

Community Engagement and Participation Plan 2019–2024



Council values and statements



What we value

'Living and loving the Tweed'

We look after people and our places, explore all opportunities, and are proud of our passionate approach.

We care about each other, choose to be here, and are in this together.

We have conversations where everyone can contribute, and we are willing to have a go.

We put back in to make a difference, so that our Tweed community is even better tomorrow than it is today.



Vision

The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy.



Mission

To work with community and partners to provide leadership in facilitating and delivering services that manage growth sustainably, create opportunity and enhance the value of our civic and natural assets for this and future generations.



Statement of acknowledgement of the Bundjalung Aboriginal Nation

We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands.

About this document

This *Community Engagement and Participation Plan 2019 – 2024* (CEPP) applies to the Tweed Shire Local Government Area and the exercise of Tweed Shire Council's functions under both the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW). Adopted 21 November 2019. There will be a review of this plan in 2024.

Contents

Council values and statements	2
01 Council’s commitment to an engaged community	4
02 Objectives of engaging with the community	6
03 Principles of community engagement and participation	7
04 Why Council engages the community	8
05 Who Council engages with	10
06 What Council engages with the community about	11
07 When Council engages with the community	12
08 How Council engages with the community	13
09 What Council does with community feedback	20
Part B: Land use planning engagement and participation	22
B1 Objectives of this section	24
B2 Strategic planning	25
B3 Development Assessment	28
B4 Other planning functions	32
B5 Further information on notification and submissions	35
B6 Community Participation Plan requirements	42
B7 Glossary	43
Part C: Appendices	45
C1 Appendix 1: Legislated plan framework	46
C2 Appendix 2: Land use notification tables	47

01 Council's commitment to an engaged community

Tweed Shire Council shares the community's passion and pride in the Tweed. Council is committed to work with the community to preserve the Tweed's lifestyle, its natural environment, its rural landscape and, as partners make better decisions.

Council's professional staff guide participants as they strive to achieve their aspirations for the Tweed. This will provide support and result in self development opportunities through their role as partners in decision making.

This Plan sets out a whole-of-council commitment to community engagement where the Tweed community will be:

- encouraged to make recommendations to Council
- informed about issues and decisions that could significantly affect their future
- able to raise issues and have their say, in a way and at a time that suits them
- confident that their views have been considered and will have access to feedback.

Council's responsibility is to work in the best interests of the Tweed as a whole and to consider a broad cross-section of views. Councillors can then fulfil their role as elected representatives and make better final decisions. In making the final decision they will be guided on policy, legal and statutory matters by professional staff.

The priorities of Tweed communities will differ. The complexity of issues will differ. The format of engagement will be tailored to ensure that input from the community delivers a workable outcome.

Legislation

Tweed Shire Council plans



For a more detailed description and holistic picture of the interrelationship between Integrated Planning and Reporting Framework and the Land-Use Planning Framework see the Appendix 1.

02 Objectives of engaging with the community



That deliberative, early and broad-based engagement provides community-led recommendations to inform Council decision-making.



Encourage the community to understand, be understood and learn from each other through a productive and inclusive exchange of views.



Ensure that people receive timely information in plain language that is free of bias and easy to access.



Be transparent and provide feedback on decisions, strengthen relationships and build mutual respect through ongoing engagement activities.



Having the community partners value the professional staff for their guidance role in the engagement process.

03 Principles of community engagement and participation



Engagement is based on social justice principles of access, equity, participation and rights.



The community has a right and a responsibility to be informed and contribute to their community's future and matters that affect it.



Information is in plain language, easily accessible and in a form that facilitates community participation.



Council encourages effective and on-going partnerships with the community to provide meaningful opportunities for community participation in Council matters.



Council engages with the community as early as possible to enable community views to be genuinely considered and to provide a framework for ongoing consultation.



Community participation is inclusive and Council actively seeks views that are representative of the community.



Council uses appropriate methods of engagement with regard to a project's significance and likely impact.



Decisions are based on evidence-based information and the representative views of the broader community,



Decisions are made in an open and transparent way and the community is provided with reasons where required for those decisions (including how community views have been taken into account).

04 Why Council engages the community

Tweed Shire Council delivers more than 50 services for the people of the Tweed, has around 750 staff, an annual operational budget of \$230 million and manages more than \$3.2 billion of assets.

Decision making at Council therefore has the potential to affect the Tweed community in many ways.

Council **wants** to engage with the community to ensure it reflects their views and ideas in its decision making.

Council also **needs** to engage the community to ensure it meets its statutory obligations. A number of pieces of legislation commit Council to engaging with the community on various Council matters. For example, Council is required by legislation to notify the community of changes to Strategic Planning documents and planning proposals.

Legal requirements for engaging with the community

This Plan reflects the requirements for community consultation and engagement for all Council matters as set out in the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW).

This includes obligations relating to:

- Roles and responsibilities (see Figure 1)
- Public exhibitions (refer to page 19)
- Notifying the public when an item goes on exhibition (refer to page 20)
- Notifying the public of decisions and reasons for the decisions (refer to page 21)

How Council makes decisions

Councils are empowered by law to make decisions on many matters of importance to their local communities. Decisions may be made in formally constituted council meetings or under delegated authority of the council. Neither the Mayor nor the councillors have the legal authority to individually act or make decisions on behalf of the council.



Councillors represent the collective interests of residents, ratepayers and the local community in decision making; and facilitate communication with the community.



The **Council** as a whole consults regularly with community organisations and other key stakeholders, and keeps them informed of its decisions.



The **Mayor**, as a community leader and leader of the Council, ensures adequate opportunities and mechanisms for community engagement, together with the General Manager, and promotes partnerships with stakeholders.



The **General Manager** advises the Mayor and Council on appropriate forms of community engagement in different situations, and prepares a Community Engagement Strategy.

Figure 1: Roles and responsibilities as described in *Local Government Act 1993* (NSW).

05 Who Council engages with

The Tweed is a large and diverse local government area, and it is Council's responsibility to ensure all community members have an opportunity to engage with Council on matters that affect them and their community's future.

In particular, stakeholders include:



Residents



Ratepayers



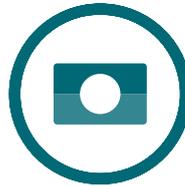
Local resident, ratepayer and progress associations



Environment groups



Businesses, industry and farming



Representatives of community demographics



Community and sporting groups



Government agencies and Members of Parliament (state and federal)



Visitors to the Tweed



Neighbouring councils and regional organisations

06 What Council engages with the community about

Council engages with the community on a wide range of projects that may affect them, such as:



Setting our future direction

For example:

- 10 year Community Strategic Plan; Local Strategic Planning Statement



How Council is run

For example:

- Four year Delivery Program; Annual Operational Plan and budget; Council Policies



How Council plans to manage services for the community and the environment

For example:

- Parks and Open Space Strategy; Community Development Strategy; Water Strategies Review; Council Policies



Planning best use of land to meet community and environmental needs

For example:

- Local Environmental Plan; Development Control Plan; Locality plan; Scenic Landscape Strategy



Managing development to best meet community needs

For example:

- Development Applications

07 When Council engages with the community

To maximise community participation and involvement, Council aims to engage early and broadly on projects of significance. Where possible, Council will go beyond the minimum engagement requirements and timeframes set out in legislation.

Council will extend timeframes for engagement where necessary to ensure the community has the best opportunity to contribute their feedback. In particular, this may mean that minimum exhibition timeframes are extended during the following periods:



Christmas and New Year
(20 December – 10 January)



During school holidays



When there are special events

Timing of engagement with the community



08 How Council engages with the community

This Plan recognises the different types of community engagement, based on the International Association of Public Participation (IAP2) spectrum – **inform, consult, involve, collaborate** and **empower**.

“Council aims to involve and collaborate more. To champion an early, broad and more deliberative approach with the Tweed community.”

Each Council project will be measured against the engagement matrix (overleaf) to determine the appropriate level of engagement with the community.

Engagement and participation matrix for Tweed Shire Council projects

Inform

Assisting the community to learn about Council services and programs.

The community needs accurate information to feel that they can trust Council to work in the community's best interests.

Consult

Actively seeking the community's views and exchanging information.

These forms of engagement ensure that the community can make their views known on matters of concern and be sure that those views will be fully considered.

Involve

Bringing the community into the decision-making process.

Engagement may need to go further and involve the community to help guide the development of different stages of the project.

Collaborate

Working with the community to design and draft.

Representative groups may be formed to actively collaborate with Councillors and/or Council staff in the preparation of plans and policies, the design and implementation of projects, or the management of a Council program or facility.

Empower

To place final decision making in the hands of the public. Council will implement what the public decides.

Every four years the community is empowered to make the final decision on the councillors that represent them. A poll or referendum are other examples.

