

Clarence Valley Council

COMMUNITY PARTICIPATION PLAN

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Citation

Clarence Valley Council Community Participation Plan 2019

Adopted by Council on 17 December 2019; effective on 17 January 2020

Introduction

What is a Community Participation Plan?

This Community Participation Plan explains how and when we will engage with our community about planning matters in the Clarence Valley area, for example; when Council decides whether to approve a development application or change the zoning of land.

The Plan is designed to make it easier and clearer for our community to have a say on these types of matters. For other decisions, we will still be actively engaging with our community utilising our Community Engagement Policy. You can find a copy of this policy on the Clarence Valley Council website - www.clarence.nsw.gov.au.

Why have we created the 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.

What types of functions and decisions does this Plan cover?

This Plan sets out in one place how and when our community can have a say on the planning functions and decisions of Council. The Plan covers three areas:

1. Strategic planning
2. Development assessment
3. Other planning matters

Why should our community have a say on planning matters?

Community participation is now a legal requirement in the NSW planning system under the Act. In addition, we believe that engaging with our community about planning matters has a number of important benefits. The key benefit is achieving better overall outcomes, including helping to inform our decision making, building relationships and enhancing the capacity of our community.



What is community engagement?

- To provide opportunities for the community to contribute to the decision making process
- To build new relationships and/or improve relationships with the community
- To build the capacity of the community on a specific theme or issue to increase knowledge or change behaviours



Who is the Clarence Valley community?

The Clarence Valley community is made up of a diverse range of people and groups. These may hold differing views about planning or development and represent different interests. All of these voices are valued in our community.

This Plan sets out ways we will consider these diverse voices to improve the quality of planning decisions and outcomes for our community.

- General public, Aboriginals, families and tourists
- Councillors, Clarence Valley Council staff, council agencies services and committees
- Small business, large business, industry, service providers and the media
- Community organisations, committees, groups and services
- Schools, education and training institutions and facilities





What are the limitations of this Plan?

This Plan only applies to planning functions and decisions of council. In the planning system, we do not make all the planning decisions which may affect our community. For example:

Exempt development

A state-wide policy known as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (or Codes SEPP) allows a range of minor low-impact works, renovations and development without Council approval. This is provided that the project meets specific development standards that are specified in the Codes SEPP. Some examples of development that may be able to be carried out as exempt development include - decks, garden sheds, carports, fences, repairing a window or painting a house.

Complying development

Complying Development is assessed and approved by private certifiers rather than our staff. In technical planning terms, this is known as 'complying development'. This type of development meets certain standards set out in the Codes SEPP. In this case you may not be notified or consulted about the development.

State development and policies

The NSW Government also makes decisions about State significant development and sets the State and regional planning priorities for the Clarence Valley local government area. The NSW Government may carry out its own consultation with our community about these planning matters or require council to notify agencies under specific State Environmental Planning Policies (SEPPs).

What methods will council use to engage our community on planning matters?

We will use a range of methods to engage with our community about planning matters.

The general engagement methods we use are set out below.

The specific approaches for strategic planning, development assessment and other planning matters are set out in detail in the remainder of this Plan.



**CVC Website
and Social Media**



**Discussion and
Public Conversation**



**Workshops and
Seminars**



**Surveys and
Questionnaires**



**Newspaper inserts
and media releases**



**Focus groups
and forums**



**Newsletters and
printed materials**



**Community gathering
and exhibitions**

How can our community be involved in planning matters?

Generally there are a number of ways that our community can be involved in planning matters that are considered or decided by council. These include:

Lodging a submission

Make a formal submission on a draft plan, policy, document or development application whilst it is on exhibition by going to our website, or by writing to council.

Visiting customer service centres

Visit a Customer Service Centre in Grafton or Maclean and staff will help you access public exhibition documents. Staff will also answer any questions you have or can connect you to an planning officer for specialised help.

Connecting with us

Connect directly with staff working on a proposal, policy, plan or project. Contact details are on our website at www.clarence.nsw.gov.au.



How we report back

In an open and transparent manner, we close the loop by providing feedback to the community

After a decision is made about a particular planning matter, we will inform those that have been involved in the process.

We do this in a number of different ways including by directly notifying people who have made a submission, holding face to face meetings, publishing information on our website or outlining the status of a project plan in a formal report to Council.



Principles and commitments

What are the principles supporting this Plan?

Eight key principles support our approach to engaging our community about planning matters. These principles come from the Act and are set out below.

1. The community has a right to be informed about planning matters that affect it.
2. Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
3. Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
4. The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
5. Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
6. 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.
7. 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).
8. 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.



What is our approach to engagement?

