

Clarence Valley Council
Community
Participation Plan
June 2022



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Citation

Clarence Valley Council Community Participation Plan 2022
Adopted by Council on 28 June 2022; effective 19 August 2022

ACKNOWLEDGMENT OF COUNTRY

We acknowledge the Bundjalung, Gumbaynggirr and Yaegl as the Traditional Owners of the land on which we live and work. We honour the First Nations people culture and connection to land, sea and community. We pay our respects to their Elders past, present and emerging.



Photo Credit: Bianca Monaghan.

INTRODUCTION

What is a Community Participation Plan?

The Clarence Valley Council Community Participation Plan (CPP) sets out the minimum requirements for informing and involving the community in planning matters in the Clarence Valley Local Government Area (LGA).

The CPP 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 (and Community Engagement Strategy)*. You can find a copy of this policy on the Clarence Valley Council website at www.clarence.nsw.gov.au.

Planning authorities, including councils, are required to have their own Community Participation Plan under the NSW Government planning legislation known as the *Environmental Planning and Assessment Act 1979* (the Act).

What types of functions and decisions does this CPP cover?

The CPP outlines how and when Council will engage the community across our planning functions, for example, when Council decides whether to approve a development application (DA), change the zoning of land (e.g. via Planning Proposals), undertake amendments to statutory plans or develop strategic documents.

The CPP covers three areas:

1. Strategic planning
2. Development assessment
3. Plans of management

What are the limitations of this CPP?

This CPP relates only to planning matters and DAs, not to Council's engagement strategies for the delivery of Council services and functions or infrastructure. Community engagement for these areas of responsibility is outlined in Council's *Community Engagement Policy* (and *Community Engagement Strategy*).

This CPP 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* (the Codes SEPP) allows a range of minor low impact works, renovations, and development without Council approval. This is provided the project meets specific development standards 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 may be assessed and approved by either Council or private certifiers. 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 LGA. The NSW Government may carry out its own consultation with the community about these planning matters or require Council to notify agencies under specific State Environmental Planning Policies (SEPPs).

Why should our community have a say on planning matters?

The objects of the Act provide increased opportunity for community participation in environmental planning and assessment. Providing opportunities for the community to have a say on planning matters is important for better outcomes for us and our children after us. In addition, we believe in engaging with our community about planning matters achieves better overall outcomes, including helping to inform decision making, building relationships, and enhancing the capacity of our community.

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 and/or development and represent different interests.

Our community includes people across the Clarence Valley LGA who live, study, work, own property, conduct private, community organisations or government business and visit or use the services, facilities and public spaces and places, including First Nations people, residents, families, industry, business, service providers and people who also work for Council.

All of these voices are valued in our community.

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



PRINCIPLES AND COMMITMENTS

What are the principles supporting this CPP?

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 on planning matters is based on the objects of the Act and principles supporting the CPP, as above, along with international best practice. The spectrum of engagement from the International Association for Public Participation (IAP2) is useful for informing our engagement approach. This spectrum is shown below in Figure 1.

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

HOW WE ENGAGE - IAP2 SPECTRUM



Figure 1 - IAP2 Engagement Spectrum

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

How can our community be involved in planning matters?

There are several ways that our community can be involved in planning matters that are considered or decided by Council. These include:

Connecting with us

Our Customer Service Centre staff in Grafton or Maclean may help you access public exhibition documents, answer questions you have or can connect you to a planning officer for specialised help. Contact details of staff working on a proposal, policy, plan or project may also be available on Council's website at www.clarence.nsw.gov.au. For strategic plans we will also be out and about in the community, at events, organising workshops or other ways of discussing ideas with you.

NSW Planning Portal

NSW councils are also required to use the NSW Planning Portal for planning and building applications. The Portal aims to improve application determination times, increase transparency of the planning system, and ensure greater accountability of all stakeholders. The NSW Planning Portal can be accessed at www.planningportal.nsw.gov.au.

Lodging a submission

Formal submissions on a plan, policy, document or development application may be made on Council's website at www.clarence.nsw.gov.au or by emailing Council at council@clarence.nsw.gov.au whilst it is on exhibition.

How we report back

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.

HAVING YOUR SAY: STRATEGIC PLANNING

What are Strategic Plans?