High

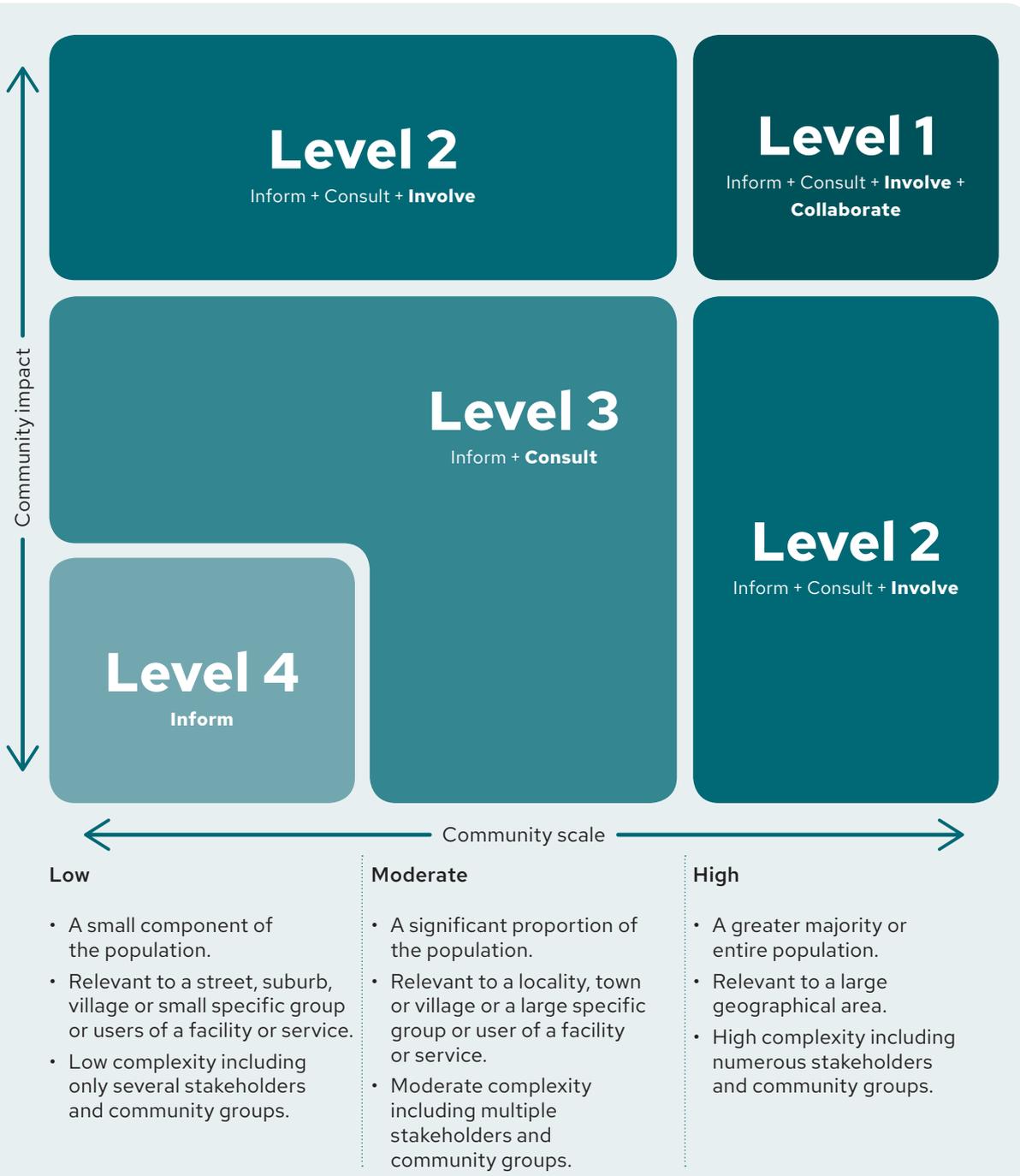
- Potential for high risk of controversy or conflict with Tweed community values.
- Significant impacts to attributes, such as natural environment, water supply, land use or heritage.
- Potential large impact on government strategies and directions.

Moderate

- Potential for some risk of controversy or conflict.
- The loss or change to any facility or service to the locality.
- Potential moderate impact on government strategies and directions.

Low

- Low or no risk of controversy or conflict.
- A small change to any facility or service to the locality.
- Low impact on government strategies and directions.



Engagement and participation matrix for Tweed Shire Council projects

Type					
P2P	Person-to-person	D	Digital	P	Paper/print based
Time (minimum per task – incl. preparation and staff time)					
>	0-5 person hours	>>	5-25 person hours	>>>	25+ person hours
Cost (minimum costs – includes actual expenses, not staff time)					
-	No cost	\$\$	Project budget required: \$1001 – \$10,000		
\$	Budget required: < \$1000	\$\$\$	Significant cost: > \$10,000		

Engagement standards	
✔	Essential: This must be done.
+	Recommended: Council should consider this where possible. Where it is not possible, justification must be provided as to why it cannot be implemented.
*	Optional: This method is appropriate for this type of engagement, however there are exceptions and will depend on timing, resources, budget and audience.
–	Not required: This method is not necessary for this type of engagement.

The list below is Council's identified and preferred methods of community engagement and participation. Council is not limited to this list and based on project needs and industry trends, alternative methods may be used as required in order to reach a range of people, interests, ages and communities.

What methods to use				When to use them						
Listening and communication tools				Type	Time	Cost	Level 1	Level 2	Level 3	Level 4
Inform	Customer Service: Information provided to the contact centre to support customer enquiries.	P2P	>	-	✔	✔	✔	✔	✔	✔
	Tweed Shire Council website: Add information to Tweed Shire Council website.	D	>	-	✔	✔	✔	✔	✔	+
	Media Release: Issue a media release to news organisations and media release subscribers.	D	>	-	✔	+	✔	✔	✔	–
	Social Media: Post information on Council's relevant social media pages (10+ pages including facebook, instagram, LinkedIn, Twitter and YouTube) and post to community pages where relevant/possible.	D	>	-	✔	+	✔	✔	✔	*
	Advertise/editorial in the Tweed Link: Council's weekly newspaper and official location for community notifications.	P+D	>	\$	✔	+	✔	✔	✔	–
	Advertise in print and digital platforms: Including social media/digital marketing, newspapers, industry publications, radio and broadcast, community service announcements (CSAs), buses/bus shelters, cinemas, shopping centres.	P+D	>>	\$\$	+	*	+	+	+	–
	Mailing list subscribers: Include information in Council's relevant e-newsletter and subscriptions. For a full list, visit www.tweed.nsw.gov.au/Subscribe	D	>	-	*	*	*	*	*	–
	Presentations: Present at relevant business chamber, resident or community group meeting.	P2P	>	-	+	+	✔	✔	✔	*
	Direct mail/notification: Addressed correspondence to a specific location, person or organisation e.g. <i>Dear Mr Smith</i> **Australia Post postage rates – as at September 2019 \$1.10 per letter**	P	>>	\$\$\$	–	–	*	*	*	–
	Resident letterbox drop: Unaddressed bulk drop correspondence (letter, flyer, notification) to people with a letterbox and/or PO Box in a determined area, usually either by street or postcode area e.g. Dear Resident	P	>>	\$\$	–	–	+	+	+	*
	Local drop spots: Circulate information or put up posters at frequently visited locations such as community noticeboards, general stores, post offices and local cafes or shops.	P	>>	\$	+	*	+	+	+	*
	Information in rates notice mailout: Provide information in the annual or quarterly rates notice mail outs. **Additional costs for printing, folding and weight restrictions. 46,000 required for annual notices**	P	>>	\$\$\$	*	*	–	–	–	–
	Static display: Information display at Customer Service centres, Council facilities such as library, community centres or other non-Council venues/locations.	P	>	\$	+	–	*	*	*	–
	Council hosted event: A special event to announce, launch, open or celebrate a project.	P2P	>>	\$	*	*	*	*	*	*
	Information sessions or pop up stall: Information sessions or staffed stalls at shopping centres, markets, local shows, events or relevant sites. Participants can gain further information about a project.	P2P	>>	\$\$	+	*	+	+	+	–
Printed resource/publication: Develop and distribute a printed publication/information material for residents.	P	>>	\$	*	*	*	*	*	*	
Site signage: If there is a specific site, erect signage to inform the public about project information and timeframes.	P	>	\$	✔	+	✔	✔	✔	+	
Site/educational tour: Provide an informative/guided tour for a first hand experience, where applicable.	P2P	>	\$	+	*	+	+	+	*	
Council employee emails: Have a 'call to action' promotional image in Council email e-signatures.	D	>	-	*	–	–	–	–	–	
On hold message: Add a short message to customer 'on hold' information. Major customer impact projects only.	D	>	-	*	–	–	–	–	–	
Consult	Public exhibition: 'On Exhibition' is the process to formally provide the community an opportunity to have their say via a formal submission process on a particular matter. Often a legislative requirement.	D	>>>	\$	✔	✔	+	+	*	
	Your Say Tweed project page: Establish a project page and utilise the various feedback and consultation tools available such as voting tools, polls and surveys.	D	>	-	✔	✔	✔	✔	✔	*
	Meetings by invitation: Relevant/impacted project stakeholders invited to meet with staff and/or Councillors for discussion and exchange of views. Could include an onsite/location based meeting.	P2P	>	-	✔	✔	✔	✔	✔	✔
	Community access: Sessions for people or groups to address Councillors about items being considered at a Planning or Council meeting. Complex issues may be referred to a Council workshop.	P2P	>	-	*	*	*	*	*	*
	Focus groups: Inviting people with an active interest in a decision or problem to be part of a meeting where detailed and robust conversation occurs to inform decision making. Generally held in small groups of less than 12 people.	P2P	>>	\$\$	*	*	*	*	*	*
Surveys and polls: Formal surveys are statistically representative and completed electronically, over the phone or in-person. Quick/opinion polls are also useful to provide a snapshot of a view at a point in time	P2P+ D+P	>>	\$\$	*	–	*	*	*	–	
Involve/Collaborate	Your Say Tweed project page: Establish a project page and utilise the various collaboration and listening tools available such as discussion forums, idea and brainstorming boards, interactive mapping.	D	>>	-	✔	+	✔	✔	–	
	Community Conversation: A public meeting/round table forum that is open for anyone participate in and provide input. They are sessions about a specific project/topic, these are not information sessions and generally take a bit longer. Held as often as required, Community Conversations aim to encourage broad-based and deliberative engagement. The format changes depending on the needs of the project.	P2P	>>>	\$\$	✔	+	✔	✔	+	
	Advisory committees: Add an agenda item to engage relevant Advisory committees. They are formal committees of community representatives, subject matter experts and Councillors that meet regularly to consider matters and provide advice within their Terms of Reference.	P2P	>>>	\$	✔	*	+	+	*	
	Project Reference Groups (PRG) or Citizen Panel: The public are invited to apply to join the group. The intention is a cross-section of people that provides Council with a well-informed, representative and balanced community view. The group operates under an agreed Terms of Reference to consider a particular project, policy or plan.	P2P	>>>	\$\$	*	–	*	*	–	
	Resident, environment and industry group stakeholder forums: Held three times a year on an invite basis these are structured stakeholder meetings involving representatives of community organisations, Councillors and staff. They are designed to inform and engage local community organisations on a range of issues, usually shire wide.	P2P	>>>	\$\$	+	*	–	–	–	
Enquiry by Design/Human Centred Design process: A process used early in the project to design the best community outcomes. Interactive workshops that explore, test and resolve design strategies for projects at all scales.	P2P	>>	\$\$\$	*	–	*	*	–		
Empower	Polls and referendums: Council may seek the community's views on any issue through a non-compulsory poll of electors' opinions, or it may hold a 'constitutional referendum' on certain electoral matters, in which case voting is compulsory and the result is binding.	P2P	>>>	\$\$\$	*	–	–	–	–	
	Election of Councillors: As per the Local Government Act, Council elections are held every four years.	P2P	>>>	\$\$\$	NA	NA	NA	NA	NA	