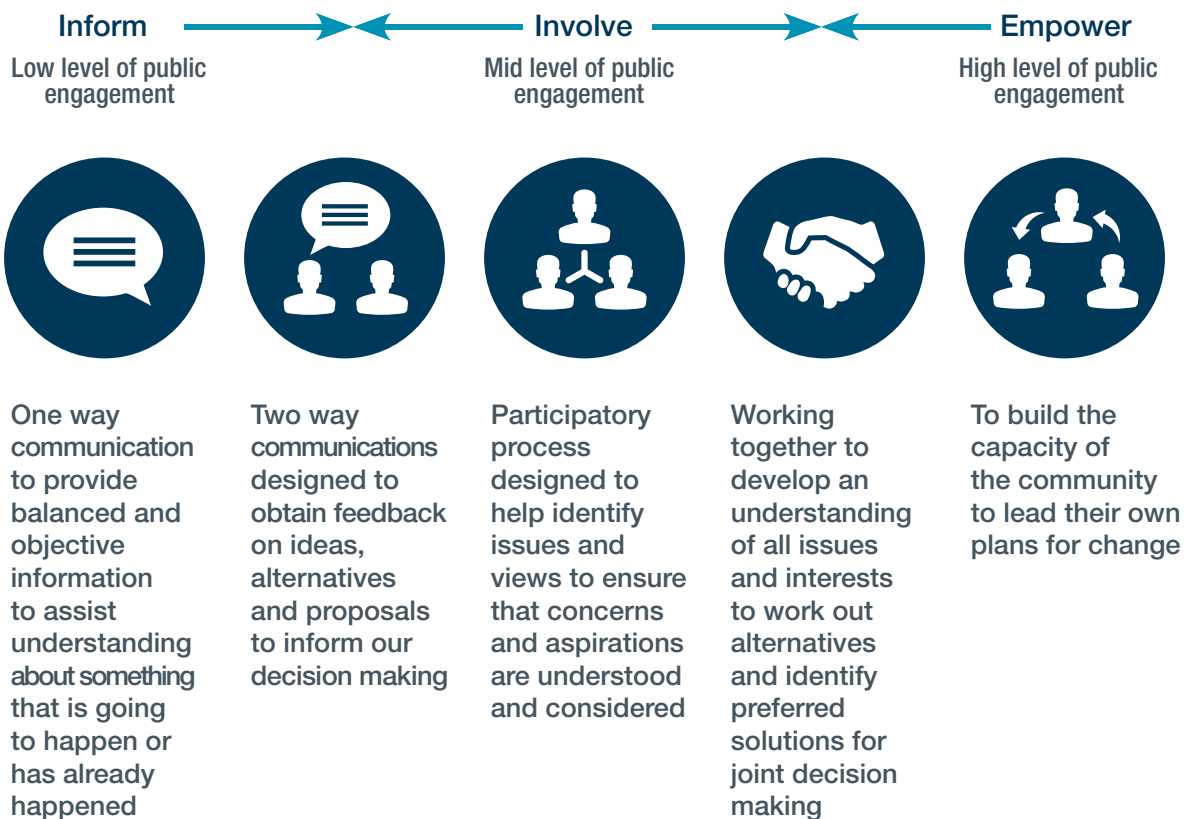
Our approach to engaging with our community is based on international best practice. We use the spectrum of engagement from the International Association for Public Participation (IAP2) in order to inform its engagement approach. This spectrum is shown below.

This highlights the different role our community will have in a matter, depending upon the nature of the engagement method and purpose.

What is our commitment to working with the Aboriginal community?

Council acknowledges the Bundjalung, Gumbaingirr and Yaegl people as the traditional owners and custodians of the lands and waters that lie within the Clarence Valley local government boundaries. We are committed to working with the traditional owners and custodians when considering planning matters.

HOW WE ENGAGE - IAP2 SPECTRUM



Having your say: Strategic planning

Overview of strategic planning

What are strategic plans?

We create a number of important plans and policies which determine how land is used in the area and what kind of development can happen on a site.

Some of these plans are made under the Act and are known as statutory strategic plans. Examples include:

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

We also prepare a range of other planning documents and policies which set the long-term framework for development in the Clarence Valley. Others may 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 our decisions. They are often referred to as non-statutory plans. Examples include:

- Business & Industrial Lands Strategy
- Rural Land Use Strategy
- Residential Housing Strategy

These plans and policies are considered when assessing specific development proposals.






What is the strategic planning process?

When council creates a new strategic plan (either statutory or non-statutory) or makes a change to an existing plan, it will typically place the draft document on exhibition for feedback from our community. Sometimes we will seek input from the community in developing the draft plan.

After the draft plan is exhibited, a wide range of factors are considered to decide whether to formally adopt the plan. This includes considering the objects of the Act where relevant, strategic priorities, the community's input, the land use priorities identified in other strategic plans and applicable policies and guidelines.

When the document is finalised, it is placed on the Clarence Valley Council website. A hard copy can be accessed from Customer Service Centres.