We develop several important plans and policies which determine how land is used in our LGA and what kind of development can happen on a site.

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

- *Clarence Valley Local Strategic Planning Statement*
- *Clarence Valley Local Environmental Plan 2011 (CVLEP)*, and Planning Proposals to amend the CVLEP
- 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. They may identify suitable land to accommodate growth for housing, employment, and rural lands to ensure an affordable, sustainable, and resilient community. They are considered when amending the CVLEP or DCPs, assessing development applications and rezoning proposals.

Examples include:

- Local Growth Management Strategy
- Employment Lands Strategy
- Rural Lands Strategy
- Local Housing Strategy

Some of these strategies are required to be endorsed by the Department of Planning and Environment (DPE) and form part of considerations for development applications.

What is the strategic planning process?

When Council develops a new strategic plan (either statutory or non-statutory), makes a change to an existing plan or proposes to amend the CVLEP by a planning proposal, we will usually seek input from industry, business, environmental groups, government agencies and other stakeholders relevant to the strategy, and this would include a broad cross section of the local community, including First Nations people, to help develop the draft plan. After a draft plan has been developed Council will typically place the draft document on exhibition for feedback from our community which will be published on our webpage and the NSW Planning Portal and interested people on our database will be notified.

After the draft plan is exhibited, a wide range of factors are considered to decide whether to formally adopt the plan, particularly written submissions received and feedback through meetings or other forums. Considerations might also include state, regional and local strategic priorities, the land use priorities identified in other strategic plans, applicable policies, guidelines, and the community's input.

Where Council has supported a planning proposal to change the CVLEP contrary to staff recommendation it is a requirement of the Act to provide reasons for such decisions.

When the document is finalised it is placed on the our website at www.clarence.nsw.gov.au.

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

When engaging with our community about strategic planning matters, we will use a range of engagement methods and communication channels. The approach and method are tailored regarding the scale and nature of the plan and its impact on the community.

We encourage community participation on strategic planning matters by formal exhibition of draft plans, policies or documents. The draft plan, policy or document will be published on our website at www.clarence.nsw.gov.au and the NSW Planning Portal.

If a planning matter requires feedback and participation from community, this may also be done through Council's online community engagement portal – Clarence Conversations.

Engagement timeframes

The Act sets out mandatory minimum public exhibition timeframes that Council must follow when exhibiting certain strategic planning documents. Where this applies, Council will exhibit a draft plan for the minimum timeframes set out in Table 1 in compliance with the Act.

In addition to the minimum requirements, we will endeavour to engage widely to help develop draft plans and strategies, through a variety of best practice engagement techniques.

Table 1: Mandatory Minimum Public Exhibition Timeframes

Type of Strategic Plan	Minimum exhibition period
Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Draft LEP or Planning Proposal to amend the CVLEP, subject to Gateway determination (which is issued by the NSW Government)	28* days
Reclassification of Public Land via an amendment to the CVLEP (i.e. from community to operational)	28* days <i>A public hearing is also required under section 29 of the LG Act</i>
Draft Development Control Plans	28 days
Draft Contribution Plans	28 days
Strategic Land Use Plans (i.e. Local Growth Management Strategy)	Minimum 6 weeks (not including preliminary engagement while developing the plans or strategies)

* If a different timeframe or no exhibition is specified in the Gateway determination issued by the NSW Government, then that exhibition requirement applies.

For other strategic plans, Council will determine the engagement timeframes on a case by case basis having regard to its *Community Engagement Policy* (and *Community Engagement Strategy*), and the Principles outlined in this CPP. Generally, the minimum exhibition period for a draft strategy, study or policy will be 28 days.

Strategic plans advertised during holiday periods or including public holidays will have their exhibition period extended. Exhibition will otherwise 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.

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 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 CVLEP and the development controls in the relevant DCPs. 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 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 Northern 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.

What is the development assessment process?

In summary, the development assessment process should include the following main steps:

1. Pre-lodgement meeting with Council and discussions with neighbours and surrounding community, as applicable
2. Lodgement of a development application
3. Notification and advertisement of the application where required by this CPP
4. Referral to NSW Government agencies or departments if required
5. Assessment of the application against the criteria detailed in the Act
6. Determination of the application

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

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

Before lodgement

An applicant for a development proposal that is of a scale and nature which may potentially impact the environment, amenity or neighbouring land or locality is 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 2 (on the following page). The development types required to be advertised and/or notified are explained in Tables 3 and 4 on the following pages. These are based on the land use definitions in the CVLEP.