Engaging in person

Engagement or participation is not only about having your say, it is also about listening to others to understand their point of view. In person engagement activities allow an opportunity for discussion.



Exhibition documentation displayed in Customer Service Centres in Murwillumbah and Tweed Heads.



Community Conversations, Council's broad-based, round-table, face-to-face discussions enable the community to understand and be understood by others when sharing their views.



Community Access enable the community to informally address Councillors on items for consideration of Council prior to Council and Planning Committee meetings.



Resident, Environment, Industry Group Roundtable – this stakeholder forum provides community representatives with an opportunity to have their say.



Engaging online

Online communication and engagement is growing and can allow people who may otherwise be excluded from in-person engagement activities to have their say.



Council's online engagement tool yoursaytweed.com.au provides the community with a central place online to have their say on a range of projects open for feedback.



Council's website provides information to the public on all Council programs and services – www.tweed.nsw.gov.au.



The community is encouraged to follow Council on **social media** to be kept up to date on Council news and to access opportunities to learn more and have their say on Council matters.



Subscribe to receive email alerts including Council business papers (Agenda and Minutes), Tweed Link, notifications when non-DA items go on Exhibition, e-newsletters including Arts and Culture, Business, Environment and Sustainability, Tweed Regional Aquatic Centre.

Community engagement activities – expected behaviour

Council staff have a role to support the community engagement process. All staff and participants must be treated with respect and courtesy. Members of the public may be asked to leave if unreasonable behaviour is displayed.



Everyone is encouraged to participate but it is OK to just listen and observe.

Community engagement activities are designed to hear many points of view



Be brief and once you have voiced your feedback, let others have an opportunity.



Pay attention to the person speaking.
If you think you will forget an idea that comes to mind, write it down.



Do your best to understand the pros and cons of every option.
Be objective and fair-minded.



Listen to and respect other points of view. Comment on the feedback not the person.



Rudeness, anger, aggression, harassment, threats or physical violence.

Unreasonable behaviour will not be accepted



Continue to proceed with issues even though they have been dealt with.



Seeing cause and effect arguments where there are none or making allegations with no evidence.



Behaviour that is obstructive or deliberately unhelpful.



Insisting on an unreasonable amount of information, scale of services, or making an unreasonable number of approaches.

Public exhibition

A public exhibition is one avenue for the community to have their say on a particular matter. In conducting an exhibition, Council makes documents relevant to the matter available to the public, and actively engages with the community, both in-person and online, in accordance with the Community Engagement and Participation matrix on page 16.

In placing an item on exhibition, Council invites anyone who would like to comment or provide feedback on that matter to make a submission.

A submission is your chance to present your opinions, observations, and recommendations on a matter being considered by Council. You are welcome to speak with Council on any matters prior to making a submission. Submissions are written and must be made within the public exhibition period.

Exhibition documents are available in hard copy at our administration offices and online.

Council has adopted a policy whereby any submission including identifying particulars will be made public on request. Council will give consideration to the 'public interest' and requests for confidentiality by submitters in determining access to submission letters. However, the provisions of the *Government Information (Public Access) Act 2009* (NSW) may result in confidential submissions being released to an applicant.

Notifying the public when an item is on exhibition

Notification of a public exhibition must meet minimum standards in accordance with the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW). However, in many instances Council will exceed the minimum requirements.

There are both mandatory and non-mandatory requirements that apply to public exhibition of a development application or plan. For more details and other information relating to public exhibition and notification requirements for planning refer to Part B.



Mandatory requirements legally safeguard the community's right to comment on planning that affects them.



Non-mandatory requirements reflect best practice to honour the intention to actively involve the community in planning.

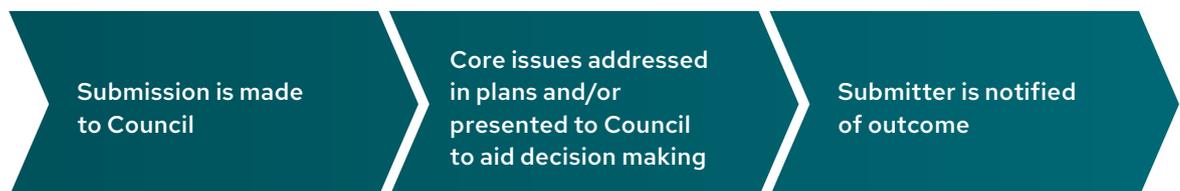
“Community engagement is the process of partnering with people in the decisions that affect their lives.”

09 What Council does with community feedback

Council has physical and digital systems to manage and record all hard copy and digital submissions from the community. Council reports detailing all community feedback and formal submissions often accompany items being considered by Council to help inform decision-making.

At a minimum, to ensure that the community has confidence that their feedback has been heard, Council commits to:

- Register each formal submission made using accepted methods: email, mail, Your Say Tweed
- Record the name and contact details of the submitter
- Send an acknowledgement that Council has received the submission
- Identify the core issues raised in the submission and outline how submissions have been considered in the council report
- Notify submitters of when the matter is being considered by Council. This could be direct or publicly published
- Notify submitters of the decisions of Council. This could be direct or publicly published



Notifying the public of decisions and reasons for the decisions

Council intends to notify the community of all Council decisions and where required, the reasons for those decisions. At a minimum, the public will be notified of the following information:

- The decision and the date it was made
- How community views were taken into account in making the decision

Note: this notification may be either direct or through the notification of Council consideration a matter at a council meeting.

For planning matters specifically, the *Environmental Planning and Assessment Act 1979* (NSW) commits Council to notify the community of the decision and the reasons for the decision (having regard to any statutory requirements applying to the decision) for the following:

- A determination of an application for development consent
- A determination of an application for the modification of a development consent (an application that was publicly exhibited)
- The granting of an approval, or the decision to carry out development, by a determining authority where an environmental impact statement was publicly exhibited under Division 5.1
- The exhibition of a:
 - draft Local Environmental Plan (planning proposal)
 - draft Development Control Plan
 - and other strategic plans.

Contacting Councillors

Councillors are the community's elected representatives and can be contacted by the public at any time. On request, councillors and council officers are also available to speak at public engagements such as school or education functions, commercial groups and business and industry meetings.

Visit www.tweed.nsw.gov.au/Councillors for all councillor contact details or call the Mayor's office on (02) 6670 2402.

Part B

Land use planning engagement and participation

This part has been developed in accordance with the legislative requirements as set out within Schedule 1 Community participation requirements of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). Whilst each of these planning functions has differing legislative requirements for consultation and public exhibition, in many instances Council will exceed the minimum requirements to ensure the community is well informed and has enough time to make a contribution.

Snapshot

This section sets out engagement and participation requirements for land use planning including exhibition periods. Land use planning is described by the following three categories.



Strategic plan making

Sets the long term planning framework for the Tweed and determines what you can do on your land.

Statutory plans

Plans made under legislation known as Environmental Planning Instruments (EPIs)

Non-statutory plans

Plans that provide guidance to development and provide frameworks for land use and place specific planning considerations.



Development assessment

The assessment and processing of development applications.

State significant

Regionally significant

Designated development

Integrated development

Local development

Infrastructure development



Other planning functions

Other land use and planning functions which influence and impact the use of land within the Tweed Shire Local Government Area.

Plans of management

Contribution plans

Planning agreements

Reclassification of land

Plans prepared external to Council

B1

Objectives of this section

To ensure that the interests and opinions of all stakeholders are considered in planning decisions, the objectives of this section are to:

- Outline how Council will fulfil its statutory responsibilities and policies on community consultation for strategic and development assessment planning processes.
- Provide clarity and transparency for the community to understand their rights and their role in the strategic plan making and development assessment process.
- Detail how and when the public will be notified of public exhibitions and determinations for development assessment) strategic plan making, and other planning functions and detail the relevant legislated exhibition periods.