Where Council has supported a planning proposal against a staff recommendation it will provide reasons for such decision.



How and when will council engage with our community on strategic planning matters?

Engagement methods

When engaging with our community about strategic planning matters, we will use a range of engagement methods and communication channels.

The approach and method is tailored in regard to the scale and the nature of the plan and its impact on the community.

Where the Act or other legislation prescribes a specific engagement or notification method, council will, as a minimum, follow that process.

We encourage community participation on strategic planning matters by formal exhibition of draft plans, policies or documents. The draft plan, policy or document is made available on our website and at Customer Service Centres for inspection.

Engagement timeframes

The Act sets out mandatory minimum timeframes that council must follow when exhibiting certain strategic planning documents.

Where this is the case, council will exhibit a draft plan for the minimum timeframes set out in Table 1. These are based on the mandatory requirements of the Act.

For other strategic plans, council will determine the engagement timeframes on a case by case basis having regard to its Community Engagement Policy. Generally, the minimum exhibition period for a draft strategy, study or policy will be 28 days.

Generally, strategic plans advertised during holiday periods or including public holidays will have their exhibition period extended. Exhibition will otherwise only occur after the holiday period is complete.

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

Table 1: Mandatory minimum timeframes from the Act

Type of strategic plan	Minimum exhibition period
Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Local Environmental Plan or Planning Proposal to amend the Clarence Valley Local Environmental Plan 2011 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



Having your say: Development assessment

Overview of 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 called a merit-based assessment.

As part of this assessment, staff will consider the strategic planning framework applying to the site and surrounding area. For example, the zoning in Clarence Valley Local Environmental Plan 2011 and the development controls in the relevant Development Control Plan. The views of the community including any submissions made during the exhibition period are also taken into consideration as part of the approval process.

When the decision is made to approve a development application, this is known as granting development consent under Part 4 of the Act. A development application may also be refused.

For most development applications, staff make the decision under delegated authority. Sometimes the decision is made by the elected Council. For regionally significant development, the Joint Regional Planning Panel makes the decision.

Once the decision is made, a 'notice of determination' is issued to the applicant which sets out whether the development is approved or refused. If approved, conditions are imposed on its implementation.

A copy of the notice of determination is given to people who make a submission on the proposal.

What is development assessment process?

In summary, the development assessment process includes the following main steps:

1. Lodgement of a development application
2. Notification and advertisement of the application where required by this Plan
3. Referral to NSW Government agencies or departments if required
4. Assessment of the application against the criteria in the Act
5. Determination of the application

The development consent may be changed by the applicant by lodging 'modification application'. The applicant may also seek a review of the decision.

So that submissions can be considered as part of the decision making process, you must lodge your submissions by the closing date of the exhibition period. The closing date for submissions will be set out in the notification letter or newspaper / site notice.

The period for lodging a submission may be extended at the discretion of council staff. Any request for extension to the submission period should be made before the closing date for submissions.

There is no guarantee that late submissions will be considered.

How and when will council engage with our community on development assessment matters

Engagement methods

The engagement method used for development application varies according to its scale and expected impact. The higher the level of impact, the more consultation is conducted with the community.

Council has three levels of development which determine the method:

Level 1 – no notification or advertisement

Level 2 – notification only

Level 3 – notification and advertisement

These levels vary according to the proposed development and the zone of the land under the Clarence Valley Local Environmental Plan 2011. The different levels are explained in Appendix C.

When notifying a development application (Level 2), we write to those people identified as requiring notification, that an application has been submitted. This is by letter.

When advertising a development application (Level 3), a notice is placed in the newspaper and on the location of the development.

These different methods are explained in detail in Appendix D.

Development applications are published on our website DA Tracker.

Engagement timeframes

The engagement timeframe for a development application is determined by the type and scale of the development as outlined in this Plan.

At a minimum, we will exhibit a development application for the time period set out in Table 2 on the following page which is based on the mandatory requirements of the Act.

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 Customer Service Centres.

For Level 2, the start of the exhibition period is the date of the notification letter. For Level 3, the start of the exhibition period is the date the notice appears in the newspaper.

The period between 20 December and 10 January in the following year (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.



Table 2: Mandatory exhibition 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 3
Application for development consent for designated development	28 days
Application for modification of a development consent	As specified below on page 20 of this Plan
Re-exhibition of an amended application	As per original application
Environmental impact statement obtained under Division 5.1	28 days

Before lodgement

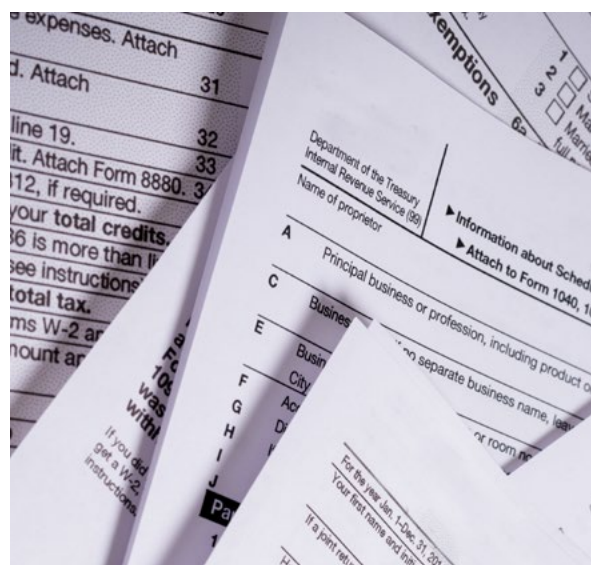
Before lodgement of a development application for major development, the applicant may be required to carry out consultation with the community. This will typically happen through the pre-DA lodgement advisory service.

During assessment

Before a decision is made, the development application will be exhibited in accordance with requirements in Table 3 on the next page. The development types for each level are explained at the end of this Plan in Appendix C. These are based on the land use definitions in the Clarence Valley Local Environmental Plan 2011.

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

If a use is not identified in Appendix C, then we will usually notify the application as a Level 2 development. We may also advertise any application as a Level 3 development if in its opinion advertising is warranted due to the nature of the development.



When assessing a development application, we may have to refer the application to NSW Government departments or agencies, for example; referral to the Roads & Maritime Services or the Rural Fire Service to seek what is known as concurrence.

Exempt and complying development does not require a development application to be determined by Council. As such, this type of development is not notified or advertised. The exempt and complying controls are set out in the State Environment Planning Policy (Exempt and Complying Development Codes) 2008.

Table 3: Notification requirements for development applications

	Level 1	Level 2	Level 3
Timeframe for exhibition	No public exhibition/ notification	14 days	14 days
Website	✘	✓	✓
Council offices	✘	✘	✓
Letter to traditional owners*	✘	✓	✓
Letter to owners of adjoining land*	✘	✓	✓
Letter to owners of neighbouring land*	✘	✓	✓
Letter to Clarence River Fisherman's Co-op*	✘	✓	✓
Letter to Department Primary Industries- Fisheries*	✘	✓	✓
Letter to Department Planning, Industry and Environment – Crown lands *	✘	✓	✓
Site notice	✘	✘	✓
Newspaper notice	✘	✘	✓
*The definition of these terms is explained in Appendix D			
Key: ✘ means not required ✓ means required			

After determination

When council receives an application to modify a development consent (known as a modification application), we will generally follow the same exhibition method and timeframes as the original application as outlined below.

Level 1

Council will not notify the modification application where:

- a. the original development application was not previously notified or advertised, and

Council is satisfied that the modification:

- b. is of minimal environmental impact, and
- c. will not increase adverse impacts on the amenity or enjoyment of neighbouring land or the locality

Level 2

Council will notify the modification application where:

- a. the original development application was previously notified, and

Council is satisfied that the modification:

- b. is not of minimal environmental impact, or
- c. may increase adverse impacts on the amenity or enjoyment of neighbouring land or the locality

Level 3

Council will notify and advertise the modification application where the original development application was previously notified and advertised.

Council may dispense with the requirement for advertising if satisfied that the modification:

- a. is of minimal environmental impact, and
- b. will not increase adverse impacts on the amenity or enjoyment of neighbouring land or the locality.

Having your say: Plans of management

Overview of plans of management

What are plans of management?

Plans of management are forward planning documents that council use to manage public land in the Clarence Valley area. These plans are prepared under the Local Government Act 1993 for either council owned land or Crown land under the control and management of council. They may apply to sports grounds, parks, environmental reserves and showgrounds.

When and how will council engage with our community on plans of management?

Engagement methods

When engaging with our community about plans of management, we will use a range of engagement methods and communication channels.

The approach and method will be tailored having regard to the scale and nature of the plan and its impact on the community.

Like strategic plans, a key technique used to encourage community participation on plans of management is formal exhibition of the draft plan. The draft plan is usually made available on our website and Customer Service Centres for inspection.

Engagement timeframes

A draft plan of management will be exhibited in accordance with the requirements of the Local Government Act 1993. This includes giving public notice of the draft plan for a minimum of 28 days and allowing a minimum of 42 days for submissions to be made on the draft plan.





Appendix A

Glossary of key planning terms

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 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	A voluntary agreement between a public authority (such as Council or the NSW Government) where a developer agrees to provide or fund public amenities and public services, affordable housing or 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	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.
Community participation plan	CPP	This plan is the link between a local environmental plan (LEP) and the community strategic plan (CSP) for local councils.
Gateway process/ determination		This plan that sets out how the community can participate in planning decisions by the relevant decision maker.
Planning proposal	PP	A document that seeks to support a change to an LEP. The State give a gateway determination approval which sets out conditions for the exhibition of a planning proposal
Zoning	-	The document prepared to support a proposed change to an LEP.
Zoning certificate / Section 10.7 certificate	-	A document that provides a range of planning information on land including how the land may be used and restrictions on its development.

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.

Name	Acronym	Explanation
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 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.

Appendix B

Overview of planning system

Overview of planning system

State legislation and local planning rules and policies set out the controls which determine what development can occur on land in the Clarence Valley 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.

Environmental Planning & Assessment Act 1979

The Act sets up the framework for the planning system including:

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

Environmental Planning & 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 Clarence area. There are two types of EPIs:

State Environment Planning Policies (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.

Each council has their own *Local Environmental Plans (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 land 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, lot size and maximum Floor Space Ratio (FSR).

Council's LEP is known as the Clarence Valley Council Local Environmental Plan 2011.

Development Control Plan (DCP)

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

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

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

Council's has a number of DCPs known as:

- Business Zones DCP 2011
- Industrial Zones DCP 2011
- Residential Zones DCP 2011
- Rural Zones DCP 2011
- Development in Environmental Protection, Recreation and Special Use Zones

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.clarence.nsw.gov.au

Appendix C

Development types

Steps to identify level of notification for your development application

These level of notification for a development application varies according to the proposed development and the zone of the land under the Clarence Valley Local Environmental Plan 2011 (LEP).

The table on the following pages sets out the different notification level required under this plan based on the zone of the land and the proposed development.

Follow the steps below to identify the notification level for your development application.

Step 1

Identify the zone of the site under the LEP using the zoning maps. Land zoning can be checked by accessing Council's Online Mapping on Council's website or through the NSW Government's online Planning Portal.

Step 2

Identify the type of the proposed development using the list of development types in the following tables.

The development types are listed in alphabetical order and are based on the definitions in the LEP.

If the development type is not listed, please contact Council staff to discuss your proposed development.

Step 3

Check what level of notification is required for the relevant zone and development type This will be:

- Level 1 – no notification or advertisement
- Level 2 – notification only
- Level 3 – notification and advertisement

If there is no level specified (i.e. it is a grey box), then please contact Council staff to discuss your proposed development as it may be prohibited in the zone.

Step 4

If Level 2 or 3, check the specific notification requirements in Appendix D.

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Advertising structures, advertisements and signage			1	1					
Advertising structures, other than building and business identification signs (other than such signage that need advertising under SEPP 64)	2			2		2			
Advertising structures or advertisements required to be advertised under SEPP 64	3	3		3		3			
Airstrips	3								
Alterations and additions to existing structures of <10% in gross floor area					1		1		
Alterations and additions to existing structures of <10% in gross floor area in caravan parks								1	1
Alterations and additions to buildings of <10% (minor) – including outbuildings in heritage conservation areas			1						
Alterations and additions (minor) that comply with setbacks applying under the Industrial Zones DCP 2011				1					
Alterations and additions to buildings of >10% (more than minor) in a heritage conservation area (not including additions to a minor structure or outbuilding)			2						
Alterations and additions (minor) to a heritage item or dwelling in a heritage conservation area	2	2				2			
Alterations and additions of less than 100m ² to buildings used for commercial purposes			2						
Alterations and additions and new buildings of less than 500m ²				2					

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Alterations and additions that do not comply with setbacks under the Industrial Zones DCP 2011				2					
Alterations and additions to dwellings, dual occupancies and other buildings, exceeding 10% increase in gross floor area including second storey extensions					2		2	2	2
Ancillary buildings, where the maximum height of external walls (not including gables) is 3.5m or less from natural ground level to the underside of the eaves and 4.5m or less to the top of the roof ridgeline, has a maximum area of 54m ² and complies with setbacks applying under the Industrial Zones DCP 2011				1					
Ancillary buildings, where the maximum height of external walls (not including gables) is greater than 3.5m from natural ground level to the underside of the eaves and 4.4m to the top of the roof ridgeline, or the area of 54m ² or the building does not comply with setbacks applying under the Industrial Zones DCP 2011				2					
Animal boarding or training establishments	3	3							
Aquaculture	3								
Attached dwellings (less than 5 dwellings)		2							
Attached dwellings (more than 5 dwellings)		3							
Bed and breakfast accommodation	2	2			2	2	2	2	2
Biosolids treatment facilities	3								

