

The following table outlines the minimum exhibition timeframes for planning functions applicable to this Community Participation Plan. Council will always exhibit a proposal for the minimum timeframes outlined below and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

| <b>Plan making exhibition timeframes</b>  |  |
|---|--|
| Draft community participation plans   | 28 days  |
| Draft local strategic planning statements   | 28 days  |
| Planning proposals for local environmental plans subject to a gateway determination   | 28 days unless otherwise specified in the gateway determination      |
| Draft development control plans   | 28 days  |
| Draft contribution plans  | 28 days  |
| <b>Development assessment exhibition timeframes</b>   |  |
| Application for development consent (other than for a complying development certificate, for designated development or for State significant development) | 14 days unless otherwise specified in section 3                      |
| Application for development consent for designated development  | 28 days  |
| Application for development consent for nominated integrated development or threatened species development  | 28 days  |
| Application for modification of development consent that is required to be publicly exhibited by the regulations  | Up to 14 days based on the scale and nature of the proposal          |
| Environmental impact statement obtained under Division 5.1  | 28 days  |
| <b>Re-exhibition</b>  |  |
| Re-exhibition of any amended application or matter referred to in this table  | Up to 14 days based on the urgency, scale and nature of the proposal |

Key points to note about public exhibitions include the following:

- The plan or application being exhibited will not to be made or determined until after the minimum period of public exhibition outlined above. If the exhibition period is for a longer period than what is specified above, the plan or application will not be determined until after the specified longer period.
- Submissions with respect to a plan, application or other matter may be made during the minimum period of its public exhibition outlined above, or within any specified longer period.
- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we 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.

- If a plan, application or other matter has different exhibition or notification periods that apply under this plan, the longer period applies.
- The exhibition period for advertised development commences the day after the day on which the published notice is first published in a newspaper.

## 3.0 Development application advertising and notification

### 3.1 Notified Development

Council will notify development applications in writing to the owners of the land adjoining the land to which the development application relates, except where:

- A proposed dwelling or ancillary structure including a shed is more than 5m from the common boundary of a lot in rural and large lot residential zones and the proposed development is not likely to adversely affect the adjoining land;
- The subject land is vacant and it is proposed to erect a single storey dwelling, meeting the appropriate setback requirements;
- It is proposed to undertake additions or alterations to a single storey dwelling, meeting the appropriate setback requirements;
- The proposal is for a subdivision which will create no additional lots (boundary adjustment);
- The proposal is for a strata subdivision;
- The development site possesses an excessive number of adjoining or adjacent allotments (eg: large parks, sports grounds), Council shall have the discretion to notify only those properties that are likely to be directly affected by the development; or
- It has been determined by Council that the development is unlikely to detrimentally affect the enjoyment of adjoining land or locality or impact on the interests of the public.

### 3.2 Council discretion to notify a wider area and public authorities

Council may, at its discretion, notify the owners and/or residents of land more distant from the site of the development if, in its opinion, that land may be adversely affected by the proposed development.

Council may also, at its discretion, notify such public authorities (including Local Aboriginal Land Councils) as, in Council's opinion, may have an interest in a Development Application.

### 3.3 Advertised Development

Council will advertise applications for new developments listed in the below table or additions to a listed item that increases the scale of the development by 25% or more in a local newspaper.

|                              |                                 |
|------------------------------|---------------------------------|
| Air Transport Facility       | Intensive Livestock Agriculture |
| Air Strip                    | Intensive Plant Agriculture     |
| Animal Boarding and Training | Liquid Fuel Depot               |

|  |  |
|--|--|
| Establishments   |  |
| Aquaculture  | Marinas  |
| Attached Dwellings (more than 10 dwellings)  | Multi Dwelling Housing (more than 10 dwellings)  |
| Boarding House   | Passenger Transport Facility   |
| Buildings over 14m in height   | Places of Public Worship   |
| Brothels or Sex Service Premises   | Pub  |
| Camping Ground   | Recreation Areas (with the exception of children's playgrounds and facilities considered by Council to have a minor environmental impact)  |
| Caravan Park   | Recreation Facility (Indoor)   |
| Community Facility   | Recreation Facility (Major)  |
| Crematorium  | Recreation Facility (Outdoor)  |
| Eco-tourist Facility   | Registered Clubs   |
| Educational Establishments   | Residential Flat Buildings   |
| Entertainment Facility   | Restricted Premises  |
| Extractive Industries  | Restriction Facilities   |
| Group Home   | Seniors Housing  |
| Heritage Items – Development Applications involving the demolition or alterations to a heritage item | Service Stations   |
| Hospitals  | Serviced Apartments  |
| Hostel   | Stock and Sale Yards   |
| Hotel or Motel Accommodation   | Subdivision, where 10 or more additional allotments will be created, excluding subdivision for lease purposes and strata title subdivision |
| Heavy Industrial Storage Establishment   | Threatened Species Development (ie any Development Application requiring a species impact statement)                                       |
| Heavy Industry   | Waste or Resource Management Facilities  |

## 4.0 Feedback

There are many ways for the community to provide feedback or raise questions outside of formal exhibition and we will always consider and respond to your views and concerns.

Contact us:

- Write to us electronically at [council@nambucca.nsw.gov.au](mailto:council@nambucca.nsw.gov.au).
- Write to us at PO Box 177 Macksville NSW 2447.
- Phone us on 02 6568 2555.

## Glossary

| Planning term                       | Definition   |
|-------------------------------------|--|
| 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   |
| Designated development              | Designated Development refers to developments that are high impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)   |
| Development control plans           | A plan that provides detailed planning and design guidelines to support the planning controls in a LEP   |
| Gateway determination               | A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition   |
| 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  |
| State significant development (SSD) | Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities |