

1. Attendance and Apologies

2. Guests

Paul Tsikleas – Manager Airport and Commercial Services

3. Declarations of Interest

4. Confirmation of Minutes

A copy of the Minutes of the "C" Ward Committee held on 10 September 2020 are included in *Attachment 1*.

5. Outstanding Business

**a) Wardell Toilet Replacement**

Pat Carney requested a further update on the replacement of Wardell Toilet at the next C Ward Committee meeting.

Staff Comment

Demolition of existing amenities building commenced on 4 November 2020. Construction of new amenities (indicative illustration below) to commence following demolition. New amenities expected to be completed by early December.



**b) Maintenance on Tables near Wardell Tennis Courts**

Pat Carney requested a status update on repairing/replacement of the tables at Wardell tennis courts as they are in a poor state.

Staff Comment

Works completed, Council received a letter of appreciation from Pat Carney.

**c) Bulwinkle Park**

Mal Johnson enquired about improvements to Bulwinkle Park and raised concern about slow progress. Mr Johnson requested an update on status from Council.

Staff Comment

Open Spaces provided a response letter to Landcare. A copy of this letter has been included in *Attachment 2*.

**d) Wollongbar Community Hall**

Mary Birch enquired whether it is necessary to register the Wollongbar Community Hall's Covid19 plan in the same way businesses are required to register their plans.

Staff Comment

Craig Brown contacted Ron and Mary Birch and explained the safety plan (information was also emailed).

**e) Crawford House**

Jane Gardiner also enquired whether it is necessary to register Crawford House's Covid19 plan.

Staff Comment

Craig Brown contacted Jane Gardiner and explained the safety plan (information was also emailed).

**f) Wollongbar Rural Fire Brigade Fire Station Access**

Malcolm Johnson advised that with the former tennis court site now being a private business, there are now difficulties for fire trucks in relation to access at the RFS site.

Mr Johnson indicated there was a previous agreement with Council that Council would provide a new entrance and turning circle. A standpipe site to fill up at station is also requested, instead of going to the top end of the estate.

Staff Comment

Council's staff member met with Rural Fire Service representatives on site on 23 September 2020 and this was followed up with an email. The purpose of this was look at their site and discuss their operational needs.

Council is designing and costing a preferred options for a turnaround bay. Once a design has been prepared, Council will go back to the Rural Fire Service representatives prior to any physical works occurring.

**g) Devils Elbow Roadworks (Marom Creek)**

Steve Miller requested Council install Guard rails.

Staff Comment

The repair of the 'slip' along Marom Creek Road adjacent the Devils Elbow was undertaken in June 2020. The reinstatement of the road embankment at this location also allowed for the marginal improvement of road width at this location due to the imported engineered rock fill. The height of the embankment and the gully location is unchanged. This particular site is not dissimilar to other sections along Marom Creek Road where steep embankments occur.

The overall roadside environment along Marom Creek Road is also consistent with many other rural hillside roads where historic road alignments have been made leaving embankments, trees, bends and corners which do not meet current standards. This type of rural roadside environment with appropriate signs etc. influences driver behaviour towards correct travel speeds and alertness, which is appropriate for the conditions. However a review of Marom Creek Road has been undertaken, and it is appropriate to introduce more guide post delineation along sections of the road to better mark the road corridor.

**h) Alstonville Boral Asphalt Quarry**

Tyrone McGillick requested a copy of the air quality report for Alstonville Boral Asphalt Quarry and commented the odour from the Alstonville Boral Asphalt Quarry has reduced.

Staff Comment

A copy of the Air Quality report was emailed to Tyrone McGillick.

6. Business with Notice from Members

**a) Alstonville Cultural Centre**

Jane Gardiner has requested Councillors discuss the leasing of the Alstonville Cultural Centre, including the process involved prior to reaching a decision. Also requested an update on the outcome of the Community Property Leasing Policy, particularly with regard to concerns raised by the Alstonville Soccer Club and Community Preschool.

Staff Comment

Commercial Services are preparing a response to be discussed at the meeting.

**b) Wollongbar Expansion Land Release**

On behalf of Wollongbar Progress Association, March Birch requested a progress update on the Wollongbar Expansion land release.

Staff Comment

Commercial Services are preparing a response to be discussed at the meeting.

**c) Wollongbar District Park**

On behalf of Wollongbar Progress Association, March Birch requested a progress update on the Wollongbar District Park.

Staff Comment

Procurement for park construction is underway. Construction is expected to commence around the end of 2020 or in early 2021. Completion is anticipated by the end of June 2021.

**d) Community Consultation**

On behalf of Wollongbar Progress Association, March Birch enquired what Council's policy is on community consultation, what triggers consultation and requested an explanation of the consultation process.

Staff Comment

A copy of Council's Community Participation Plan and Community Consultation Policy has been included in *Attachment 3*.

**e) Wardell Bypass**

Pat Carney enquired about the status of the gravel heap on the end of Carlisle Street, Wardell. If the gravel is no longer required for road construction, can it be removed and requested the area undergo beautification.

Staff Comment

With the completion of motorway projects it is usually the case that TfNSW have commenced early discussions with Councils regarding the handover of old highway assets, which then usually become local or regional roads. This process has not occurred for the W2B project due to a statewide Road Classification Review being undertaken by TfNSW. The old highway assets will therefore remain under TfNSW ownership until this review is completed, and this is expected to be well into 2021. However, a senior manager at TfNSW has been contacted by John Truman (Director, Civil Services Division) and there is an agreement to commence discussions about the future use of the

site. It is anticipated there will be a meeting organized during November to discuss options with Council and the community.

7. Business without Notice

8. Update on Covid19

9. Council Documents on Exhibition

The following is a list of documents currently on public exhibition. The documents can be found on our website at the following link:  
<https://ballina.nsw.gov.au/documents-on-exhibition--179>

**Policies Reviewed**

- Policy (Review) – Developer Contributions Incentive – Outdoor Spaces
- Policy (Review) – 4WD Beach Access – Seven Mile Beach (4WD Beach Permit) – Attachment 1
- Policy (Review) – 4WD Beach Access – Seven Mile Beach (4WD Beach Permit) – Attachment 2
- Policy (Review) – Community Property Leasing and Licensing

The above policies have been reviewed as part of Council's normal program of reviewing policies.

**Other Items**

- **Annual Financial Statement – June 30 2020 – closing date 16 November 2020**

The Annual Financial Statements to 30 June 2020 together with the draft Auditor's Report were presented for consideration for the 22 October 2020 Ordinary Council Meeting.

The Council meeting to be held 26 November 2020 will include the formal presentation of the Audited Financial Statements and Auditor's Report.

- **Developer Contributor Incentive Policy (Review) – closing date 18 November 2020**

The policy was developed to establish a framework for Council to assist the development and expansion of certain investment activities through the waiver of developer contributions and to set out the eligibility and terms for incentives under the policy. The policy is to be amended to include an incentive to encourage the activation of commercial private open space that is accessible to the public.

- **Ballina Shire Development Control Plan 2012 – Amendment No. 13A**

Council adopted Amendment No. 13A to the Ballina Shire Development Control Plan 2012 (the DCP) at its Ordinary Meeting held on 24 September

2020. Amendment No. 13A to the DCP will take effect from 12 October 2020.

- Amendment No. 13A involves various changes to the DCP including the following:
- Adjustments within Chapter 2 – General and Environmental Considerations relating to sewage management, including details specific to the Fig Tree Hill Estate in Lennox Head.
- Adjustments within Chapter 2 – General and Environmental Considerations relating to Public Art requirements.
- Inclusion of provisions within Parts 3.1 and 3.2 of Chapter 3 – Urban Subdivision to clarify Council's policy position regarding provision of Asset Protection Zones.
- Adjustments to controls within Chapter 4 – Residential & Tourist Development relating to secondary dwellings.
- Inclusion of a provision within Chapter 4 – Residential & Tourist Development to address bulk and scale issues associated with the construction of sheds in residential areas.
- Adjustments within Chapter 4 – Residential & Tourist Development to clarify controls relating to solar access.
- Adjustments within Chapter 6a – Commercial Development Ballina Town Centre to incorporate activation requirements and to clarify accessible car parking provisions.

This advice is provided in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

10. Next Meeting

Thursday 11 March 2021 – 5.00 pm

## ***Attachment 1***

Ballina Shire "C" Ward Committee Minutes – 10 September 2020 – 5.00 pm

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### **1. Attendance and Apologies**

#### *Members:*

Cr Ben Smith (Chair)  
Cr David Wright (Mayor)  
Cr Eoin Johnson (via Zoom)

Jane Gardiner – Alstonville Plateau Historical Society (via Zoom)  
Pat Carney – Wardell Progress Association (via Zoom)  
Mary Birch - Wollongbar Progress Association (via Zoom)  
Des Burke – Alstonville Lions (via Zoom)  
Tyrone McGillick – Alstonville Asphalt Watch (via Zoom)  
Malcolm Johnson – Ballina Environment Society (via Zoom)  
Steve Miller – Rous Mill Ratepayers Association (via Zoom)

#### *Council Staff:*

Matthew Wood, Director Planning & Environmental Health  
Janelle Snellgrove, Executive Support Officer

#### *Others in Attendance*

Marilyn Perkins – Wollongbar Progress Association (via Zoom)

#### *Apologies*

Cr Sharon Parry  
Wayne Garrard - Alstonville & District Cricket Association  
Jim Hahn – Probus Club of Alstonville  
Russell Priddle - Alstonville & District Cricket Association

#### **Recommendation:**

That the apologies be accepted (Des Burke / Jane Gardiner).