B2 Strategic planning

Strategic planning sets the long term land use planning vision for the Tweed and determines what you can do on your land. Strategic plans can be defined as being either statutory, referred to as environmental planning instruments (EPIs), or non-statutory plans which provide guidance to the development and/or provide frameworks for the planning of specific land uses or places.

The different types of strategic plans are summarised in Table 1 and 2, with their associated mandatory and non-mandatory exhibition timeframes and explanation of how the public will be notified of the exhibition. Community engagement activities are described in the community engagement matrix on pages 15 and 16.

For a holistic picture of the interrelationship between the Land-Use Planning Framework and the Integrated Planning and Reporting Framework see Appendix 1.

As described in section 07 (page 12), the community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

Table 1: Strategic Planning mandatory exhibition timeframes

Planning function	Mandatory exhibition period	How the public will be notified of public exhibition
<p>Draft Community Participation Plan (CPP)</p> <p>Council is required by legislation to have a CPP. A CPP sets out when and how Council will engage its community across all its planning functions under the EP&A Act. This Community Engagement and Participation Plan includes the legislative requirements for the preparation and content of a CPP.</p>	28 days	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed web site • Exhibition material at Council outlets • Council’s register of community groups will receive direct notification
<p>Draft Local Strategic Planning Statement (LSPS)</p> <p>Council is required by legislation to have a LSPS. The LSPS sets out the vision for land-use planning in the Tweed, including the special character and values that are to be preserved and promoted into the future. A LSPS identifies the planning priorities for an area; provides strategies and actions on how those priorities are to be delivered and demonstrates how Council will monitor and report on how the priorities are implemented.</p>	28 days	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed web site • Exhibition material at Council outlets • Direct notification of Council’s register of relevant community groups
<p>Local Environmental Plan (LEP)</p> <p>Council is required by legislation to have an LEP in place.</p> <p>A LEP is a statutory plan that provides details of the zoning of your land as well as development standards such as building height, floor space ratio, and minimum lot sizes. They list the types of development that are allowed in each zone in the Tweed, and those that do not need development consent. Planning proposals for LEPs are subject to a Gateway Determination.</p>	28 days, or a) as specified in the Gateway Determination (Issued by NSW Government); or a) if a Gateway Determination specifies that no public exhibition is required (minor proposal).	<ul style="list-style-type: none"> • As directed by Department of Planning Gateway conditions • Tweed Link advert • Your Say Tweed web site • Exhibition material at Council outlets • Notification to the Tweed Byron Aboriginal Land Council • Letter to adjoining land owner • Discretionary direct notification to owners of other adjoining/affected property
<p>Draft Development Control Plan (DCP)</p> <p>DCPs are non-statutory plans prepared by Council to provide guidelines, controls and development standards for the regulation of development permitted by the Local Environmental Plan. DCPs can relate to a specific land use such as DCP A1 Residential and tourist accommodation or a specific plan such as DCP B2 Tweed City Centre.</p>	28 days	<ul style="list-style-type: none"> • Tweed Link advertisement • Your Say Tweed web site • Exhibition material at Council outlets • Direct notification to Council’s register of relevant community groups

Table 2: Strategic planning non-mandatory exhibition timeframes.

Planning function	Non-Mandatory exhibition period	How the public will be notified of public exhibition
<p>Draft Shire-wide plans</p> <p>Shire wide plans provide planning frameworks for the consideration of broad land use planning issues. Shire wide plans can be in the form of a strategy, plan of management, guideline or policy such as the Tweed Urban and Employment Land Release Strategy and Rural Villages Strategy.</p>	<p>42 days or as directed by Council</p>	<ul style="list-style-type: none"> • At Councils discretion based on plan subject and scope establish of an external reference panel of stakeholders • Tweed Link advert • Your Say Tweed web site • Exhibition material at Council outlets • Direct notification to Council's register of relevant community groups
<p>Draft place-based plans</p> <p>These plans identify a vision, character, objectives and strategies to achieve desired planning outcomes for a particular local area such as the Pottsville Locality Plan.</p>		

For other Council planning and policy documents with no legislative requirements e.g. masterplans, refer to the community engagement matrix on pages 15 and 16.

B3 Development Assessment

Development assessment is the assessment and determining of public applications for a wide range of development types, for example the addition of a car port or house extension through to an industrial shed. Development Assessment is regulated under Part 4 of the EP&A Act. Development requiring advertising is prescribed by the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg).

Depending on the scale and monetary value of a proposed development, the EP&A Act identifies if Council or another authority, such as a panel of experts or the State Government, will assess the development.

The different types of development assessment functions are summarised below with associated mandatory exhibition timeframes identified in Table 3. Community engagement activities are described in the community engagement matrix on page 15 and 16.

Table 3: Development assessment exhibition timeframes.

Planning function	Mandatory exhibition period	How the public will be notified of public exhibition
<p>State Significant Development (SSD)</p> <p>SSDs are developments that are deemed to have State significance due to the size, economic value or potential impacts it may have. The full list of SSD development types and identified sites can be viewed in Schedules 1 and 2 of the State and Regional Development State Environmental Planning Policy. The consent authority for SSD is the Minister of Planning and in certain circumstances the Independent Planning Commission.</p>	28 days	<ul style="list-style-type: none"> State government is responsible for the exhibition and notification of SSDs.
<p>Regionally Significant Development (RSD)</p> <p>RSDs are any development application that meets certain criteria defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) including development with a capital value over \$30 million. A regional development is notified and assessed by Council and then referred to the Joint Regional Panel for determination.</p>	Dependent on development type	<p>Advertised</p> <ul style="list-style-type: none"> Advert in Tweed Link Letter to adjoining land owner Letter to affected land owner Site sign DA Tracker

Planning function	Mandatory exhibition period	How the public will be notified of public exhibition
<p>Designated Development</p> <p>Designated developments are high-impact (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a wetland). Types of development to be designated are listed in Schedule 3 of the EP&A Reg lists designated development. A designated development must be accompanied by an environmental impact statement.</p>	28 days	<p>Advertised</p> <ul style="list-style-type: none"> • 2 Adverts within exhibition period across 2 or 3 columns in the display section of the newspaper • Letter to adjoining land owner • Letter to affected land owner • Site sign • DA Tracker • Refer cl 78.79 & 80 of the EP&A Reg
<p>Part 5 Application for Council Infrastructure requiring Environmental Impact Statement (under Division 5.1 and 5.2 EP&A Act)</p> <p>Council must prepare an 'environmental impact statement' (EIS) for specific types of infrastructure projects carried out by Council that have a likely environmental impact. These must be exhibited for a minimum of 28 days in accordance with the mandatory requirements of the EP&A Act.</p>	28 days	<p>Advertised</p> <ul style="list-style-type: none"> • 2 Adverts within exhibition period across 2 or 3 columns in the display section of the newspaper • Letter to adjoining land owner • Letter to affected land owner • Site sign • DA Tracker • Refer cl 233 of the EP&A Reg
<p>Nominated Integrated Development</p> <p>Nominated Integrated Development is development that requires an approval under a provision of the <i>Heritage Act 1977</i> (NSW), a provision of the <i>Water Management Act 2000</i> (NSW), or a provision of the <i>Protection of the Environment Operations Act 1997</i> (NSW),.</p>	28 days	<p>Advertised</p> <ul style="list-style-type: none"> • Notice in Tweed Link • Referral to relevant agency • Letter to adjoining land owner • Letter to affected land owner • Site sign • DA Tracker • Refer cl 87 of the EP&A Reg
<p>Integrated Development</p> <p>Integrated Development is development where approval must be obtained from other public authorities (e.g. the Environmental Protection Authority) before consent can be granted. A consent authority, such as Council, must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.</p>	As per requirements for the Development Application	

Continued ...

Planning function	Mandatory exhibition period	How the public will be notified of public exhibition
<p>Threatened Species Development</p> <p>Threatened Species Development (as defined by Clause 89(4) of the EP&A Reg) refers to a development application likely to significantly affect threatened species and requires a:</p> <ul style="list-style-type: none"> • Biodiversity Development Assessment Report (BDAR) is required by Section 7.7 of the <i>Biodiversity Conservation Act 2016</i> (NSW); or • Species Impact Statement (SIS) is required by Section 221ZW of the <i>Fisheries Management Act 1994</i> (NSW). 	28 days	<p>Advertised</p> <ul style="list-style-type: none"> • Notice in Tweed Link • Referral to relevant agency • Letter to adjoining land owner • Letter to affected land owner • Refer cl 87 of the EP&A Reg
<p>Local development (Advertised)</p> <p>Development which is required to be advertised typically has the potential for broader land owner and or environmental impact based on development scale and land use type. Specific land uses which would typically be advertised are identified within the Appendix 2: Land use notification tables.</p>	14 days	<p>Advertised</p> <ul style="list-style-type: none"> • Notice in Tweed Link • Letter to adjoining land owner • Letter to affected land owner • Site sign • DA Tracker
<p>Local development (Notified)</p> <p>Development which is notified is considered to have a more localised potential for impact on adjoining landowners and land owners. Specific land uses which would typically be notified are identified within the Appendix 2: Land use notification tables.</p>	14 days	<p>Notified</p> <ul style="list-style-type: none"> • Letter to adjoining land owner • Letter to affect land owner • DA Tracker
<p>Local development (Not notified or advertised)</p> <p>Development which is not notified or advertised is either no required by legislation or considered to minimal potential for impact on adjoining landowners and land owners. Refer to Table 4 and Appendix 2 for local development land use types which are not notified.</p>	Nil	<ul style="list-style-type: none"> • DA Tracker
<p>Modification application (1)</p> <p>Modifications involving minor error, misdescription or miscalculation (Section 4.55(a))</p>	Nil	<ul style="list-style-type: none"> • DA Tracker
<p>Modification application (1A)</p> <p>Modifications involving minimal environmental impact (Section 4.55(1A))</p>	<ul style="list-style-type: none"> • Nil if proposed modification is consistent with criteria in Table 4; or • As per requirements for the Development Application 	
<p>Modification application (2)</p> <p>Other modification (Section 4.55(2))</p>	As per requirements for the Development Application	

Table 4: Development not notified.

Development not notified

Development permitted without consent under the Local Environment Plan.

Development permitted under the State Environmental Planning Policies which does not allow for community engagement.

Alteration, additions and internal modifications to an existing building where the works will not result in any change to the height, external configuration or external facade of the existing building.

Ancillary structures with minimal impact on adjoining land.

Modification of development consent under Section 455 of the EP&A Act where:

- Modifications involving minor error, misdescription or miscalculation.
 - There are no changes to the height, external configuration, or facade of the proposal as shown on the original application.
 - There are no changes to key operational aspects including the hours of operation.
 - The modification is considered by Council to be a minor change to the proposed development and of low impact.
 - The modification is for internal alterations to a building.
-

Certain change of use applications where there are no external building works and no offsite impacts.

Subdivision where no new lots are created, strata subdivision, community title subdivision.

Minor Council infrastructure Application (Refer to Council's Environmental Assessment Procedures for Council Infrastructure).

Any other development which in the opinion of the General Manager or delegated staff does not require notification.

B4 Other planning functions

Land use and planning functions that influence and impact the use of private and public land within the Tweed Shire local Government Area but are not categorised as Strategic Plan making or Development Assessment are described as 'other planning functions'. This can include planning functions and processes that are external to Council which are typically developed by other government and non-government agencies.

These other planning functions include but are not limited to those listed in Table 5.

Community engagement activities are described in the community engagement matrix on page 15 and 16.

Table 5: Exhibition timeframes for other planning matters

Planning function	Mandatory exhibition timeframes	How the public is notified of a public exhibition
<p>Plans of management (PoM) prepared under the Local Government Act 1993 (NSW)</p> <p>Council prepares PoM for land that Council owns which is classified as 'community land' to set out what can happen on that land. Council must also prepare PoM for Crown land which it manages as 'community land'. Consultation and engagement typically involves stakeholder, user group and community consultation to determine how the community land is used and a formal exhibition process of the draft PoM prior for Council endorsement and adoption.</p>	<p>28 days for exhibition</p> <p>42 days for submissions</p> <p>Public hearing where required</p>	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed website • Exhibition material at Council outlets • Direct notification to Council's register of relevant community groups • Community Conversations • Public hearing where required

Continued ...

Planning function	Mandatory exhibition timeframes	How the public is notified of a public exhibition
<p>Council infrastructure Application requiring preparation of REF (Minor)</p> <p>When Council intends to carry out certain infrastructure projects in the Tweed, it may need to prepare a 'review of environmental factors' (REF) under Part 5 of the EP&A Act. The REF considers the environmental and other impacts arising from a project to determine whether it should proceed and if so, under what measures to reduce any impacts.</p> <p>For minor and routine Council works, no REF is needed. In technical planning terms, this is known as 'exempt development'. For small scale projects, the REF is prepared by Council and approved by Council staff under delegated authority.</p> <p>For more significant, controversial or highly complex projects, whilst not a legislated requirement, Council may publicly exhibit the REF for comment. It will then be considered in the context of the merit assessment. Following public exhibition, submission review and merit assessment; these applications are typically determined by the elected Council rather than by delegated authority.</p>	<p>Nil</p>	<ul style="list-style-type: none"> • Whilst there is no legislative requirement, public exhibition may be undertaken based on public interest, nature, scale and potential for impact. • Minor Part 5 typically determined by delegated authority. • Refer to Council's Environmental Assessment Procedures for Council Infrastructure.
<p>Contribution Plans</p> <p>Development contributions are payments made by developers to enable Council to provide public amenities and services required for new residents and businesses. Section 7 of the EP&A Act is the principal legislation that enables Councils to levy contributions for public amenities and services. Section 7.11 contributions are imposed by way of a condition of development consent or complying development, and can be satisfied by:</p> <ul style="list-style-type: none"> • dedication of Land • a monetary contribution • a material public benefit; or • a combination of some or all of the above 	<p>28 days</p>	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed website • Exhibition material at Council outlets

Continued ...

Planning function	Mandatory exhibition timeframes	How the public is notified of a public exhibition
<p>Planning agreements</p> <p>Planning agreements outline commitments made in association with development and are regulated by the EP&A Act Section 7.4. Under these agreements, Council enters into a legal contract with a developer to construct public facilities and infrastructure or provide public services as part of the conditions of development consent.</p> <p>All executed Planning Agreements are required to be published and made available for public viewing on the Tweed Shire Council website.</p>	<p>28 days</p>	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed website • Exhibition material at Council outlets • Often exhibited concurrently with associated strategic plan making or development assessment process.
<p>Reclassification of land</p> <p>Land in Council ownership must be classified for either 'community' or 'operational' use under the <i>Local Government Act 1993</i> (NSW). Community land is for land designated for community use. Operational land serves a commercial or operational function. When land such as new sports fields comes into Council ownership its needs to be classified correctly. In addition, Council sometimes reclassifies land for operational purposes.</p> <p>Depending on the circumstances, the Act specifies two pathways land can be reclassified, either by Council resolution or as an amendment to the Local Environmental Plan through a planning proposal process.</p>	<p>28 days</p> <p>Public hearing where required</p>	<ul style="list-style-type: none"> • Tweed Link advert • Your Say Tweed website • Exhibition material at Council outlets • Advertised public hearing where required
<p>Plans external to Council or state government led</p> <p>As these external planning functions are typically developed by other government and non-government agencies, the nominated consultation activity and exhibition timeframes are external to and not controlled by Council.</p>	<p>Exhibition period set by external Government Department or agency.</p>	<ul style="list-style-type: none"> • Council reviews exhibition material and drafts formal submission for Council endorsement. • Tweed specific community consultation at Council's discretion or direction from the NSW Government.

B5 Further information on notification and submissions

5.1 What development applications will be notified/advertised?

Appendix 2 lists which developments will be notified or advertised and how.

5.2 Who will be notified of a development application?

For notified development listed in Table 3, Council will send notice of an application to:

- a) All persons who, according to Council property rating records, own land immediately adjoining the application site;
- b) Owners of any land that the Council or delegated staff consider may be detrimentally affected by the application having regard to the following criteria:
 - the views to, from, and across/over the land
 - overshadowing
 - privacy
 - noise
 - the visual quality of the building in relation to the streetscape and neighbouring properties
 - the scale of the proposed buildings
 - the likely effect on the drainage of adjoining sites
 - the siting of the proposed building in relation to the application site boundaries
 - hours of use
 - nature of use
 - light spillage or reflection
 - means of access to or provision of private parking on the application site
 - any covenant or easement benefiting the adjoining or neighbouring land or the Council
 - the height, materials and position of fences erected on the boundary
 - traffic generation
 - particular circumstances of the application.
- c) Any community group or government agency which may be affected by or have a legitimate interest in the application.
- d) Permanent occupiers of caravan parks and manufactured home estates sites are to be notified in the same way as landowners are notified. In this regard individual site occupiers are to be notified by mail identified by Council's copy of the community map for each Caravan Park or manufactured home estate.
- e) In respect of Integrated Development, notification will be given to the appropriate approval body as required by the EP&A Reg.

Continued ...

- f) Applications may be notified at a higher level than that indicated in Table 3 based on consideration of the following criteria:
- (a) scale of development
 - (b) traffic generation
 - (c) social and economic impact
 - (d) impact on streetscape.

5.3 What is to be contained in the development application notice?

The development application notice will contain:

- a) address of the site (lot number, deposited plan and house number)
- b) the applicant's name
- c) an informal, short statement providing a brief description of the proposal
- d) identification of the consent authority
- e) the period during which a person may inspect the application
- f) where and when the plans can be inspected:
- g) an invitation to make a submission
- h) the dates of the exhibition period
- i) a statement regarding the confidentiality of submissions.

5.4 Cost of advertising and notification

The applicant must pay a fee to Council to cover the cost of advertising and/or notification of the application and any amendment or modification of it in accordance with Council's adopted Schedule of Fees and Charges.

5.5 How can the public have their say?

A submission is the public's chance to present their opinions, observations, and recommendations. Submissions may be letters, petitions or similar written representations from individuals or groups of people. When making a submission to Council, the submission should be received by Council on or before the last day of the exhibition timeframe (unless otherwise specified) and contain the following essential information:

- The name and address of the person making the submission.
- Reference to the specific project, plan or application that is the subject of the public exhibition including any specific development application reference number or property address.
- Clear and concise content detailing the nature of the submission whether you agree disagree, reasons for support, reasons for objection, alternative suggestions.

5.6 Will my submission be made public?

Council has adopted a policy whereby, on request, any submission including identifying particulars will be made public. Council will give consideration to the 'public interest' and requests for confidentiality by submitters in determining access to submission letters. However, the provisions of the *Government Information (Public Access) Act 2009* (NSW) may result in confidential submissions being released to an applicant.

5.7 How will submissions be considered?

All submissions received within the nominated time frame will be considered when in the context of developing or reviewing a strategic planning project or determining an application. Submissions received after the nominated time frame will be considered where possible.

Council will not determine or endorse a plan or application before the expiry of the exhibition period or consideration of submissions made.

Council's general practice is that submissions are reviewed and tabulated documenting the nature of the submission, potential themes, planning comment and any resultant actions, considerations or recommendations. This submission review is then reported to Council for consideration in the determining of applicable planning functions including strategic plan making or the determination of development applications.

Section 08 of this plan provides more detail on how submissions are considered.

5.8 Can Council extend the public consultation periods?

Yes, Council has the capacity to extend or nominate public consultation time frames beyond legislated requirements in development assessment and strategic plan making functions. Refer to Section 07 for more information.

Development Assessment

In the context of development applications and planning proposals, there may be exceptional circumstances that require an extension of the notification distribution area for engagement and variation of the public exhibition timeframe or the re-exhibition of a proposed development. In many cases additional engagement means a wider distribution of advertising and notification rather than longer exhibition timeframes however both are considered on a case by case basis. In determining these cases, the planning officer with delegated authority or Council will take into consideration the following criteria:

Continued ...

- Significant public interest demonstrated through the number of submissions, petitions or interactions between Council and the community.
- Formal requests for extension where sufficient justification can be demonstrated.
- The scale of the development and potential for impact being greater than the immediate surrounding properties.

Strategic planning

In the context of strategic planning projects, such as the development of locality plans or development control plans, Council will seek to include a number of different consultation stages corresponding to different project stage milestones throughout a project. However often a consultation event or project stage will uncover the need for additional consultation. This is particularly the case if new information, actions or events are introduced that were not previously considered. In these circumstances Council endorsement is sought to extend or expand on a projects consultation plan and any additional consultation events.

5.9 How can Development Applications and Strategic Plans be viewed by the public?

Development applications

All plans and information lodged with an application that is notified in accordance with this plan will be available for inspection at Council's Customer Service Centres. This will include all forms, architectural plans, consultant reports and supplementary documentation submitted with the application.

Development applications where Council is the consent authority can also be viewed on Council's website at www.tweed.nsw.gov.au/PropertyEnquiry and then clicking on the DA Tracker tool link.

For development being determined by regional planning panels, a full set of the DA plans will also be available for inspection at Council's Customer Service Centres. Council is required by legislation to make available extracts of applications. Note: that this is subject to written consent of the applicant's architect or design professional as per the *Commonwealth Copyright Act 1968* (Cth).

Progress of major development applications where the Department of Planning, Industry and Environment is the consent authority can be found on the Department of Planning's online major projects portal at www.planningportal.nsw.gov.au/major-projects/projects

Strategic Planning

Progress of a local environmental plan amendment (planning proposal) can be found on the Department of Planning, Industry and Environment online tracking portal at leptracking.planning.nsw.gov.au

Progress of other strategic planning projects can reviewed on Council's website at www.tweed.nsw.gov.au/PlanningExhibitions

5.10 Is Council obligated to notify the public of outcomes?

Development applications

In addition to the requirements to exhibit development applications, plans and other planning documents, it is also a mandatory requirement that Council, as consent authority, formally notify the public of the outcomes from the determination of the application for development consent (or modification of a development consent that was publicly exhibited). Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the instigator will be advised.

This notification must include (directly or by reference to another document):

- The decision
- The date of the decision
- The reasons behind the determination
- How community views were considered in making the decision

Upon assessment of the development application and all submissions received, Council will issue a notice of determination. The notice of determination or Council's assessment report will specifically address matters of concern raised in submissions and give reasons for the determination.

Where a matter is referred to an applicable Planning Panel, every effort will be made to advise applicants and objectors of the time and date of the meeting.

The terms of any objection will be summarised in Council's development assessment reporting process. The name and address of the objectors will be withheld in the report, however, persons making submissions should be made aware that details of their submission will be kept on file and may be accessed by other members of the public under the *Government Information (Public Access) Act 2009* (NSW).

Strategic plan making

It is a mandatory requirement that the making of a statutory plan are publicly notified. In the case of an LEP amendment, notice of a plan making is published on the NSW Legislation website which includes a date of commencement.

Adoption of a Development Control Plan is notified in the Tweed Link, advising of the commencement date, generally the date of publication.

Whilst not a legislated requirement, Council will also generally provide written notice of the determination of statutory (LEP amendment) and non-statutory plans (DCP, locality plan, strategies etc) to each person who made a written submission.

5.11 Will the applicant be advised of objections?

The applicant, on request, will be advised of the terms of any objection. By appointment, the applicant is entitled to read all submissions received however the authors name will not be disclosed. Where applications are amended in response to objections received, comments may be sought from previous objector/s.

5.12 How will the community be kept informed of outcomes from the engagement?

While the legislation only makes it mandatory to report back to the community on development application determinations, it is good practice to make sure that the community is properly informed of any outcomes from their engagement through clearly addressing of their concerns in the assessment process. This helps build trust and may also contribute to better participation in the future as the community can see they are being heard and that their investment of time has been meaningful.

Closing the feedback loop can involve a range of techniques. People who have been actively involved and are directly affected by the plan should be notified of decisions to the relevant matter. For more significant matters, Council may publicise a submissions report, outlining the scope and issues raised in submissions and how issues have been addressed. This is more likely to occur on plan-making projects.

5.13 How will consent modifications or reviews be notified?

Requests for a modification or review of determination will be notified in the same manner as the original application. If in the opinion of the relevant Council officer a modification application under Section 4.55 of the EP&A Act will have no additional impact on any adjoining or nearby properties, no notification will be required.

5.14 Will Council notify owners and occupiers in neighbouring LGAs?

In the instance that a property adjoins the boundary of a neighbouring Council or a development is likely to impact land in adjoining local government areas, a notification letter will be sent to the adjoining Council requesting that Council inform its residents/ratepayers of the proposed development.

Councils to be notified include:

- City of Gold Coast
- Byron Shire Council
- Kyogle Shire Council
- Lismore City Council

5.15 Are there any rights of appeal?

People have statutory rights to appeal a decision of Council.

There are two main types of review:

Merits review

Applicants appeal right against a determination of council (usually refusal or deemed refusal) of a development application (Section 4.52 Right of Appeal of the EP&A Act).

The Court hears and determines afresh, on the facts and law applying at the time of the Court's determination, whether to grant consent or refuse consent to the development application.

Judicial review

Anyone's appeal right to appeal a breach of the EP&A Act (Section 9.45 of the EP&A Act).

An appeal may be against anything regulated by the Act (ie an LEP, DCP, DA or VPA) but not policy developed by Council.

The Court reviews the legality of the decision, such as whether the council had power to grant consent, whether the council followed the correct legal process in determining the application and whether the council took into account relevant considerations and disregarded irrelevant considerations.

B6 Community Participation Plan requirements

This *Community Engagement and Participation Plan* integrates the requirements of a Community Participation Plan and a Community Engagement Strategy, a requirement of the *Local Government Act 1993* (NSW), into one document.

This table details the parts of the document that refer to topics that are required to be covered in a Community Participation Plan under the EP&A Act.

EP&A reference	Checklist	Compliance	CE&P Plan reference
Part 2, Div 2.6, Section 2.22(1)	Key function is to set out the public exhibition timeframes.	Yes	Part B
Part 2, Div 2.6, Section 2.22(1)	Councils must list the minimum mandatory timeframes for the planning functions that apply to them in Schedule 1 (Councils should only provide timeframes for planning functions they perform).	Yes	Part B
Part 2, Div 2.6, Section 2.22(1)	It is essential to clearly differentiate between mandatory and non-mandatory timeframes.	Yes	Section 08 Part B
Part 2, Div 2.6, Section 2.22(1)	Reinforce that a reason for the decisions are given for DA determinations as per Schedule 1 of the EP&A Act.	Yes	Part B
Part 2, Div 2.6, Section 2.23(1)	Be publicly exhibited for a minimum of 28 days and published on the NSW Planning Portal by 1 December 2019	Published subsequent to Council adoption	Part B
Part 2, Div 2.6, Section 2.23(1)	Detail how and when a planning authority will undertake community participation when exercising relevant planning functions in Section 2.22(1) of the EP&A Act	Yes	Section 07 Section 08 Part B
Part 2 Div 2.6, Section 2.23(2)	Have regard to the community participation principles in Section 2.23 (2) of the EP&A Act	Yes	Section 03
Part 2, Div 2.6, Section 2.23	Clearly state who it applies to and where	Yes	Section 01

B7 Glossary

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

Advertising means the placement of public notice in a newspaper or publication circulating at least once a week in the locality.

Application Site means the land to which an application relates and includes any easement or right of way pertaining to the site.

Approval body means a State Agency which may grant an approval in respect of Integrated Development as identified by Section 91 of the EP&A Act (as amended).

Building includes part of a building and any structure or part of a structure, and includes a swimming pool.

Community refers to the people who have a stake and interest in the Tweed Local Government Area (LGA) and includes people who: live, work or conduct business in the LGA. A broader definition of community users includes those who are tourists, visit, and use or enjoy the services, facilities, environment and public places located within the LGA.

Community engagement means the involvement of the community in the decision making process of Council, where the community is encouraged to provide feedback on a range of issues that affect them.

Contribution plans is 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

Council means Tweed Shire Council. Reference in this plan to the Council may include Council staff properly exercising authority delegated by the Council.

Designated development has the same meaning as defined within the EP&A Act which refers to developments that are high impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland).

Demolition means the complete or partial dismantling of a building or structure including damage, defacement or the relocation of a building or structure.

Development Application (DA) is an application for development under Part 4 of the EP&A Act.

Development Control Plan (DCP) is a plan that provides detailed planning and design guidelines to support specific land use or site outcomes and planning controls in a LEP.

EP&A Act – *Environmental Planning and Assessment Act 1979* (NSW)

EP&A Reg – *Environmental Planning and Assessment Regulation 2000* (NSW)

Gateway Determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition.

Integrated Development means development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals set out in Section 91 of the EP&A Act (as amended).

International Association for Public Participation (IAP2) is an international association which seeks to promote and improve the practice of public participation or community engagement, incorporating individuals, governments, institutions and other entities that affect the public interest throughout the world.

Local Environmental Plan (LEP) is an environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area.

Neighbouring land means any land other than adjoining land, which may be detrimentally affected by the use of the Application Site or the erection of a building on an Application Site (includes properties in a neighbouring Council area).

Notification means giving written notice in accordance with this Section.

Regional Strategic Plan is a longer term plan prepared by the State government that addresses the community's needs, for example, housing, jobs, infrastructure and a healthy environment for a DPE Region.

Land includes any building or part of a building erected on the land.

Owner means the name and address of the proprietor as registered in Council's property record.

Stakeholder means individuals or groups who have an interest or are impacted by the decisions of Council, these may include business representatives, professional associations, local community groups, or other levels of Government and Government agencies.

State Environmental Planning Policy (SEPP) – an environmental planning instrument developed by the Department that relates to planning matters that are state significant or are applicable across the state.

State significant development (SSD) – some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include new educational establishments, hospitals and energy generating facilities.

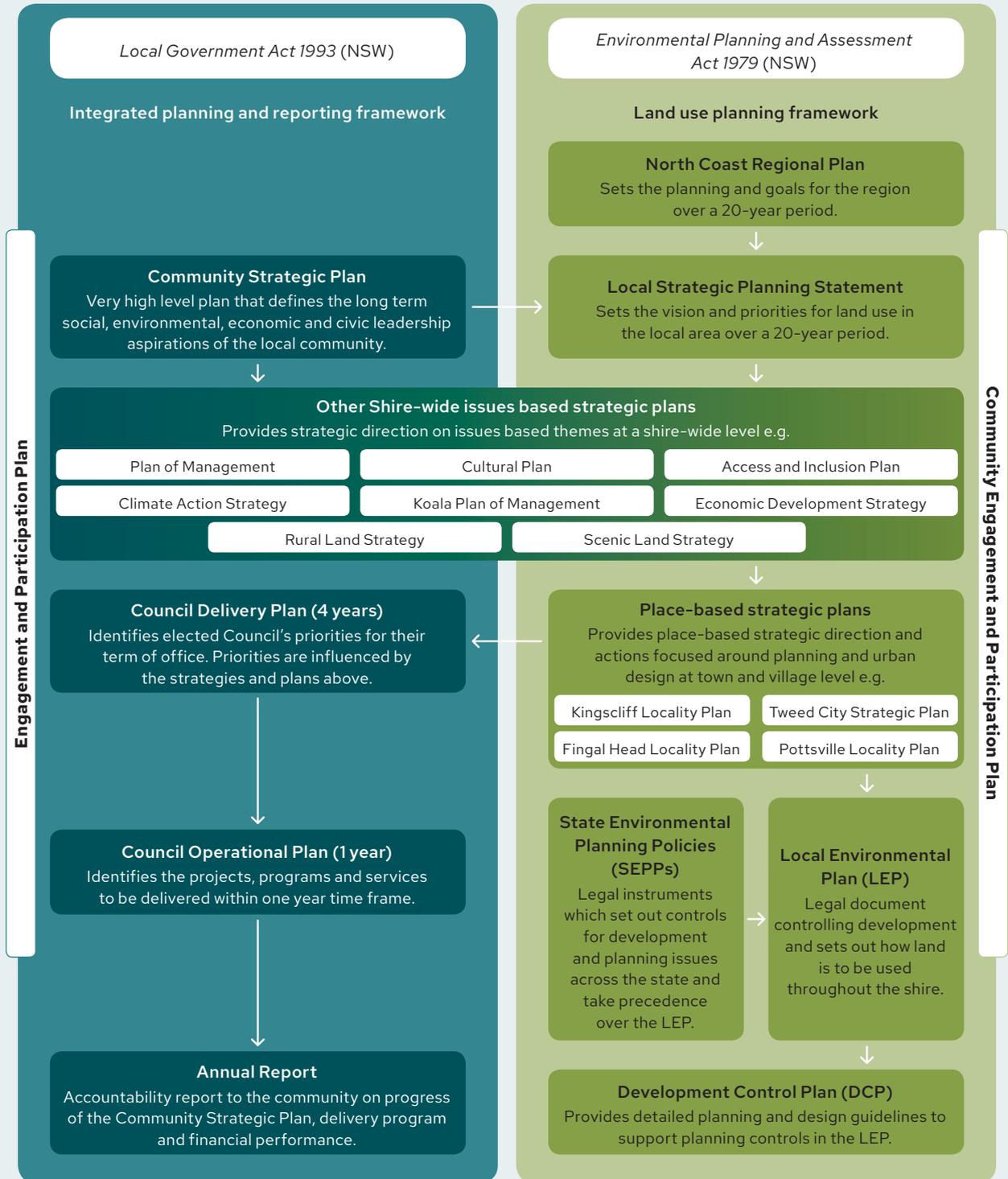
Volunteer Planning Agreement (VPA) is a plan made under Section 7.4 of the EP&A Act.

Part C

Appendices

C1

Appendix 1: Legislated plan framework



C2 Appendix 2: Land use notification tables

Rural zones RU1 Primary Production RU2 Rural Landscape	Timeframe and type of notification
Advertised and notified	
Airstrips; Animal boarding or training establishment; Aquaculture; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Educational establishments; Extractive industries; Forestry; Group homes; Helipads; Hostels; Industrial retail outlets; Industrial training facilities; Markets; Open cut mining; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pond based aquaculture; Recreation facilities (major); Registered clubs; Restaurants or cafes; Service stations; Sewerage treatment plants; Telecommunications facility; Transport depots; Truck depots; Water bottling facility.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Agricultural produce industries; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Dual occupancies; Dwellings; Eco-tourist facilities; Farm stay accommodation; Flood mitigation works; Funeral homes; Garden centres; Home-based child care; Horticulture; Information and education facilities; Intensive livestock agriculture; Jetties; Kiosks; Landscaping material supplies; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Subdivision; Timber yards; Turf farming; Veterinary hospitals; Water recreation structures; Water storage facilities; Water supply systems; Water recycling facilities; Wharf or boating facilities.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Farm buildings; Environmental protection works; Extensive agriculture; Farm buildings; Home occupations; Home businesses; Home industries; Intensive plant agriculture; Mooring; Roads; Signage.	<ul style="list-style-type: none"> • Tweed DA tracker
Other	
Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.	<ul style="list-style-type: none"> • Discretionary
Note: Not all land use types as listed are permitted in all Rural zones. Refer to the applicable LEP for land use permissibility.	

Rural zones

RU5 Village

Timeframe and type of notification**Advertised and notified**

Agricultural produce industries, Animal boarding or training establishment; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Charter and tourism boating facilities; Crematoria; Educational establishments; Electricity generating works; Forestry; Function centres; Group homes; Helipads; Industries; Industrial retail outlets; Industrial training facilities; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Service stations; Sewage treatment plants; Tank-based aquaculture; Telecommunications facility; Tourist and visitor accommodation; Transport depots; Truck depots; Warehouse or distribution centres; Water recycling facilities; Water supply systems.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Site sign
- Advert in Tweed Link
- Tweed DA tracker

Notified

Boat launching ramps; Boat sheds; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Dual occupancies; Dwellings; Exhibition homes; Exhibition villages; Flood mitigation works; Home-based child care; Horticulture; Information and education facilities; Jetties; Mooring pens; Moorings; Neighbourhood shops; Recreation areas; Residential accommodation; Respite day care centres; Subdivision; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water recreation structures.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Tweed DA tracker

Not notified – refer Table 4

Environmental facilities; Environmental protection works; Home occupations; Home businesses; Roads; Signage.

- Tweed DA tracker

Other

Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.

- Discretionary

Residential zones R1 General R2 Low Density R3 Medium Density R5 Large Lot	Timeframe and type of notification
Advertised and notified	
Boarding houses; Community facilities; Early education and child care facility; Educational establishments; Food and drink premises; Health service facilities; Hostels; Markets; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation area; Recreation facilities (major); Recreation facilities (indoor); Recreation facilities (outdoors); Tank-based aquaculture; Telecommunications facility; Tourist and visitor accommodation.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Bed and breakfast accommodation; Boat launching ramp; Dual occupancies; Group homes; Home industries; Jetties; Kiosks; Multi dwelling housing; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Subdivision; Water recreation structures.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
R5	
Horticulture	
Not notified – refer Table 4	
R1, R2, R3, R5	<ul style="list-style-type: none"> • Tweed DA tracker
Environmental protection works; Home businesses; Home industries; Home occupations; Roads.	
R5	
Extensive agriculture	
Other	
Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.	<ul style="list-style-type: none"> • Discretionary
Dwelling houses – Council will determine whether an application for a dwelling houses is notified or not notified based on a preliminary review of potential for impact using the criteria set out in Section B5, 5.2 of this plan. Single storey and two storey houses are typically not notified unless potential for impact exists. Dwellings which are over two storeys are typically notified.	
Note: Not all land use types as listed are permitted in all Residential zones. Refer to the applicable LEP for land use permissibility.	