If there is any conflict between these requirements or the development is described in more than one table, the higher level of notification requirement 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 development and/or use is not identified in Tables 3, 4 or 5 then we will usually notify the application. We may also advertise a development application if in its opinion advertising is warranted due to the nature of the development, such as the scale and potential impact.

In addition, when assessing a development application, we may have to refer the application to NSW Government departments or agencies, for example: referral to Transport for NSW or the NSW 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 Environmental Planning Policy (Exempt and Complying Development Codes) 2088* (Codes SEPP).

Engagement timeframes

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

At a minimum, we will exhibit a development application for the mandatory minimum public exhibition requirements set out in the Act (see Table 2).

The start of the exhibition period is the date the notice appears at the development site and the date the application is published on Councils and the NSW Planning Portal (for advertised development) website and/or the date of the notification letter (notified development).

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 Minimum Public 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)	14 days Larger scale or high impact DAs with anticipated community interest will be notified for 28 days at the discretion of Council officers
Application for development consent for nominated integrated development or threatened species development (<i>Approval will need to be obtained from other relevant public authorities before development consent can be granted</i>)	28 days
Application for development consent for designated development	28 days
Application for modification or review of a development consent*	As per original application (or 14 days if identified in the Regulations)
Re-exhibition of an amended application	As per original application
Environmental impact statement obtained under Division 5.1	28 days

*Council may dispense with the requirement for advertising and/or notification if satisfied the modification or review:

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

Council may also extend the advertising and/or notification period for up to 28 days where, it is of the opinion, the development may attract significant public interest or have an adverse impact on the environment, amenity or enjoyment of neighbouring land or the locality.

Note: So that submissions can be considered as part of the decision-making process, submissions must be lodged by the closing date of the exhibition period. The closing date for submissions will be set out in the notification letter, site notice and/or on Council's website.

There is no guarantee that late submissions will be considered, however, late submissions can be considered depending on exceptional circumstances (delayed receipt of mail, occurrence of a natural disaster).

Engagement methods

The engagement methods and notification requirements for development applications varies according to the type of development, the land use zone under the CVLEP, its scale and expected impact to the environment, amenity, or enjoyment of neighbouring and surrounding landowners. The larger the potential impact, the greater the requirement is for consultation with the community.

The tables on the following pages set out the notification requirements, based on the land zoning and the proposed development, under this CPP.

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

Step 1

Identify the land use zone of the land under the CVLEP using the zoning maps. Land use zoning can be checked by accessing Council's Online Mapping on our website www.clarence.nsw.gov.au or through the NSW Government's online Planning Portal www.planingportal.nsw.gov.au.

Step 2

Identify development types permitted with or without consent under the CVLEP Land Use Table. For development that is prohibited under the CVLEP, identify applicable SEPPs which may permit the development.

Step 3

Identify the type of proposed development using the list of development types in the following tables. The development types are based on the definitions and provisions in the CVLEP and SEPPs. If the development type is not listed, please contact Council staff to discuss your proposed development.

Step 4

Check if and/or what notification is required for the land zoning and development type.

This will be either:

- advertised and notified (Table 3)
- notification only (Table 4)
- no notification or advertisement required (Table 5)

Advertised and Notified Development

Advertisement and notification may be undertaken for development that is unconventional, contravenes development standards within the CVLEP or development controls within Council's DCPs, or is of a scale and nature that may have environmental, social and / or economic impacts to the surrounding landholders and community. Development types that require advertisement and notification are detailed in Table 3 below.

Table 3: Advertised (and Notified) Development for the purpose of this CPP.

Advertised and notified development	
Development of a Heritage Item under Clause 5.10(10) of CVLEP using the conservation incentives clause	Health services facilities
Use of Clause 2.8 provisions of CVLEP (Temporary use of land)	Heavy Industry (heavy industrial storage establishment, Offensive or hazardous development (or potentially) under SEPP Resilience and Hazards 2021 (formerly SEPP 33)
Use of Clause 5.3 provisions of CVLEP (Development near zone boundaries)	Helipads
Any development with a CVLEP variation greater than 10%	Highway services centres / Service stations
Any change or variation to an existing use as defined under the EP&A Act	Hostels
Advertising structures or advertisements required to be advertised under SEPP Industry and Employment 2021 (formerly SEPP 64)	Information and education facilities
Airstrips	Intensive agriculture (livestock and plant) / Restriction facilities
Artisan food and drink industry	Marinas/ Port facilities
Animal boarding or training establishments	Places of public entertainment
Aquaculture	Places of public worship
Biosolids treatment facilities	Public administration building
Boarding houses	Recreation areas & Recreation Facility (Major, Outdoor & Indoor)
Brothels and restricted premises / sex services premises	Registered clubs/Pub/Small Bar
Caravan parks and Campgrounds / Tourist and Visitor Accommodation	Remediation (Category 2 only) under SEPP Resilience and Hazards 2021 (formerly SEPP 55)
Cellar door premises	Research stations
Cemeteries/ crematorium/mortuary	Residential Accommodation (5 or more dwellings / units)
Centre-based childcare facilities / Educational establishments	Rural industry
Community facilities/ Major Development on Public Land or Council Control Land	Seniors housing

Advertised and notified development	
Correctional centres	Sewage treatment works
Demolition, relocation, or subdivision of a structure, building or land that is a listed Heritage Item	Subdivisions – 5 or more lots or new road
Eco-tourist facilities	Telecommunications facility
Electricity generating works	Veterinary hospitals
Emergency Service Facilities	Transport / Truck depots
Entertainment facilities / Function centres	Waste or resource management facilities
Extractive industries / Mining	Water recycling facilities
Group homes	Workforce accommodation

What information will be ‘advertised’ at the development site and on Council’s website?

Council will place a site sign on the land subject of an ‘advertised’ development application which is visible to passing pedestrian and vehicle traffic (where applicable) and on our website at www.clarence.nsw.gov.au. A letter will also be sent to adjoining and/or neighbouring landowners where they may have an interest in the development.

The ‘advertisement’ will include all relevant information as required by the Act.

Notified Development

Notification may be undertaken for development that is of the opinion of Council, may impact the adjoining or surrounding landowners. When notifying a development application, we write to those people identified as requiring notification that an application has been submitted.

Development types requiring notification only are listed in Table 4 below.

Table 4: Notified Development for the purposes of this CPP.

Notified (only) development	
All development with a DCP variation	Health consulting rooms
All new dwellings in a Heritage Conservation Area	Industries (light and General)
Any development with a CVLEP variation less than 10%	Landscape and garden supplies Timber, and building supplies rural supplies / garden centre / nursery
Bed and breakfast accommodation	Markets
Residential Accommodation (less than 5 dwellings/units (not including single dwellings))	Minor Development on Public Land or Council Control Land
Boatsheds / boat building and repair facility / charter and tourism boating facility	Neighbourhood shops / supermarket
Demolition or relocation of a structure or building, significant façade works, two storey additions, or additions greater than 100m ² within a Heritage Conservation Area	New Commercial premises – business, office, retail (food and drink premises)
Depots	Roadside stalls
Earthworks	Specialised retail premises
Exhibition homes or villages	Subdivisions – less than 5 lots
Extensive agriculture, Horticulture, Viticulture (R5 only)	Storage premises
Farm stay accommodation	Water recreation structures / boat launching ramp
Flood mitigation work	Warehouse or distribution centre
Freight transport facilities / passenger transport facility	Vehicle repair stations, Vehicle sales or hire premises
Funeral home	Signage, other than building and business identification signs

Council may dispense with the requirement for advertising and/or notification if satisfied the development application, review, or modification:

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

We 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.

Council will also notify:

Traditional Owners

- Council will notify the relevant registered native title body corporate and/or Local Aboriginal Land Council (as appropriate) where the development application relates to Crown land that is subject to a native title claim or determination.
- Council will notify the relevant native title prescribed body corporate and/or Local Aboriginal Land Council (as appropriate) where the development application is for a property that is mapped as an area of cultural significance or is within 50m of an Aboriginal Object or Aboriginal place that is recorded on the Aboriginal Heritage Information Management System (AHIMS).

Adjoining landowners

- 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 CPP.
- If the adjoining land has been subdivided under the *Community Land Development Act 1989* or the *Community Strata Schemes Development Act 2015* (previously 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 Development Act 2015* (previously *Strata Schemes (Leasehold Development) Act 1986*), Council will notify the owner of each lot within the property.

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

vi. Traffic.

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.

Department of Planning & Environment – Crown Lands

- Council will notify the Department of Planning & Environment - Crown Lands when the development application is on Crown land.

What is in the notification letter?

The notification letter will contain all relevant information as prescribed by the Act and in accordance with the principles of this plan, including 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 submissions.
- A statement where the submission is by way of objection to a proposed development, the submission must set out the grounds for the objection.
- Advice 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.

Development not requiring notification or advertising

No notification or advertisement is required for development which does not warrant notification by virtue of its minor nature, minimal or low environmental, social, and economic impact and high degree of compliance with Council's CVLEP and DCPs. Development types not requiring notification or advertisement are listed in Table 5.

Table 5: Development not requiring notification or advertisement

Development not requiring advertisement or notification	
Complying Development	Farm buildings, garages, swimming pools carports, sheds, and other ancillary buildings that comply with the DCP
Development Permitted without consent	Forestry
Exempt Development	Home businesses and home industries / home occupation
Alterations and additions to buildings that comply with DCP	Industry retail outlets
Change of use, where, in the opinion of the Council, there will be no adverse impact on the neighbourhood (i.e. Commercial premises – business / office / retail (change of use)	Industrial training facility
Commercial premises – business, office, retail (change of use)	Kiosks
Demolition of a structure (not a Heritage Item or within a Heritage Conservation Area)	Single dwellings and secondary dwellings that comply with DCP
Environmental Facility	Subdivisions including boundary adjustments, consolidation of lots or strata subdivisions
Environmental protection works / coastal protection works	Works for the purposes of recovering from a natural disaster or associated with an emergency response to a natural disaster
Extensive agriculture / horticulture / viticulture (other than R5)	

HAVING YOUR SAY: PLANS OF MANAGEMENT

What is a plan of management?

A plan of management (PoM) is a document that guides the use, management and development of Council's parks and reserves. It can be written for a single park or reserve (i.e. site-specific PoM); a group of similar parks/reserves (e.g. sportsgrounds or bushland reserves) or for a group of parks and reserves in general (i.e. generic PoM).

It is a statutory document prepared under the *Local Government Act 1993* (LG Act) for Council owned land and Community Crown land under the control of Council as Crown Land Manager.

They may apply to sportsgrounds, parks, natural areas, an area of cultural significance or land containing community-based facilities, such as halls and showgrounds.

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

When engaging with our community about the preparation of a plan of management, we may use a range of engagement methods and communication channels, including face to face, phone, and email communications and the use of our on-line community engagement portal – Clarence Conversations.

The approach and method will be tailored having regard to legislative requirements, the scale and nature of the development and use proposed by the PoM, and its impact on the community.

Community Crown land PoMs must be referred to the Minister Lands and Water for consideration prior to being placed on public exhibition. The Minister must also give written consent prior to the PoM being adopted by Council.

Like strategic plans, a draft PoM is developed alongside the community and relevant stakeholders and will be placed on public exhibition to allow wider community feedback and participation. The draft PoM is published on our website at www.clarence.nsw.gov.au with an announcement made via our on-line 'Noticeboard'.

A public hearing is also required for a draft PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under the LG Act.

Engagement timeframes

A draft PoM must be exhibited in accordance with the requirements of the LG Act. A draft PoM must be exhibited for a minimum of 28 days and allow a minimum of 42 days for submissions to be made to Council on the draft PoM.

Council must publicly exhibit the draft PoM together with any other matter which it considers appropriate or necessary to better enable the draft PoM and its implication to be understood.



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	A local environmental plan (LEP) or State Environmental Planning Policy (SEPP) made under Part 3 of the Act. An EPI contains planning controls that apply in relation to the development of an area / site.
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.

Regional Plan (North Coast 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
Land Use Zoning	-	This is the 'zone' designated to the land under an LEP which sets what type of development is permissible, permissible with consent or prohibited on the land
Planning 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 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.

Name	Acronym	Explanation
Environmental impact statement	EIS	A report which is prepared to assess the environmental impact of development which is categorised as designated 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 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.