### **2. Declarations of Interest**

Nil.

### **3. Confirmation of Minutes 9 July 2020**

#### **Recommendation:**

That the minutes of the previous meeting held on 9 July 2020 be accepted as a true and correct record (Pat Carney / Steve Miller).

**4. Business Arising from Minutes – 9 July 2020**

**a) Removal of Camphor Laurel Trees and Widening of Footpath**

The information contained in the agenda was noted.

**b) Bird Feeding**

The information contained in the agenda was noted.

Jane Gardiner affirmed concern about bird feeding out the front of the UPA building, 101-103 Main Street, Alstonville.

Matt Wood advised that Council discourages the feeding and if it presents as an ongoing issue again Council will follow up.

**c) Devils Elbow Roadworks (Marom Creek)**

The information contained in the agenda was noted.

**d) Water Mining**

The information contained in the agenda was noted.

**e) Wardell Highway Signage**

The information contained in the agenda was noted.

**f) Wardell War Memorial Site Maintenance**

The information contained in the agenda was noted.

**5. Update on COVID-19**

Matt Wood provided an update with respect to COVID 19 and Council's operations. The information provided was noted.

**6. Council Documents on Exhibition**

The list of Council documents recently exhibited for public comment was noted.

**7. Items raised by members of the Committee**

**a) Lennox Head Cultural Centre and Alstonville Cultural Centre (renaming)**

The information contained in the agenda was noted.



Ballina Shire "C" Ward Committee Minutes – 10 September 2020 – 5.00 pm

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b) **Alstonville Boral Asphalt Quarry**

The information contained in the agenda was noted.

c) **Wardell Toilet Replacement**

Pat Carney requested a further update on the replacement of Wardell Toilet at the next C Ward Committee meeting.

**Action:** Referred to Open Spaces

d) **Maintenance on Tables near Wardell Tennis Courts**

Pat Carney requested a status update on repairing/replacement of the tables at Wardell tennis courts as they are in a poor state.

**Action:** Referred to Open Spaces.

e) **Playground Improvements**

Pat Carney enquired if there was funding allocated in the 2021/22 budget toward improvements for Wardell children's playgrounds.

Mr Carney was provided with additional information post issue of the agenda. The update confirmed funding has been allocated in the 2021/22 budget for playground improvements in Fitzroy Park. This information was noted.

f) **Tuckombil Landcare Update**

Mal Johnson advised Tuckombil Landcare has planted over 100 trees to replace stolen trees. Tuckombil Landcare extend their gratitude to Council for the provision of some trees, particularly to Paul Brown and nursery staff. Also grateful to James Brideson for the supply of wire for tree guards and stakes. The Teven project is continuing with the aid of grants received.

**Action:** Referred to Open Spaces.

g) **Bulwinkle Park**

Mal Johnson enquired about improvements to Bulwinkle Park and raised concern about slow progress. Mr Johnson requested an update on status from Council.

Matt Wood advised that a heritage advisor has been engaged. Bulwinkle Park is a heritage item and this has made planning for improvements a lengthier process. Council will arrange a formal response on the matter to Landcare.

Des Burke advised the Alstonville Lions Club has \$4,400 to contribute to Bulwinkle Park when works commence.

Ballina Shire "C" Ward Committee Minutes – 10 September 2020 – 5.00 pm

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**Action:** Referred to Open Spaces.

**h) Landcare Group Public Liability**

Matthew Wood confirmed Council is investigating the possibility of consolidated insurance for landcare groups.

The information contained in the agenda was noted.

**i) Wollongbar Community Hall**

Mary Birch enquired whether it is necessary to register the Wollongbar Community Hall's Covid 19 plan in the same way businesses are required to register their plans.

Matt Wood advised the matter will be referred to Community Facilities to make contact with the WPA direct.

**Action:** Referred to Community Facilities

**j) Crawford House**

Jane Gardiner also enquired whether it is necessary to register Crawford House's Covid 19 plan.

Matt Wood advised the matter will be referred to Community Facilities to make contact with Crawford House direct.

**Action:** Referred to Community Facilities.

**k) Wollongbar Rural Fire Brigade Fire Station Access**

Malcolm Johnson advised that with the former tennis court site now being a private business, there are now difficulties for fire trucks in relation to access at the RFS site.

Mr Johnson indicated there was a previous agreement with Council that Council would provide a new entrance and turning circle. A standpipe site to fill up at station is also requested, instead of going to the top end of the estate.

Matt Wood advised Council is aware of this issue and the matter has been forwarded to appropriate staff member.

**Action:** Referred to Commercial Services.

Ballina Shire "C" Ward Committee Minutes – 10 September 2020 – 5.00 pm

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**l) Alstonville Pool Upgrade**

Tyrone McGillick commended Council on the Alstonville Pool amenities upgrade.

**Action:** Referred to Community Facilities.

**m) Wollongbar District Park**

Marilyn Perkins commented on the progress at the Wollongbar District Park and enquired if the issues raised previously about the park in submissions had resulted in changes to the works to be carried out.

Matt Wood advised that the submissions were considered by Council at the time the development application was determined. No specific changes were made to the plans at the time of the Council granting approval. Staff are proceeding to implement the adopted plan.

**n) Crawford House**

Jane Gardiner advised the new fence around Crawford House is around half way completed.

**o) Wardell Highway Signage**

Pat Carney and other members of the committee expressed their approval of the Wardell highway signage.

**Action:** Referred to Communications.

**p) Devils Elbow Roadworks (Marom Creek)**

Steve Miller requested Council install Guard rails.

**Action:** Referred to Civil Services.

**q) Alstonville Boral Asphalt Quarry**

Tyrone McGillick requested a copy of the air quality report for Alstonville Boral Asphalt Quarry and commented the odour from the Alstonville Boral Asphalt Quarry has reduced.

Matt Wood advised the report can be made available.

**Action:** Referred to Public and Environmental Health.

**8. General Business**

Nil.

Ballina Shire "C" Ward Committee Minutes – 10 September 2020 – 5.00 pm

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9. **Next Meeting** - Thursday 12 November 2020 at 5.00pm

10. **Meeting Closure** - The meeting closed at 5.54pm

## Attachment 2

enquiries refer  
**Luke Marshall**  
in reply please quote  
Doc No: 20/82823



4 November 2020

Malcolm Johnson  
[judymalc@yahoo.com.au](mailto:judymalc@yahoo.com.au)

Dear Mr Johnson

**Re: Update on Bulwinkel Park upgrade requests – C Ward Committee**

I am writing to provide update regarding your continued representations on behalf of Bulwinkel Landcare Group and Alstonville Lions Club for demolition of the existing shelter at Bulwinkel Park and installation of a new shelter and seating.

As you have previously been informed, while completing due diligence for the potential demolition of the existing structure it was identified that the park is listed in the Ballina Local Environmental Plan 2012 as a heritage item.

Due to this status, further progress of works at the park were ceased until the required investigation could be undertaken regarding the heritage significance of the park.

A heritage consultant has now completed investigation and assessment of the site and provided a Statement of Heritage Impact and Conservation Policy for Council with regard to the proposed demolition and upgrade of facilities.

The information and recommendations from this report can now be used to inform the development of plans for the park, noting the requirement for a development application to gain consent for any future works in the park. Council will continue to allocate resources and engage suitable consultants to complete the required documentation when available, noting the project is outside of the adopted deliver plan and operational plan.

We thank you for your ongoing dedication to improvement of Bulwinkel Park and patience in this matter. We will provide further update and consult with you when we are able to progress the plans for the park further.

If you have any enquiries in regard to this matter please contact Luke Marshall on 1300 864 444.

Yours faithfully

Cheyne Willebrands  
Manager Open Spaces  
Planning and Environmental Health Division

40 cherry street, po box 450, ballina nsw 2478  
t 1300 864 444 e council@ballina.nsw.gov.au w ballina.nsw.gov.au abn 539 29 887 369

## Attachment 3

**POLICY NAME:** COMMUNITY CONSULTATION  
**POLICY REF:** C14  
**MEETING ADOPTED:** 23 November 2017  
Resolution No. 231117/25  
**POLICY HISTORY:** 241013/30; 240909/20



### TABLE OF CONTENTS

OBJECTIVE.....	1
POLICY .....	1
PART A - RECURRENT ENGAGEMENT STRATEGIES .....	1
A1. Annual or Biannual Activities .....	1
A2. Monthly / Quarterly/ Weekly / Daily Activities.....	1
A3. Ward Committees .....	2
A4. Standing Committees.....	2
A5. Workshops and / or briefings .....	4
A6. Delegates.....	4
PART B - SPECIFIC ENGAGEMENT STRATEGIES .....	4
B1. Determining the impact of the issue.....	5
B2. Determining the level or scope of participation .....	5
B3. Deciding on an engagement method .....	9
B4. Preparing an engagement strategy.....	9
BACKGROUND.....	11
DEFINITIONS.....	11
SCOPE OF POLICY .....	11
RELATED DOCUMENTATION .....	11
REVIEW .....	11
Appendix: Analysis of engagement types by level of engagement.....	12

## OBJECTIVE

Ballina Shire Council is committed to community engagement as a principle of good government. The level of community engagement undertaken can vary substantially dependent upon the matter in question and the intent of this policy is to:

- Identify appropriate levels of community engagement
- Establish guidelines for community engagement strategies
- Ensure the guidelines are implemented consistently by Council officers and external consultants engaged by Council
- Ensure that decision-making processes adequately and accurately report outcomes of community engagement processes and
- Comply with relevant legislative requirements and other Council policies.

## POLICY

For the purposes of this policy there are two distinct components to the community engagement process; being

- A. Council's regular and ongoing information channels and
- B. Individual projects or activities requiring specific engagement strategies

This policy provides an overview of how these areas are to be managed.

## PART A - RECURRENT ENGAGEMENT STRATEGIES

It is important that Council is continually providing information to, and at the same time listening to, the community. In order to maximise our on-going engagement with the community, Council will, as a minimum, aim to provide the following engagement services.

### A1. Annual or Biannual Activities

Community Survey - Council will, at least every two years, conduct a community survey to examine community satisfaction levels and service priority levels.

Council Operational Plan and Delivery Program - Council will annually hold public meetings at least two of the four major townships (Wardell, Alstonville, Ballina and Lennox Head) to provide an overview of the next financial year's Operational Plan and Delivery Program.

### A2. Monthly / Quarterly/ Weekly / Daily Activities

Regular activities undertaken by Council will include:

- Website - Council will maximise the use of its website for all public information
- Social Media – Council will post information relating to Council services and activities to the corporate and ancillary Facebook pages, Instagram, LinkedIn and Twitter Accounts.

- Weekly Advertising – Council will provide weekly public notices in a local newspaper circulating throughout the shire
- Quarterly – Council will publish Community Connect, to promote Council services and projects, and distribute to all residences in the Ballina Shire and via its eNews service.
- Newspaper Columns and Interviews - The Mayor and General Manager will provide regular radio/television/newspaper interviews and columns
- Media Releases – The General Manager will actively promote the issuing of media releases to ensure the community is informed on Council activities of interest

#### A3. Ward Committees

Council will constitute community based committees for all three wards. These committees will consist of the Mayor, the ward councillors and one representative from individual not for profit community based groups that operate within the ward, that nominate for the committee.

These committees will meet at least quarterly to provide communication opportunities both to and from Council in respect to ward or shire based matters. The committees will have no delegated authority.

#### A4. Standing Committees

Council may form committees consisting of Councillors or Councillors plus representatives from the community to examine functional areas within Council. The purpose of these committees is to allow Councillors an opportunity to focus on specific operations in detail. The details of the current standing committees constituted by Council that involve consultation are as follows:

Title	Members	Authority	Terms of Reference
Commercial Services Committee	All Councillors	No delegated authority	To introduce, evaluate and review the commercial dealings and operations of Council, with the preferable long term aim of any commercial activity being the provisions of supplementary revenue streams that assist Council in the delivery of services to the community.
Environmental and Sustainability Committee	All Councillors	No delegated authority	To consider land use planning matters of a strategic and regulatory nature.
Facilities Committee	All Councillors	No delegated authority	To provide strategic input into the facilitation and construction of major community facilities. This input will focus on the nature of the services to be provided and the style and design of the building to ensure its compatibility with the aspirations of the community.
Finance Committee	All Councillors	No delegated authority	To consider financial matters of a strategic nature including Council's annual budget deliberations.
Reserve Trust	All Councillors	Yes - Refer	To consider crown land matters



Title	Members	Authority	Terms of Reference
Manager		to terms of reference	where Council is the appointed Trust Manager. Committee has authority to determine all matters in respect to items where Ballina Shire Council is the Reserve Trust Manager, excluding those not able to be delegated as per Section 377.
Aboriginal Community Committee	Three Councillors and Mayor. Members of the Aboriginal Community	No delegated authority.	The Ballina Shire Aboriginal Community Committee (BSACC) will provide constructive advice to Council on matters that involve, or potentially impact, the shire's Aboriginal residents, to assist the Council in its decision making function and/or delivery of services. The Committee will also work towards fostering a positive working relationship between the shire's Aboriginal community, the Council itself and Council staff, and within Council's existing resource capacity and strategic goals and policies
Australia Day Committee	All Councillors present (no quorum)	To determine award recipients for Australia Day.	To determine the award recipients for Australia Day.
Local Emergency Management Committee	Staff and agencies		This Committee is to co-ordinate the various emergency organisations in the Shire.
Local Traffic Committee	Staff and agencies	No delegated authority	To consider matters impacting or relevant to roads or traffic.
Port Ballina Taskforce	Mayor, four Councillors, Ballina Chamber of Commerce, Ballina Fishermen's Cooperative, Department of Premier and Cabinet, Three Community Representatives, Roads and Maritime Services, Recreational Fishers	No delegated authority	To improve the overall marine infrastructure and marine environment for Ballina, through the promotion and lobbying of activities that result in improvements to: <ol style="list-style-type: none"> <li>a) Overall health of the Richmond River</li> <li>b) Safer boating</li> <li>c) Marine infrastructure both commercial and public</li> <li>d) Tourism and business opportunities</li> <li>e) Recognising and preserving Ballina's maritime history</li> <li>f) Implementation of existing strategies and studies such as the Ballina Foreshore Master Plan.</li> </ol>
Public Art Advisory Panel	Two Councillors and a representative from Arts Northern Rivers	No delegated authority	To provide guidance on the implementation of the Public Art Policy.

**A5. Workshops and / or briefings**

Council will regularly hold workshops / briefings on matters considered of significance. These workshops / briefings will be open to the public, however they may be closed to the public if the General Manager or Mayor considers that holding the meeting in confidential session would be in the public interest.

Workshops / briefings have no delegated authority to determine matters, unless specifically resolved by Council.

**A6. Delegates**

Council will regularly appoint delegates to organisations operating within the shire or within the region where it is considered that community benefits will be gained through Councillors attending meetings of those organisations.

**PART B - SPECIFIC ENGAGEMENT STRATEGIES**

In addition to Council's recurrent engagement strategies there will be times where specific engagement is required on matter(s) before Council. Therefore it will be necessary to then determine the appropriate level of community engagement for that particular project or activity.

The range and scope of decisions made by the Council are broad, involving various degrees of complexity and requiring varying levels of expertise and accountability.

The purpose of the engagement policy, with respect to community participation in the decision making process, is as follows:

- To improve the decision making capacity of the Council by providing information relevant to the issue at hand;
- To inform the decision making process regarding the views, values and vision of those likely to be affected by the decision;
- To balance the right of all members of the community to be involved in the decision making process with the need for this process to achieve high levels of accountability, efficiency and fairness;
- To make it clear that, ultimately, the decision making authority of the Council rests with the community's elected representatives;
- To provide for increased levels of community participation in decision making where appropriate.

There are numerous elements that need to be considered to determine the appropriate scope and scale of engagement and this section of the policy provides an overview of the steps to be followed in determining an appropriate strategy.

The primary steps can be identified as:

1. determine the potential level of impact of the issue
2. determine the appropriate level or scope of participation
3. decide on an engagement method or methods and
4. prepare an engagement strategy/plan.

**B1. Determining the impact of the issue**

Determining the likely 'level and scale of impact' of the issue, project or activity is the first step in determining the appropriate methods of engagement to use.

The total impact of a project or activity can be considered as a combination of:

- level of impact i.e. high or low
- scale of the impact i.e. Shire-wide or local

The following impact matrix provides guidance by way of example on determining the scale and level of impact.

Scale	High Level Impact	Low Level Impact
<b>LGA</b>	<ul style="list-style-type: none"> <li>• Impacts on Council's vision and values including core directives (delivery program and operational plan, sustainability strategy, urban planning, natural environment).</li> <li>• Impacts on health, safety and wellbeing of the community (such as climate change).</li> <li>• Potential for controversy or conflict (preparation of new local environmental plan or broad reaching development control plan).</li> </ul>	<ul style="list-style-type: none"> <li>• Review of survey of recurrent operational programs (satisfaction surveys for various services).</li> <li>• Program planning (community events, youth services).</li> <li>• Program delivery (capital works upgrades to regional facilities).</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>• Vision and values affecting local area or community group (town centre studies, suburban sustainability strategy).</li> <li>• Potential for local controversy or conflict (removal or relocation of local park, spot rezoning or local development control plan).</li> <li>• High level of community interest (park master planning).</li> </ul>	<ul style="list-style-type: none"> <li>• Changes to operational services (minor changes to service delivery, local park upgrades).</li> <li>• Local program planning (specific local events such as village fairs).</li> <li>• Low risk conflict (temporary local traffic or parking changes).</li> </ul>

A long-term or large impact project such as a large planning project or the development of the Delivery Program and Operational Plan requires a wide publicity campaign to disseminate information through a variety of means. Ideally the community should be given a number of opportunities to participate.

An immediate or short term project of a limited scale requires methods that are more targeted and focused and the limitations of the engagement clearly explained.

**B2. Determining the level or scope of participation**

Due to the diversity of activities carried out by Council, there is no set formula for deciding which engagement methods to use.

Therefore it is necessary to understand the **level of community participation** that is most appropriate for particular types of issues or projects.

Different projects, issues or proposals require different levels of community participation. The level of community participation that is appropriate depends on the level and scale of impact as discussed above, and will be determined having consideration of:

- the urgency of the issue and the time available for deliberation and decision making;
- the availability of resources (including staff, facilitation skills, venues, technology and financial resources);
- the needs of accountability, transparency and equity and;
- the potential for improved decision making and information flows that might emerge from greater levels of public participation.

The five **levels** of community participation are:

- Inform - Giving information to the community
- Consult - Obtaining community feedback
- Involve - Participating directly with the community
- Collaborate - Partnering with the community to create solutions
- Empower - Placing final decision making in the hands of the community

The goals and promises to the public that are implicit in the above levels of participation are discussed as follows, with guidelines on the appropriateness and application.

INFORM	
<b>Goal:</b>	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.
<b>Promise to the public:</b>	We will keep you informed.
<b>Guidelines:</b>	<ul style="list-style-type: none"> <li>• Know who you are trying to reach and how they are most likely to access and understand the information.</li> <li>• Ensure information provided is:                             <ul style="list-style-type: none"> <li>○ high quality</li> <li>○ consistent</li> <li>○ timely</li> <li>○ appropriately targeted</li> <li>○ clear and easily understood by your audience.</li> </ul> </li> </ul>
<b>Examples:</b>	Factsheets, websites, notices, letters, community connect, social media.

<b>CONSULT</b>	
<b>Goal:</b>	To obtain public feedback on analysis, alternatives and/or decisions.
<b>Promise to the public:</b>	We will keep you informed, listened to and acknowledge concerns and provide feedback on how public input influenced the decision.
<b>Guidelines:</b>	<ul style="list-style-type: none"> <li>• Ensure the purpose of engagement is clear, including what is being consulted on and what is non-negotiable.</li> <li>• Know who you are trying to consult, the most effective way to reach them and get a response.</li> <li>• Allow enough time for a response to engagement requests.</li> <li>• Coordinate requests so that, where possible and appropriate, you ask for views once, not several times.</li> <li>• Provide feedback on the results of engagement.</li> <li>• Ensure and demonstrate that the views of those consulted are taken into account in the outcome.</li> <li>• Present all information simply and clearly.</li> <li>• Ensure adequate resources are allocated to the process.</li> </ul>
<b>Examples:</b>	Public comment, focus groups, surveys
<b>INVOLVE</b>	
<b>Goal:</b>	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.
<b>Promise to the public:</b>	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.
<b>Guidelines:</b>	<ul style="list-style-type: none"> <li>• Ensure all relevant people are given the opportunity to be involved.</li> <li>• Ensure you maintain a commitment to enabling their involvement in the process (have equity/access issues been considered that ensure that individuals are not unknowingly disadvantaged?).</li> <li>• Consider carefully what processes and/or structures are appropriate for the purpose and who is to be engaged.</li> <li>• Avoid misunderstanding and ambiguity by clearly establishing the basis for membership of bodies such as boards or committees (e.g. skills vs representation), the decision-making processes (e.g. voting vs consensus) and roles and responsibilities at the outset.</li> </ul>
<b>Examples:</b>	Workshops, deliberative polling
<b>COLLABORATE</b>	
<b>Goal:</b>	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.
<b>Promise to the public:</b>	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.

<b>Guidelines:</b>	<ul style="list-style-type: none"> <li>• There must be clarity about the extent of decision-making power that is delegated and, in particular, what is not included.</li> <li>• Avoid misunderstanding and ambiguity by clearly establishing the basis for membership of bodies such as boards or committees (e.g. skills vs representation), decision-making processes (e.g. voting vs consensus) and roles and responsibilities at the outset.</li> <li>• Where formal partnership arrangements are involved, governance arrangements need to be carefully considered.</li> </ul>
<b>Examples:</b>	Citizen advisory committees, consensus-building, participatory decision-making

<b>EMPOWER</b>	
<b>Goal:</b>	To place the final decision-making in the hands of the public.
<b>Promise to the public:</b>	We will implement what you decide.
<b>Guidelines:</b>	<ul style="list-style-type: none"> <li>• There must be clarity as to the scope of the shared power and/or decision-making capabilities.</li> <li>• There must be clarity about roles and responsibilities.</li> <li>• Issues involving accountability need to be carefully considered.</li> <li>• Communities need sufficient resources (human and social capital) to enable an empowerment approach.</li> </ul>
<b>Examples:</b>	Citizen juries, ballots, consensus conference.

The following table illustrates how the level of engagement may be influenced by the impact and scale of the issue requiring community engagement. The greater number of ticks (✓) represent, generally, the more appropriate level of participation, recognising that the other levels of participation might be more appropriate in particular circumstances.

<b>Impact</b>	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
High Level LGA Impact		✓✓	✓✓✓	✓✓	
High Level Local Impact		✓✓	✓✓✓	✓✓	
Low Level LGA Impact	✓✓	✓✓✓	✓✓	✓✓	✓
Low Level Local Impact	✓✓✓	✓✓	✓	✓	✓

The type of engagement and methods will depend on the level of engagement. The range of engagement methods appropriate to these levels of participation are discussed further below. The appendix to this report provides detailed information in this regard.

Exceptions to this would occur such as emergency situations or where the Government imposes immediate reforms where Council or staff (via delegation) must act with immediacy.

In all cases the identified level of engagement, impact of the issue, the method of engagement and its financial implications for each project will be included within Council Business Papers and other briefing notes as presently occurs, when the matter is reported to the elected Council.

### **B3. Deciding on an engagement method**

Choosing the appropriate engagement **method** will depend on a number of factors, including:

- the impact of the issue (high/low, LGA/local)
- the appropriate level of community participation
- the resources available to support the engagement
- the decision making timeframe available to complete the engagement in a meaningful way and
- the legislative framework.

Information on engagement methods appropriate to each level of participation is provided in the appendix to this policy, including the strengths and challenges associated with each.

### **B4. Preparing an engagement strategy**

An engagement strategy or plan should be prepared prior to undertaking any community engagement.

This will assist in identifying key issues that need to be addressed during the engagement process and clarifying the purpose of the engagement, desired outcomes, who should be involved, and what methods of engagement should be used.

The engagement strategy/plan should address the following questions:

#### ***Background of the engagement***

- What is the issue you are consulting about?
- What has happened up to this stage?
- What events/considerations have led to the decision to consult?
- Are there important dates, legislative requirements or other information that need to be taken into account in the planning stage?

#### ***Who is undertaking the engagement?***

- Who will carry out the engagement?
- What is their function/role in council?
- Are consultants or outside facilitators being used/ considered?

#### ***The purpose of the engagement***

- Why are you undertaking the engagement?
- What do you want to achieve?

#### ***Desirable outcomes***

- What outcomes need to be achieved from the engagement process?

#### ***Who should be consulted and how should they be selected and invited?***

- Who are the stakeholders?
- Does the issue have potential impacts on health, safety or well-being of any community members?
- Does the issue have the potential to affect the rights or entitlements of community members, including minority groups?
- How can participation be maximised?
- Do specific groups need to be targeted?

- What are the different needs, limitations and interests of participants and will this affect the engagement?
- How will you ensure that everyone participating has a fair and equal opportunity to give input?

***Deciding the method(s) of engagement***

- How large is the potential impact of the project — does it affect the whole community or only a small portion?
- What level of involvement is required from the community?
- Do you need to provide information to stakeholders, seek information from them, involve them in discussion and debate or establish ongoing involvement?
- How do restrictions in time, money or resources affect which methods are appropriate?
- Are there legislative or regulatory requirements?
- Will the method of engagement be culturally appropriate?

***Limits to what is negotiable in the engagement***

- What is the focus of the engagement?
- How will you handle the raising of issues that are linked, but are outside the scope of the engagement?

***How the decisions and recommendations will be used***

- What will happen to ensure that the opinions and views of those consulted will be taken into account when the decisions are made?
- What is the next step after the engagement has finished?
- Who will make the final recommendations and decisions?
- How will the recommendations and decisions be reported to Council?

***Time frame and restrictions of the consultative process***

- Will there be further engagement?
- When does the consultative process need to end and why?
- Are there budgetary, legislative or other restrictions or requirements that may influence the time-frame utilised?

***Time frame for implementation of recommendations***

- How long will it take for the recommendations of the engagement to be implemented?

***Feedback***

- When will stakeholders be informed of the engagement's outcome?
- What methods will be used to inform people of the outcome?
- How will you ensure that feedback is accessible to all stakeholders?

***Second round engagement***

- If second round engagement is proposed, what form might it take?
- If second round engagement is not possible, why not?

***Evaluation***

- How will you know if you have undertaken a successful engagement?
- What criteria will be used to measure the effectiveness of the engagement?
- How/where will a summary of the outcomes and evaluation be recorded for future reference?



## **BACKGROUND**

Ballina Shire Council's commitment to community engagement reflects a growing trend nationally and internationally towards participatory decision making by government. More particularly, this is in line with the policy direction of the NSW Office of Local Government and many councils across Australia.

Ensuring that decision making processes reflect a commitment to including the results of community engagement is critical to the transparency and accountability of Council's decision making process.

This policy is relevant for a broad range of Council operations, wherever communication or engagement with the community is required. It provides guidance to Council officers in developing strategies and engagement programs that are appropriate to the potential impact of the project and the degree of public interest.

The intent and scope of any consultative process needs to be clearly identified at the beginning of the engagement in order to ensure that participant and community expectations reflect the extent of influence the engagement will have on the decision making process.

## **DEFINITIONS**

Nil

## **SCOPE OF POLICY**

This Community Engagement Policy applies to:

- Councillors and Council employees
- Committees of Council
- Consultants/Contractors of Council.

## **RELATED DOCUMENTATION**

This Policy should be read in conjunction with:

- The Privacy and Personal Information Act 1998
- Environmental Planning and Assessment Act 1979 and Regulations
- Local Government Act 1993 and Regulations

## **REVIEW**

The Community Engagement Policy is to be reviewed every four years.

**Appendix: Analysis of engagement types by level of engagement**

Engagement method	Description	Strengths	Challenges
<b>INFORM</b>			
Written correspondence	Letter to resident or household informing of service, action or project	Identical information to all recipients, can utilise rates notice	Assumes mailing database up to date, renters / owners may not get copy, assumes degree of literacy, costly (depending on distribution)
Pamphlet or letterbox drop	Designed to provide information on particular project or issue	Identical information to all recipients, allows detailed information, can be targeted by subject and area	Can be seen as "junk mail", assumes literacy, can be costly (depending on distribution)
Electronic correspondence	Electronic document or message to e-mail address	Low cost, can provide supplementary web links to more information, rapid dissemination	Updated e-mail addresses, can be seen as "Spam", limited to persons with access to web and e-mail account
In person meeting	Formal to informal, one-to-one or small group	Allows discussion across specific and broad meeting	Limited access to wide number of people, can result in dispute as to what was discussed and agreed to
Notice in local paper	Advertisement or Mayoral/Council column	Wide distribution	Assumes residents read local paper and also Mayor/Council column
Media release	News story and/ or photo	Creates interest, can raise profile of issue, project or event, able to generate "news"	Depends on media to uptake, media may print counter story as way of making "news", cannot control (angle, timing, placement)
Displays	Information display about proposed project or activity	Can inform cross section of community, able to target specific sites, can have accompanying staff to answer questions	Depends on locality, weather, time of year, need to check regularly (vandalism), cannot guarantee information accessed by or seen by targeted users
Community Connect	Story/Photo	Control content and inform majority of shire residents.	Timing may not coincide with quarterly production schedule

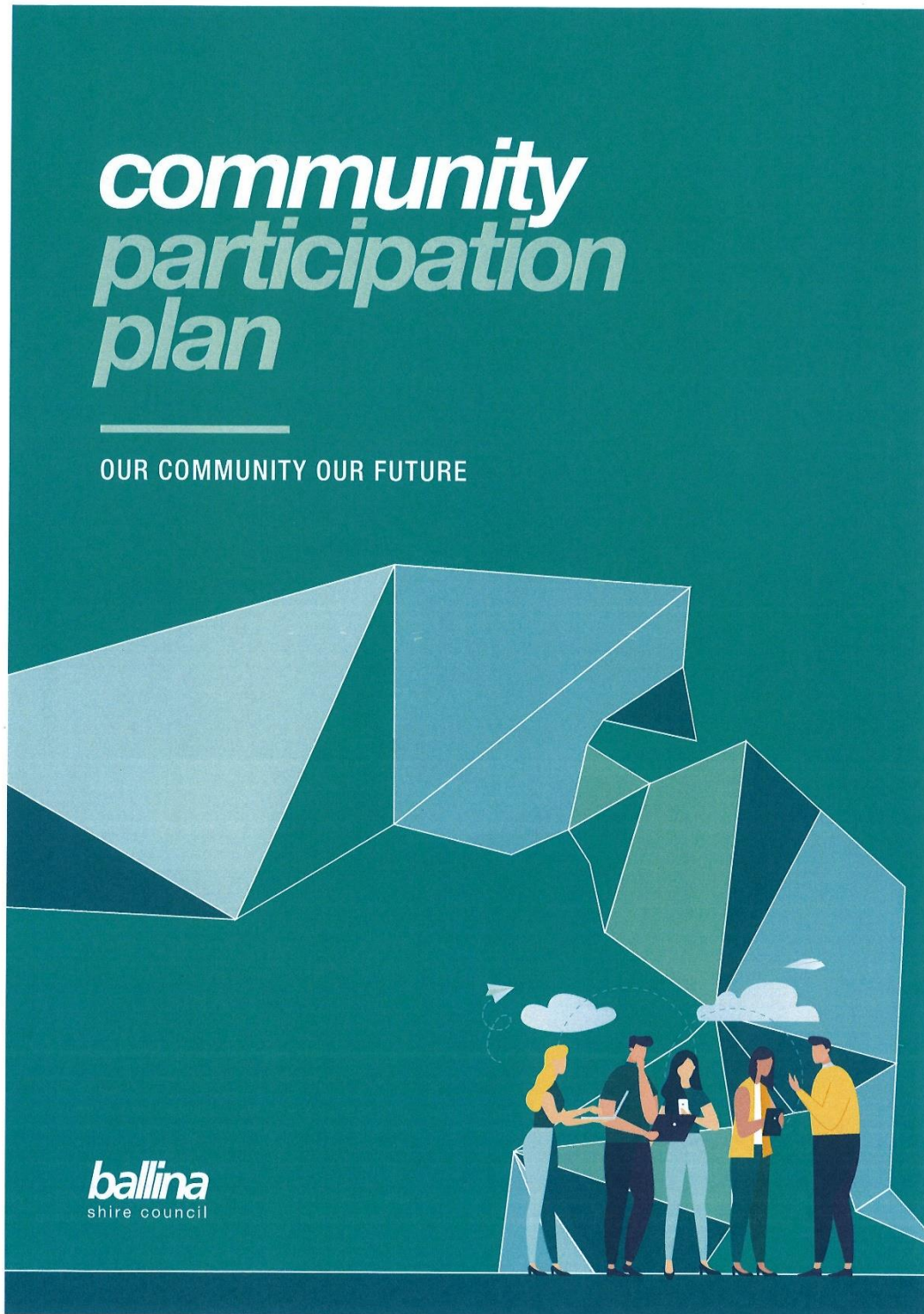
Engagement method	Description	Strengths	Challenges
			Assumes residents read Community Connect.
Social Media posts/content	Information posted on proposed project to Facebook, LinkedIn, Instagram, Twitter, YouTube	Low cost, easy for community input to be provided across wide topics	Requires moderating, risk of ill-informed comments
Community notice board	Fixed information display	Able to be updated with broad range of topics.	Location important to maximise exposure and interest, needs regular updating
<b>CONSULT</b>			
e-survey	Structured survey distributed by e-mail and collated electronically	Provides quantitative data, rapid response, low cost, able to report back results easily, can relate to demographics (depending on database), able to track trends, can link with emerging e-technologies	Update e-mail addresses, can be seen as "Spam", limited to persons with access to web and e-mail account, limited ability for qualitative information, requires skills in question writing and analysis
Telephone surveys	Structured survey by phone, collated electronically or hard copy	Provides quantitative data, rapid response, can relate to demographics (depending on database), able to track trends	Relies on public interest, competing with marketing surveys, householder interrupting, finding suitable time when citizens available, requires skills in question writing and analysis
Written surveys	Structured written survey	Provides quantitative data, can relate to demographics (depending on database), able to track trends	Costs; requires skills in question writing and analysis delays in receiving data, collating and analysis of data can be seen as "junk mail"
Suggestion box and web-blogs	Place for community to provide ideas or feedback – can be physical box or via web	Easy for community input to be provided across wide topics	Feedback should be provided, web-blogs may require editing
Community Connect	Story/Photo and call to action to where and how feedback can be provided	Control content and inform majority of shire residents.	Timing may not coincide with quarterly production schedule Assumes residents read Community Connect.

Engagement method	Description	Strengths	Challenges
Social Media posts/content	Information posted on proposed project to Facebook, LinkedIn, Instagram, Twitter, YouTube	Low cost, easy for community input to be provided across wide topics	Requires moderating, risk of ill-informed comments
Interview	Individual or group interview, structured format	Able to reflect, expand and clarify points. Forms the basis for addressing an issue or trend	Time consuming, costly, may not yield representative opinion
Focus group	Semi structured, invited participants	Participants are able to explore issue typically having some prior knowledge of the topic, able to gauge attitudes and provide qualitative information	May not be representative, time consuming, may require several meetings if multiple focus groups are used
Meeting	Face to face semi structured with a specific group	Opportunity to draw out issues of concern, uncertainty or contention, able to develop an action strategy to respond to an issue	Required competent and effect facilitator, vested or narrow interests can dominate and drive agenda
Public exhibition	A formal exhibition of materials or documents at a set location and fixed period of time	Provides opportunity for community to comment	Requires high level of promotions, success can be dependent on motivation of residents to respond
Residents panel	Established a large cross section or respondents to be called upon to provide quantitative and qualitative information related to a range of issues.	Allows involvement of cross section and enables selection based on demographics, can be used to track changes over time with same panel.	Maintenance of data base, consultation, fatigue, can be costly
<b>INVOLVE</b>			
Meeting with existing groups	Link to existing groups to discuss both broad and specific issues	Build on existing community groups that may not otherwise comment on local government issues	May not engage with "silent majority", requires good facilitation

Engagement method	Description	Strengths	Challenges
Public meetings	Gathering of large number of residents to inform them, generate discussion and enable comment	Able to get message out to large audience in one go, open and accessible	Can get out of hand and off topic, risks disruption, requires good facilitator. Not everyone 'comfortable' in this environment.
Workshop	Structures process to work through particular issue and develop solutions	Can produce a way forward, inclusive approach, participants have ownership	Need to limit numbers to be effective, requires good facilitation
Community forum	Panel of speakers provide information and facilitate discussion on a topic	Able to generate good general discussion	Need to have balanced speakers, risk of disruption. Need to manage 'domineering' participants, to ensure all view-points are heard.
Community debate	Organised speakers and debating panel to discuss specific topic	Able to generate interest and provide balance of opinion	Need for balance, must have articulate and well informed debaters
Web based forums	Discussion board posted on website accessible to all	Able to gather diversity of opinion, can be used to generate discussion	Restricted to those with internet, cannot control content (may require censoring)
Site tours	Structured meeting to a site	Able to visualise impact with location context	Requires good organisation, may assumed previous site knowledge
Community reference groups/forums	Community and elected representatives to provide input and discuss various topics	Able to use participants to disseminate information, can be used to gather diversity of opinions from representatives	Needs to ensure members are representative, terms of reference must be clear (sometimes assume by participants that it is a decision making body)

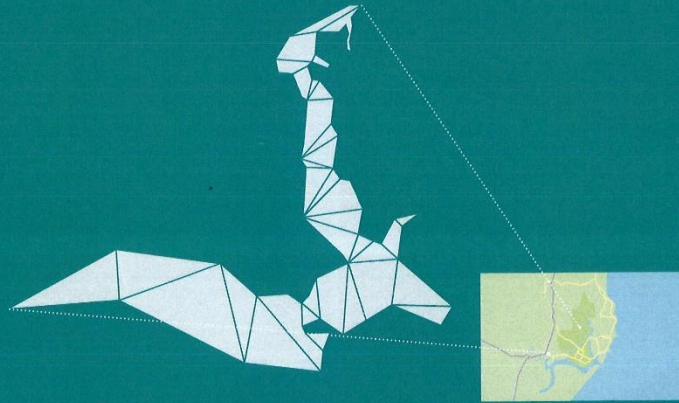
<b>COLLABORATE</b>			
Formal Council committee	Committee that is constituted by Council under the Local Government Act to manage a service, facility or functional area	Has shared responsibility or management, involved members of the community that have an interest or specialist knowledge, able to share decision making	Needs to ensure broad involvement, risk that select few control and drive narrow agenda, need to ensure accountability
Joint venture	A formal arrangement with stakeholders or organisations to plan and achieve a project or service	Less reliance on Council funding and resourcing, greater levels of commitment and trust by both sides, outcome has greater ownership	Time and costs, devolving responsibility
Taskforce or working party	Group of people, agencies or others selected to work with Council to complete a task or develop a new facility, project of service or delivery.	Opportunities to maximise skills and resources	Requires skilled chair to facilitate outcomes and maximise contribution of all members
<b>EMPOWER</b>			
Citizens jury	Participants are brought together to deliberate in an informed way to arrive at a joint solution, recommendations published and implemented (if not, must be publicly explained why)	Representative selection of participants, use of experts to present information, able to deal with complex issues	Requires skilled facilitator, usually small number (12-25), time intensive and costly
Consensus conference	Created under a commissioning authority to deliberate in an informed way on a particular issue, recommendations published and implemented (if not, must be publicly explained why)	Representative participants, participants have greater control over agenda and decide on experts, inclusive, able to deal with complex issues	Time (usually longer than a citizens jury) Cost and resource intensive, requires skilled facilitator







# our community our future



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

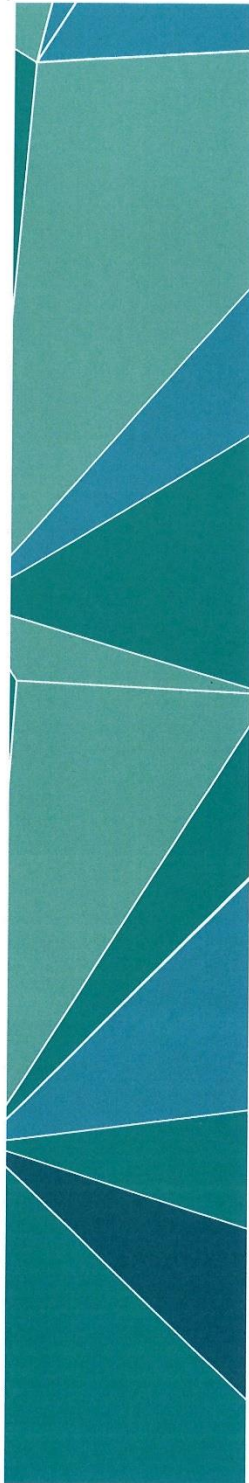
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**ACKNOWLEDGEMENTS:** Ballina Shire Council acknowledges that we are here on the land of the Bundjalung people. The Bundjalung are the traditional owners of this land and are part of the oldest surviving continuous culture in the world.

Adopted by Council on 28 November 2019.



# table of contents

01	INTRODUCTION	05
02	WHAT IS A COMMUNITY PARTICIPATION PLAN	06
03	PRINCIPLES OF THIS COMMUNITY PARTICIPATION PLAN	09
04	COUNCIL'S PLANNING FRAMEWORK	10
05	COUNCIL'S LAND USE PLANNING FUNCTIONS	12
06	BALLINA SHIRE COUNCIL'S COMMUNITY ENGAGEMENT APPROACH	14
07	PUBLIC EXHIBITION TIMEFRAMES AND NOTIFICATION	16
	STRATEGIC PLANNING - EXHIBITION AND NOTIFICATION	20
	STATUTORY PLANNING - EXHIBITION AND NOTIFICATION	23
08	APPENDICES	29

➔ **RELATIONSHIP OF THIS CPP TO THE DCP:**

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



01

## introduction

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



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

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

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

### → PLANNING TERMS EXPLAINED

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

02

## what is a community participation plan?

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

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

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

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

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

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

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

06





03

## *principles of this community participation plan*

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

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



09



04

## council's planning framework

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

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

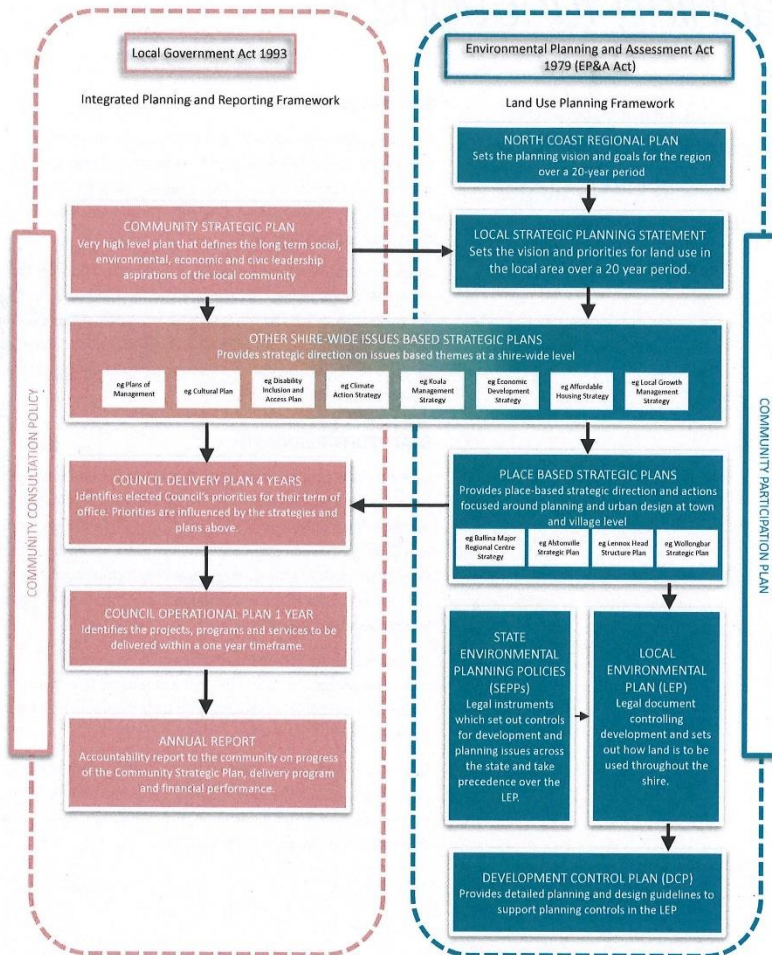


This CPP focuses on the minimum requirements for community participation in regard to Council's strategic and statutory land use planning functions as set out in the EP&A Act to ensure that these timeframes are consistently and transparently applied.

10

04 council's planning framework

FIGURE 1: COUNCIL'S PLANNING FRAMEWORK



05

## *council's land use planning functions*

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

### **STRATEGIC PLANNING**

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

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

### **STATUTORY PLANNING**

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

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

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

12



06

## ballina shire council's community engagement approach

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



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

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

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

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

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

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

06 ballina shire council's community engagement approach cont.

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

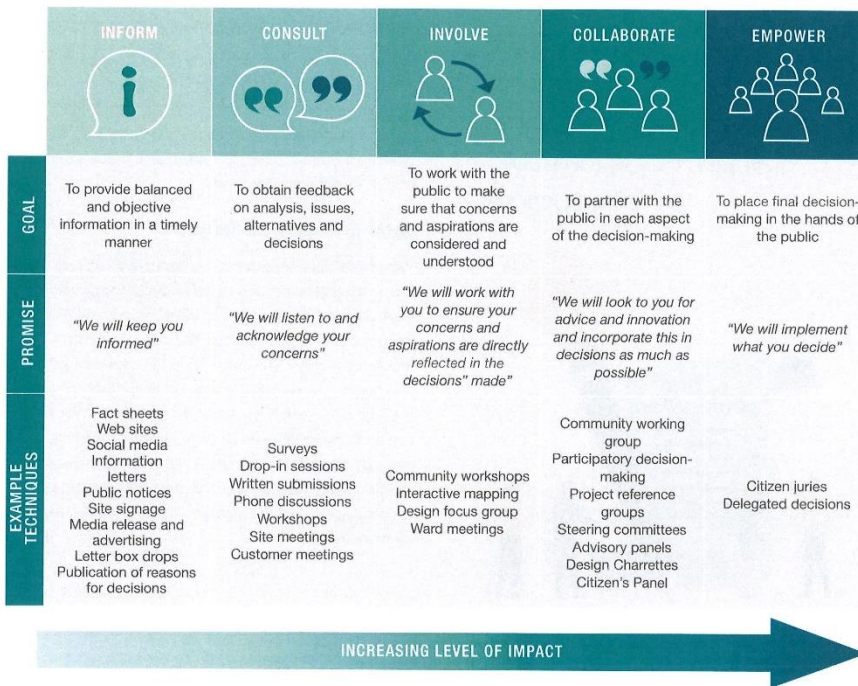
► **Strategic planning**

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

► **Statutory planning**

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

FIGURE 2: IAP2 PUBLIC PARTICIPATION SPECTRUM



07

## public exhibition, notification and timeframes

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



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

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

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

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

### WHAT IS PUBLIC EXHIBITION?

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

## 07 public exhibition, notification and timeframes cont.

### HOW ARE EXHIBITION TIMEFRAMES DETERMINED?

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

### WHAT IS A SUBMISSION?

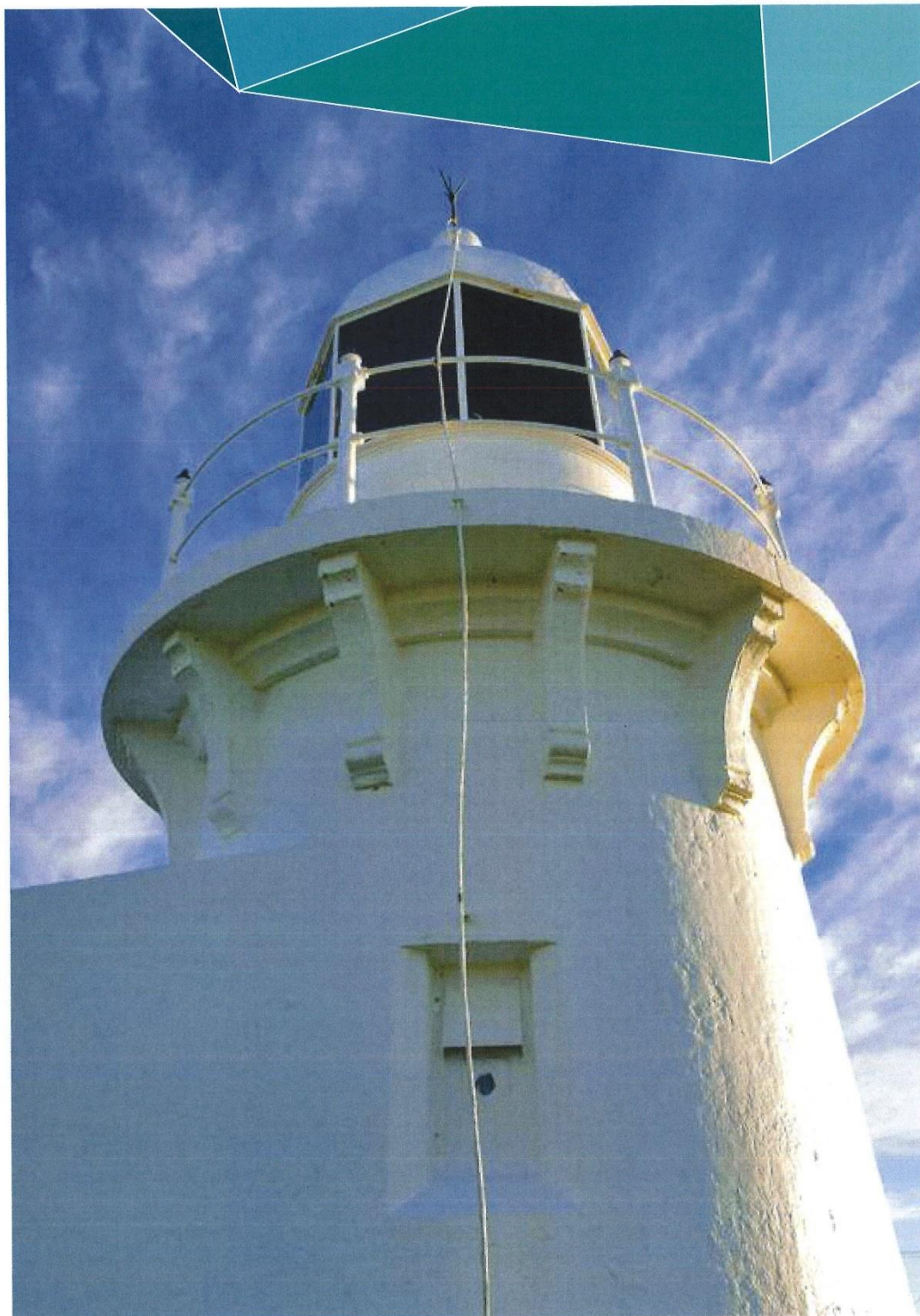
When comments on a draft document or development application are provided to Council they are known as a formal submission. A submission outlines the support or concerns that an individual or group has relating to the draft document or development application. Submissions are usually made in writing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



### Key points to note about public exhibitions:

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





07 public exhibition, notification and timeframes cont.

## notification methods

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

 <p><b>COUNCIL'S WEBSITE</b></p> <p>Draft planning documents on public exhibition are available on Council's website <a href="http://ballina.nsw.gov.au">ballina.nsw.gov.au</a></p> <p>Development applications (DAs) are available electronically on the DAs Online portal <a href="http://da.ballina.nsw.gov.au">da.ballina.nsw.gov.au</a></p>	 <p><b>BALLINA SHIRE COUNCIL CUSTOMER SERVICE CENTRE</b></p> <p>Council staff are available to assist with community enquirers. Computer access is available to access exhibition documents electronically at Council's Customer Service Centre located at the Cnr Tamar &amp; Cherry Streets Ballina between 8:15am and 4:30pm Monday to Friday excluding public holidays.</p>	 <p><b>NEWSPAPER</b></p> <p>Information about what strategic planning documents are currently on public exhibition may be included local media. Notification that a DA, planning proposal (LEP amendment) or DCP amendment is on public exhibition is included in the Ballina Shire Council Public Notices in the local shire wide paper.</p>
 <p><b>SITE SIGNAGE</b></p> <p>Council staff may provide a sign on the site of the proposed development.</p>	 <p><b>COMMUNITY WORKSHOPS</b></p> <p>Council will often hold community workshops or meetings to discuss a draft strategic plan or strategy.</p>	 <p><b>COMMUNITY ACCESS POINTS</b></p> <p>Draft strategic planning documents on public exhibition are usually available for viewing at Council's Community Access Points:</p> <ul style="list-style-type: none"> <li>Ballina Shire Council Customer Service Centre Cnr Tamar &amp; Cherry Streets Ballina</li> <li>Ballina Library 6 River Street Ballina</li> <li>Alstonville Library 46 Commercial Road Alstonville</li> <li>Lennox Head Library Cnr Park Lane &amp; Mackney Lane Lennox Head</li> </ul> <p><i>Where a plan is specific to a particular place, Council may limit the hardcopy exhibition locations to the particular place and the Customer Service Centre.</i></p>
 <p><b>STAKEHOLDER MEETINGS</b></p> <p>Council staff are available to discuss a draft plan or development application. Phone 1300 864 444 to make an appointment.</p>	 <p><b>LETTER</b></p> <p>Council may send letters (post or email) to people who may have an interest in a draft plan or are adjoining a proposed development site.</p>	

07 public exhibition, notification and timeframes cont.

## strategic planning – exhibition and notification

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

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

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

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

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



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

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

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

### PUBLIC EXHIBITION TIMEFRAMES FOR STRATEGIC PLANNING DOCUMENTS

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

07 public exhibition, notification and timeframes cont.

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

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



07 public exhibition, notification and timeframes cont.

**OTHER STRATEGIC PLANNING NOTIFICATION AND REPORTING REQUIREMENTS**

► **Voluntary Planning Agreements – Reporting and Notification**

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

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

► **Planning Proposals – Notification Determination**

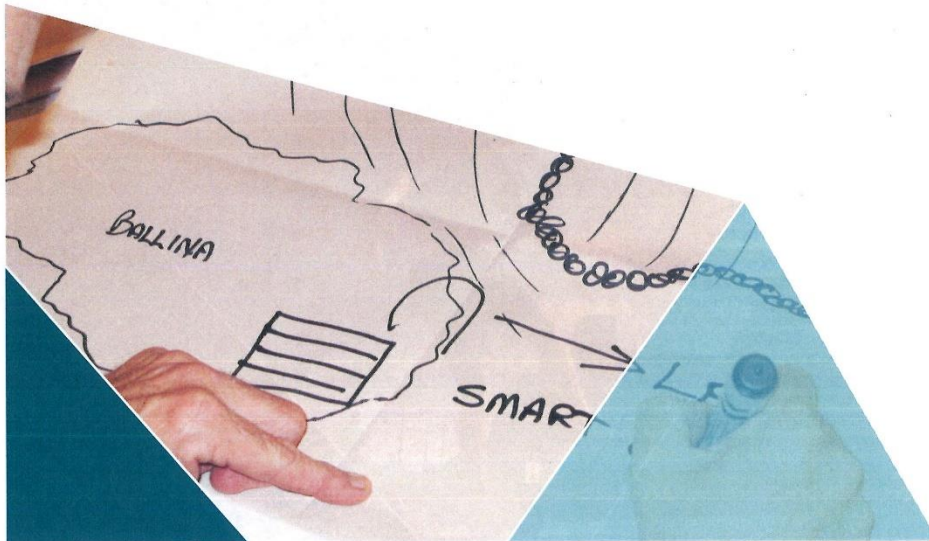
When Council does not support a written request to prepare planning proposal, Council will notify the person making the request as soon as practicable in writing that the proposal is not supported. Further information can be sourced through Council's relevant Planning Officer.

► **Other Strategic Land Use Plans, Strategies or Studies – Exhibition**

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

► **Plans of Management – Exhibition**

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



07 public exhibition, notification and timeframes cont.

## statutory planning – exhibition and notification

### WHERE TO FIND DEVELOPMENT APPLICATIONS ON PUBLIC EXHIBITION

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

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

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



**07** public exhibition, notification and timeframes cont.

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

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

▶ **Council's website**

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

▶ **Newspaper**

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

▶ **Letter**

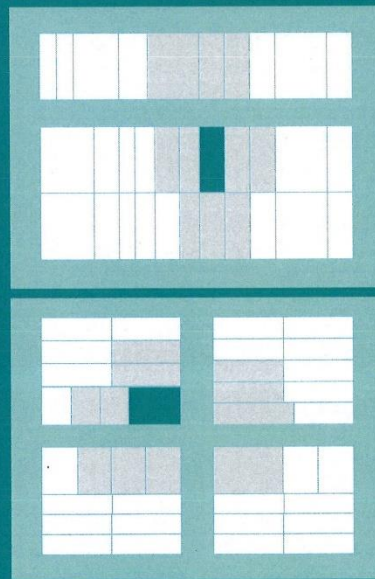
Council may send letters (email or post) to adjoining and or surrounding landowners who may be potentially impacted by the development proposal.

▶ **Site signage**

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



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



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

→ **SURROUNDING LANDOWNERS AND OCCUPIERS**

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

07 public exhibition, notification and timeframes cont.

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

**LEVELS OF NOTIFICATION**

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



07 public exhibition, notification and timeframes cont.

► Level 3 Legislative Notification

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

► Other statutory planning notification requirements

Part V 'Activity' Application

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

PUBLIC EXHIBITION TIMEFRAMES FOR DAS

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



07 public exhibition, notification and timeframes cont.

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

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

- Council reserves the right to undertake notification and exhibition timeframes in addition to the table above for any DA, where Council is of the view that such action is warranted.
- Mandatory exhibition timeframes are those set by the EP&A Act or associated EP&A Reg. Standard exhibition timeframes are those set by Council.

## 07 public exhibition, notification and timeframes cont.

### DETERMINATION NOTIFICATION

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

Council provides the determination notice direct to the applicant. Notices of determination and other information about applications and their assessment are made available to the public through Council's DAs online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)

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

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

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

### REVIEW OF DETERMINATION

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

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

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

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



## appendix 1 planning glossary

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

## appendix 1 cont.

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

## appendix 2 public notification information

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

### NOTIFICATION THAT A DEVELOPMENT APPLICATION HAS BEEN LODGED

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

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

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

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

Information provided in the letter includes:

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

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

#### ► When notifying the broader community

Information provided in a newspaper notice includes:

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

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## appendix 2 cont.

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

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

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

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

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

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

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

This information will be provided to the applicant, all submitters and posted to Council's DAs Online portal [da.ballina.nsw.gov.au](http://da.ballina.nsw.gov.au)



## appendix 3 making a submission

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

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

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

### WHAT IS A SUBMISSION?

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

### ARE SUBMISSIONS PUBLIC DOCUMENTS?

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

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

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

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

### DISCLOSING POLITICAL DONATIONS

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

### HOW DO I WRITE A GOOD SUBMISSION?

A good submission should:

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



## appendix 3 cont.

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

### SHOULD I SIGN A PETITION?

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

### WHERE SHOULD I SEND MY SUBMISSION?

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

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

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

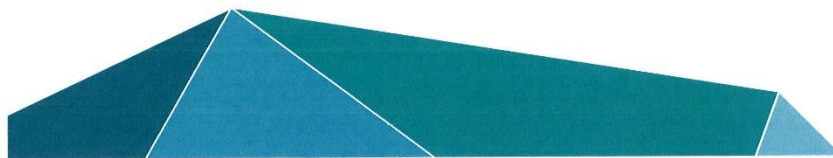
Objections relating to a DA or strategic planning document received after the exhibition period has concluded may not be taken into consideration by Council in the assessment of the DA or finalisation of the draft strategic plan.

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

### WHAT HAPPENS TO MY SUBMISSION?

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

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







Ballina Shire Council  
40 Cherry Street Ballina NSW 2478  
1300 864 444 | council@ballina.nsw.gov.au

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