Business zones

B1 Neighbourhood centre B2 Local centre B3 Commercial core B4 Mixed use B5 Business development B7 Business park

Timeframe and type of notification

Advertised and notified

B1; B2; B3; B4; B5; B7

Boat building and repair facilities; Educational establishments; Emergency services facility; Entertainment facilities; Health service facilities; Market; Neighbourhood supermarket; Oyster aquaculture; Places of public worship; Recreation area; Recreation facilities (major); Recreation facilities (indoor); Recreation facilities (outdoors); Registered clubs; Restricted premises; Service station; Tank-based aquaculture; Telecommunications facility.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Site sign
- Advert in Tweed Link
- Tweed DA tracker

Notified

B1; B2; B3; B4; B5; B7

Boarding houses; Centre-based child care facilities; Community facilities; Function centres; Group homes; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Neighbourhood shops; Passenger transport facilities; Respite day care centres; Seniors housing; Shop top housing; Tourist and visitor accommodation.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Tweed DA tracker

B5; B7

Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Medical centres; Neighbourhood shops; Specialised retail premises; Take away food and drink premises; Warehouse or distribution centres.

Not notified – refer Table 4

Environmental facilities; Environmental protection works; Home business; Home occupations; Roads; Signage.

- Tweed DA tracker

Other

Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.

- Discretionary

Note: Not all land use types as listed are permitted in all Business zones. Refer to the applicable LEP for land use permissibility.

Industrial zones IN1 General industry IN4 Working waterway	Timeframe and type of notification
Advertised and notified	
Air transport facility; Aquaculture; Heavy industry; Heavy industrial storage establishment; Helipad; Liquid fuel depots; Marinas; Oyster aquaculture; Sewage system; Sex services premises; Waste or resource management facility; Water supply system.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Artisan food and drink industry; Boat building and repair facilities; Centre based child care; Depots; Emergency services facility; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Markets; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Restaurants or cafes; Service station; Specialist retail premises; Take away food and drink premises; Tank-based aquaculture; Timber yards, Vehicle sales or hire premises; Warehouse or distribution centre; Wharf or boating facilities.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Environmental protection works; Roads; Signage.	<ul style="list-style-type: none"> • Tweed DA tracker
Other	
Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.	<ul style="list-style-type: none"> • Discretionary
Note: Not all land use types as listed are permitted in all Industrial zones. Refer to the applicable LEP for land use permissibility.	

Special purpose

SP1 Special activities SP2 Infrastructure

Timeframe and type of notification**Advertised and notified**

Any development or modification which in the opinion of the General Manager or delegated staff is required to be advertised based on nature of development and potential for impact.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owner
- Site sign
- Advert in Tweed Link
- Tweed DA tracker

Notified

The special purpose shown on the land use map.
Any development or modification which in the opinion of the General Manager or delegated staff requires notification based on nature of development and potential for impact.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Tweed DA tracker

Not notified – refer Table 4

Environmental facilities; Environmental protection works; Roads; Signage.

- Tweed DA tracker

Special purpose SP3 Tourist	Timeframe and type of notification
Advertised and notified	
Aquaculture; Biosolids treatment facilities; Camping grounds; Caravan parks; Charter and tourism boating facilities; Electricity generating works; Entertainment facilities; Helipads; Heliports; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Resource recovery facilities; Sewage treatment plants; Waste disposal facilities; Water recycling facilities; Water supply systems.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Boat launching ramps; Boat sheds; Car parks; Eco-tourist facilities; Community facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Jetties; Mooring pens; Moorings; Passenger transport facilities; Research stations; Retail premises; Tourist and visitor accommodation; Water recreation structures.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Environmental protection works; Roads; Signage.	<ul style="list-style-type: none"> • Tweed DA tracker
Other	
Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.	<ul style="list-style-type: none"> • Discretionary

Recreation zones	
RE1 Public recreation	Timeframe and type of notification
Advertised and notified	
RE1; RE2 Agriculture; Aquaculture; Biosolids treatment facilities; Camping grounds; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Entertainment facilities; Forestry; Heliports; Industrial training facilities; Markets; Marinas; Passenger transport facilities; Places of public worship; Recreation facilities (outdoor); Recreation facilities (indoor); Recreation facilities (major); Resource recovery facilities; Sewage treatment plants; Waste disposal facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Boat launching ramps; Boat sheds; Car parks; Community facilities; Emergency services facilities; Flood mitigation works; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Public administration buildings; Recreation areas; Research stations; Respite day care centres; Restaurants or cafes; Roadside stalls; Take away food and drink premises; Water recreation structures.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Environmental protection works; Signage; Roads.	<ul style="list-style-type: none"> • Tweed DA Tracker
Other	
Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact. Note: Not all land use types as listed are permitted in all Recreation zones. Refer to the applicable LEP for land use permissibility.	<ul style="list-style-type: none"> • Discretionary

Recreation zones RE2 Private recreation	Timeframe and type of notification
Advertised and notified	
Aquaculture; Biosolids treatment facilities; Camping grounds; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Entertainment facilities; Function centres; Helipads; Heliports; Marinas; Markets; Places of public worship; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Sewage treatment plants; Tourist and visitor accommodation; Waste or resource management facilities; Water recycling facilities; Water supply systems; Wharf or boating facilities.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owner • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Boat launching ramps; Boat sheds; Car parks; Community facilities; Eco-tourist facilities; Emergency services facilities; Flood mitigation works; Food and drink premises; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Mooring pens; Moorings; Public administration buildings; Recreation areas; Research stations; Water recreation structures;	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Environmental protection works; Roads; Signage.	<ul style="list-style-type: none"> • Tweed DA tracker
Other	
<p>Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.</p> <p>Note: Not all land use types as listed are permitted in all Recreation zones. Refer to the applicable LEP for land use permissibility.</p>	<ul style="list-style-type: none"> • Discretionary

Environmental zones

7(a) Environmental Protection (Wetland and Littoral Rainforests) 7(d) Environmental Protection (Scenic / Escarpment) 7(f) Environmental Protection (Coastal Lands) 7(l) Environmental Protection (Habitat)

Timeframe and type of notification

Advertised and notified

Agriculture; Camping ground; Car parks; Caravan parks; Community building; Emergency service facilities; Environmental facilities; Extractive Industries; Forestry; Mineral sand mines; Public utility undertaking; Recreation areas; Recreational beach activities; Refreshment rooms; Roads; Rural tourist facilities; Rural workers dwellings; Telecommunication infrastructure; Urban stormwater water quality management facilities; Utility installations (other than gas holders or generating works); Works for drainage and landfill.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Site sign
- Advert in Tweed Link
- Tweed DA tracker

Notified

Bed and breakfast; Earthworks; Roadside stalls.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Tweed DA tracker

Not notified

Beach maintenance; Bushfire hazard reduction that is not exempt development; Business identification; Home businesses; Home industries; Noxious weed control; Signage.

- Tweed DA tracker

Other

Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.

Dwelling houses and multi-dwelling housing – Council will determine whether an application for a dwelling houses and multi-dwelling housing where permitted is notified or not notified based on a preliminary review of potential for impact using the criteria set out in Section B5, 5.2 of this plan. Single storey and two storey houses are typically not notified unless potential for impact exists. Dwellings which are over two storeys are typically notified.

Note: Not all land use types as listed are permitted in all Environmental zones. Refer to Tweed LEP 2000 for land use permissibility for 7(a), 7(d), 7(f), and 7(l) zones.

- Discretionary

Waterway zones W1 Natural waterways	Timeframe and type of notification
Advertised and notified	
Aquaculture; Boat launching ramps; Boat sheds; Community facilities; Emergency services facilities; Research stations; Roads; Water recreation structures; Water storage facilities; Wharf or boating facilities.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Site sign • Advert in Tweed Link • Tweed DA tracker
Notified	
Flood mitigation works; Jetties; Mooring pens; Moorings.	<ul style="list-style-type: none"> • 14 days • Letter to adjoining land owners • Letter to affected land owners • Tweed DA tracker
Not notified – refer Table 4	
Environmental facilities; Environmental protection works.	<ul style="list-style-type: none"> • Tweed DA Tracker
Other	
<p>Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.</p> <p>Note: Not all land use types as listed are permitted in all Waterway zones. Refer to the applicable LEP for land use permissibility.</p>	<ul style="list-style-type: none"> • Discretionary

Waterway zones

W2 Recreational waterways W3 Working waterways

Timeframe and type of notification

Advertised and notified

Aquaculture; Biosolid treatment facilities; Charter and tourism boating facilities; Freight transport facilities; Marinas; Markets; Port facilities; Pubs; Recreation facilities (major); Recreation facilities (outdoor); Sewage treatment plants; Waste or resource management facilities; Water recycling facilities; Wharf or boating facilities.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Site sign
- Advert in Tweed Link
- Tweed DA tracker

Notified

Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Community facilities; Emergency services facilities; Flood mitigation works; Jetties; Kiosks; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Restaurants or cafes; Water recreation structures; Water supply systems.

- 14 days
- Letter to adjoining land owners
- Letter to affected land owners
- Tweed DA tracker

Not notified – refer Table 4

Environmental facilities; Environmental protection works; Signage; Roads.

- Tweed DA Tracker

Other

Council reserves the discretion to advertise, notify or not notify any development, whether listed or not listed, based on the nature of development scale and potential for impact.

- Discretionary

Note: Not all land use types as listed are permitted in all Waterway zones. Refer to the applicable LEP for land use permissibility.

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