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Boarding houses		3				3			
Boatsheds		2				2			
Brothels and restricted premises / sex services premises			3	3					
Bushfire hazard reduction work					1		1		
Caravan parks	3								
Cellar door premises	3								
Cemeteries	3								
Centre-based childcare facilities	3	3							
Change of use of a building where there is no increase or only a minor increase (<10%) in the total floor area of the building			1	1					
Change of use of a building where there is an increase in the total floor area of the building of up to 100m2			2	2					
Community facilities		3							
Correctional centres	3								
Demolition of a structure that is not a heritage item or is not within a conservation area	1	1	1	1	1	1	1	1	1
Demolition of a structure or building that is a heritage item	3	3	3			3			
Depots				2					
Dwelling - single storey dwelling houses that comply with setbacks applying under the Rural Zones DCP 2011 or Residential Zone DCP 2011 or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	1	1				1			
Dwelling house – single storey					2		2	2	2

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Dwelling - minor alterations and additions (excluding second storey extensions) that comply with setbacks applying under the Rural Zones DCP 2011 or Residential Zone DCP 2011 or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	1	1				1			
Dwelling houses greater than single storey (i.e. greater than 6.5m at the ridge and 4m at the top plate)	2	2				2			
Dwelling - second storey extensions	2	2				2			
Dwelling houses that do not comply with setback requirements under the Rural Zones DCP 2011 or Residential Zones DCP 2011 Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	2	2				2			
Dwelling - alterations and additions that do not comply with setbacks applying under the Rural Zones DCP 2011 or Residential Zones DCP 2011 or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	2	2				2			
Dwelling - any new dwelling house in a heritage conservation area	2	2				2			
Dual occupancies - minor alterations and additions, (excluding second storey extensions) that comply with setbacks applying under the Rural Zones DCP 2011 or Residential Zones DCP 2011 or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	1	1				1			

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Dual occupancies or alterations and/or additions to a dual occupancy that are more than minor (including second storey extensions) or that do not comply with setbacks applying under the Rural Zones DCP 2011 or Residential Zones DCP 2011 or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011	2	2				2			
Earthworks				2					
Eco-tourist facilities	3								
Educational establishments	3	3							
Electricity generating works	3								
Entertainment facilities			3	3					
Exhibition homes or villages		3							
Extractive industries	3								
Environmental protection works	1			2		2			
Extensive agriculture	1	2							
Farm buildings		2							
Farm buildings, garages, sheds or similar located more than 20 metres from any property boundary, or where less than 20m from a boundary have an eave height of <4m above existing ground level and a roof pitch of <5.5m above ground level as well as setback in accordance with the setback criteria in the Rural Zones DCP 2011	1								

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Farm buildings, garages, carports, sheds and other ancillary buildings located less than 20 metres from any property boundary and where the height of external walls (not including gables) is greater than 4m from ground level (existing) to the underside of the eaves and 5.5m to the top of the roof ridgeline, or the area is greater than 100m ² or the building does not comply with setbacks applying under the Rural Zones DCP 2011	2								
Farm buildings, sheds and other ancillary residential buildings, where the height of external walls (not including gables) is 3m or less from natural ground level to the underside of the eaves and is 4.5m or less to the top of the roof ridgeline and the area is 100m ² or less.					2		2	2	2
Farm stay accommodation	2								
Fences that are not exempt development					1	1	1	1	1
Flood mitigation works	1								
Forestry	1								
Freight transport facilities				2					
Function centres			3	3					

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
<p>Garages, carpports, sheds and other ancillary buildings, where:</p> <p>a) The maximum height of external walls (not including gables) is 3.5m from ground level (existing) to the underside of the eaves and 4.4m to the top of the roof ridgeline, have a maximum area of 54m² and comply with setbacks applying under the Residential Zones DCP 2011 (zones R1, R2 and R3) or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011</p> <p>b) The maximum height of external walls (not including gables) is 4m from ground level (existing) to the underside of the eaves and 5.5m to the top of the roof ridgeline, have a maximum area of 100m² and comply with setbacks applying under the Residential Zones DCP 2011 (zone R5).</p>		1				1			

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Garages, carports, sheds and other ancillary buildings where:									
a) The height of external walls (not including gables) is greater than 3.5m from ground level (existing) to the underside of the eaves and 4.4m to the top of the roof ridgeline, or the area is greater than 54m ² or the building does not comply with setbacks applying under the Residential Zones DCP 2011 (zones R1, R2 and R3) or Development in Environmental Protection, Recreation and Special Use Zones DCP 2011		2				2			
b) The height of external walls (not including gables) is greater than 4m from ground level (existing) to the underside of the eaves and 5.5m to the top of the roof ridgeline, or the area is greater than 100m ² or the building does not comply with setbacks applying under the Residential Zones DCP 2011 (zone R5).									
Group homes		3							
Health consulting rooms		3							
Health services facilities		3				3			
Helipads	3	3				3			
Highway services centres				3					
Home businesses and home industries	1	1	1			1		1	1
Horticulture	1	2							
Hostels		3							

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Kiosks						2			
Industries			3						
Industry retail outlets				2					
Information and education facilities		3							
Intensive livestock agriculture	3								
Intensive plant agriculture, other than horticulture or viticulture	3								
Internal alterations to a building				1	1	1	1	1	1
Internal alterations to a building (whether in a conservation area or not)			1						
Internal alterations to a building (including a heritage item)	1								
Internal alterations to a building (other than a heritage item)		1							
Landscape and garden supplies				2					
Light industries				2					
Marinas				3					
Mining	3								
Multi-dwelling housing (less than 5 dwellings)		2				3			
Multi-dwelling housing (more than 5 dwellings)		3				3			
Neighbourhood shops		3		2					
Offensive or hazardous development (or potentially) under SEPP 33			3	3					
Places of public entertainment			3						
Places of public worship		3							
Port facilities				3					
Recreation areas	3	3				3			

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Recreation facilities			3	3					
Recreation facilities (indoor)						3			
Recreation facilities (outdoor)	3								
Registered clubs			3						
Remediation (Category 2 only) under SEPP 55	3		3	3					
Research stations	3								
Residential flat buildings (less than 5 dwellings)		2				3			
Residential flat buildings (more than 5 dwellings)		3				3			
Restriction facilities	2	2							
Roadside stalls	2	2							
Rural workers' dwellings	2								
Second storey extensions				2					
Secondary dwellings	1	2				2			
Semi-detached dwellings (less than 5 dwellings)		2							
Semi-detached dwellings (more than 5 dwellings)		3							
Seniors housing		3							
Service stations			3						
Serviced apartments		3				3			
Sewage treatment works				3					
Storage premises				2					
Swimming pools ancillary to a dwelling and for private use	1	1			1	1	1	1	1
Swimming pools that do not comply with the setbacks applying under the Residential Zones DCP 2011 or that propose to use a boundary fence as part of the pool safety barrier		2							

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Subdivision involving boundary adjustments	1	1	1	1	1	1	1	1	1
Consolidation of lots	1	1	1	1	1	1	1	1	1
Strata subdivision	1	1	1	1	1	1	1	1	1
Subdivision of less than 5 lots and not including the creation of a public road	2	2	2	2	2	2	2	2	2
Subdivision involving a heritage item	2	2	2	2	2	2	2	2	2
Subdivision involving the creation of a public road	3	3	3	3	3	3	3	3	3
Subdivision where 5 or more lots are created	3	3	3	3	3	3	3	3	3
Timber and building supplies				2					
Tourist and visitor accommodation including caravan parks		3				3			
Transport depots			3						
Truck depots			3						
Waste or resource management facilities	3			3					
Water recreation structures	2	2		2		2			
Water recycling facilities	3								
Workforce accommodation		3				3			
Vehicle repair stations				2					
Vehicle sales or hire premises			3						
Viticulture	1	2							

DEVELOPMENT TYPE

	Rural zones (RU1, RU2, RU3)	Residential zones (R1, R2, R3, R5)	Business zones (B1, B2, B3, B5)	Industrial zones (IN1, IN4)	Special purpose zones (SP1, SP2)	Special purpose zone (SP3)	Recreation zones (RE1, RE2)	Environmental zones (E1, E2, E3)	Waterway zones (W1, W2, W3)
Any development affecting a heritage item, other than minor works, maintenance or minor alterations and additions, including use of a heritage item for use other than uses generally permitted in the zone, i.e. using special LEP heritage provisions	3	3							
Any development affecting a heritage item, other than minor works, maintenance or alterations/additions to the rear of a heritage item or outbuilding, including demolition and for a use other than uses generally permitted in the zone (i.e. using special LEP heritage provisions, clause 5.10 (10) of the LEP)			3	3	3	3	3	3	3
Any development which includes a variation or change to an existing use	3	3	3	3	3	3	3	3	3
Any development where clause 5.3 of the LEP is used allowing development permitted in an adjoining zone	3	3	3	3	3	3	3	3	3
Any development including a clause 4.6 variation for a numerical standard <10% or proposing to vary a non-numerical standard	2	2	2	2	2	2	2	2	2
Any development including a clause 4.6 variation for a numerical standard >10% or proposing to vary a non-numerical standard	3	3	3	3	3	3	3	3	3
Any other development not listed in Level 1 or 3	2	2	2	2	2	2	2	2	2

Appendix D

Level 2 - notification requirements Level 3 – advertising requirements

Level 2 – notification requirements

When will Council notify traditional owners?

Council will notify the Bundjalung, Gumbaingirr and Yaegl people (as appropriate) where the development application is within a property that is mapped as an area of Aboriginal significance or is development on a public reserve or community land, or relates to Crown land that is subject to a native title claim.

When will Council notify an adjoining landowner?

Council will notify an adjoining landowner if the land abuts the land the subject of the development application or is separated by a road (but only within 40 metres of the land the subject of the development application), pathway, driveway or similar thoroughfare.

If the adjoining land is owned by more than one person, notification to one owner is taken to satisfy the notification requirements of this Plan.

If the adjoining land has been subdivided under the Community Land Development Act 1989 of the Strata Schemes (Freehold Development) Act 1973, Council will notify the owner of each lot within the property and the Body Corporate or Community Association.

If the adjoining land is a lot within the meaning of the Strata Schemes (Leasehold Development) Act 1986, Council will notify the owner of each lot within the property.

When will Council notify neighbouring landowners?

Council will notify neighbouring landowners if the land may (in the opinion of council staff) be affected by the proposed development.

Council may consider the following factors when deciding if the land may be affected by the proposed development:

- The likely impacts of the development on both the natural and built environment of the neighbourhood.
- The social and economic impacts on the neighbouring land.
- The views to and the views from the neighbouring land.
- The overshadowing and loss of solar access to neighbouring land.
- The impact of the proposed development on the streetscape.
- Traffic.

When will Council notify the Clarence River Fisherman's Co-operative?

Council will notify the Clarence River Fisherman's Co-operative if the development proposal may have a direct impact on waterways or marine habitat.

When will Council notify the Department of Primary Industries - Fisheries?

Council will notify the Department of Primary Industries – Fisheries if the development proposal is likely (in the opinion of Development Services Coordinator) to have an effect on the plants and animals and their habitat within the Solitary Islands Marine Park or if the development proposal involves any works below mean high water mark.

When will Council notify the Department of Planning, Industry & Environment – Crown Lands?

Council will notify the Department of Planning, Industry & Environment Crown Lands where the development application is on Crown land that is subject to a native title claim.

Are there any exemptions to the notification requirements?

Council will not notify an amendment to an approved development application where the amendment is of a minor nature and does not change the height or setbacks or window size or window placement of the proposed development.

What is the notification letter?

The notification letter will contain the following information:

- A description of the land (including the address) on which the development is proposed to be carried out.
- The name of the applicant and the name of the consent authority.
- A description of the proposed development.
- A plan of the proposed development providing information indicating the height, siting and external appearance of the proposed buildings.
- Council's reference number for the development application.
- A statement that the person may during the exhibition period make a written submission to the General Manager about the development application.
- Dates of the exhibition period indicating the closing date for the submissions.
- A statement that where the submission is by way of objection to a proposed development, the submission must set out the grounds for the objection.
- Advice that the submission will be made publicly available, may be included in Council reports and will be available for the applicant to consider.
- Advice that if you do not wish your submission to be publicly available and you wish it to remain confidential, you must state this in the submission and provide Council with written reasons for this request.
- Advice that Council will not consider any anonymous submissions.
- Details of Council staff to contact for further information.

Level 3 – advertising requirements

What information will be in the newspaper notice?

The newspaper notice will contain the following information:

- A description of the land (including the address) on which the development is proposed to be carried out.
- The name of the applicant and the name of the consent authority.
- A description of the proposed development.
- Council's reference number for the development application.
- A statement that the application and the document accompanying the application may be inspected at the Council offices and the address of the relevant Council office, including the office hours and hours staff are available to discuss the proposed development.
- A statement that the person may during the exhibition period make a written submission to the General Manager about the development application.
- Dates of the exhibition period indicating the closing date for the submissions.
- A statement that where the submission is by way of objection to a proposed development, the submission must set out the grounds for the objection.
- Advice that the submission will be made publicly available, may be included in Council reports and will be available for the applicant to consider.
- Advice that if you do not wish your submission to be publicly available and you wish it to remain confidential, you must state this in the submission and provide Council with written reasons for this request.
- Advice that Council will not consider any anonymous submissions.

What information will be on the site sign?

Council will place a site sign on the land the subject of a development application in a place which is visible to passing pedestrian and vehicle traffic (where applicable) with the following information:

- A description of the land (including the address) on which the development is proposed to be carried out.
- The name of the applicant.
- A description of the proposed development.
- Council's reference number for the development application.
- A statement that the application and the document accompanying the application may be inspected at the Council offices and the address of the relevant Council office, including the office hours and hours staff are available to discuss the proposed development.
- A statement that the person may during the exhibition period make a written submission to the General Manager about the development application.
- Dates of the exhibition period indicating the closing date for the submissions.
- A statement that where the submission is by way of objection to a proposed development, the submission must set out the grounds for the objection.
- Advice that the submission will be made publicly available, may be included in Council reports and will be available for the applicant to consider.
- Advice that if you do not wish your submission to be publicly available and you wish it to remain confidential, you must state this in the submission and provide Council with written reasons for this request.
- Advice that Council will not consider any anonymous submissions.
- Details of Council staff to contact for further information.



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