



# Ku-ring-gai Community Participation Plan

Amendment 1 - Adopted 17 November 2020





### ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Council acknowledges the Guringai people as the Traditional Owners of the land of which the Ku-ring-gai local government area is a part, and pays its respects to their Elders, past and present.



A background photograph of a community gathering. A large, leafy tree dominates the upper half of the image. Below it, a group of people, including adults and children, are gathered outdoors. Some are standing and talking, while others are sitting on a bench. The scene is bright and sunny, with shadows cast on the ground.

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Hamilton Corner, Lindfield



## Introduction

The Ku-ring-gai Community Participation Plan (CPP) has been drafted to meet Council's obligations for community participation as set out in Schedule 1 of the Environmental Planning and Assessment Act. It details how and when Council will engage with its community across the planning functions it performs which apply to all land within the Ku-ring-gai local government area.

## What is the Community Participation Plan?

The Community Participation Plan (CPP) is designed to support the community to participate in planning decisions within Ku-ring-gai Local Government Area (LGA). The CPP aims to outline clearly when and how the Ku-ring-gai community can participate with different types of planning proposals. It also details community participation objectives that align with Council's overall approach to community engagement.

The CPP plays an important role in building community confidence in the planning system and assists to maximise the benefits derived from engaging with the community that include accessing community knowledge and better understanding local character and distinctiveness.



## Community participation in the planning system and why it is important

Urban planning has the capacity to significantly impact the lives of local people and the amenity of our suburbs and centres. It is important that the community is given the opportunity to help

- 1) shape planning decisions to ensure that they are attuned with community values, needs and expectations
- 2) manage growth, embrace any changes needed, while promoting the natural environment and preserving local character.

A transparent and inclusive approach to community participation helps provide citizens with clarity about planning process and functions, empowering them to participate more effectively. This approach also allows Council to strengthen its connections with local residents, businesses and community groups while promoting a sense of shared ownership in important decisions that will shape the community now and into the future.

## Objectives of the Community Participation Plan

The objectives for the CPP align closely with those outlined in Ku-ring-gai Council's Community Strategic Plan: Our Ku-ring-gai 2038. For the purpose of the CPP objectives are as follows:

- To provide transparency and accountability on planning projects and policies by undertaking consultation in an appropriate manner and timeframe
- To deliver planning outcomes that reflect and cater for the long term needs of Ku-ring-gai's changing community
- To enable public participation in the planning process that is appropriate to the type and form of development proposed
- To ensure a consistent, transparent and efficient development assessment process
- To meet statutory obligations regarding notification, exhibition and decisions of Council on relevant planning matters as they might change from time to time
- To provide the community the opportunity to shape the future of Ku-ring-gai







## What does the Community Participation Plan apply to - What are Council's planning functions

The Ku-ring-gai CPP applies to the community participation process undertaken as part of Ku-ring-gai Council's planning functions. These functions exist to ensure planning decisions are made that are appropriate for Ku-ring-gai and its community.

Council has two main planning functions as follows;

### 1) Strategic Planning

Council's Strategic Planning functions involves the development and revisions of plans and strategies which integrates social, environmental and economic factors with the area's special attributes to guide the future direction of land use in their area. These plans include:

- The Community Participation Plan

The NSW Government requires all Councils to prepare a Community Participation Plan (CPP), to set out how and when we will engage with our community on the planning functions Council performs under the EP&A Act.
- Local Strategic Planning Statement

The Local Strategic Planning Statement sets the 20-year vision for land use in Ku-ring-gai, including the special character and values that are to be preserved and how change will be managed into the future.
- Local Environmental Plans

The Local Environmental Plan (LEP) is a legal document that provides rules and standards for uses on private and public land within the Ku-ring-gai local government area. The LEP is made up of a written document (instrument) and a series of accompanying maps.

- Development Control Plans

The Ku-ring-gai Development Control Plan (DCP) provides Council with controls to guide development, which are considered in the assessment of development applications.

- Development Contributions Plan

Contributions plans allow Council to levy funds on development consents issued for properties in Ku-ring-gai. These contributions assist the provision of community facilities or infrastructure to meet the new demand created by development.

To support these plans Council prepares background studies and strategies relating to specific issues. For Example:

- Housing strategies
- Urban design studies and masterplans
- Open space acquisition strategy
- Retail and commercial centres studies
- Employment lands studies
- Cultural needs strategies
- Traffic and transport strategies

### 2) Development consent functions

Council undertakes development consent functions, which includes community participation in the assessment process.

Development applications are formal applications that require consent under Part 4 of the Environmental Planning and Assessment Act 1979. Applications are usually made to council and consist of standard application forms, supporting technical reports and plans.





Lindfield Village Green, Family Fun Day



## Ku-ring-gai Council's approach to Community Participation

Community participation plays an important part in Ku-ring-gai Council's decision making. Council is committed to effective community consultation and engagement, recognising the important connection between elected representatives, staff and the community and potential benefits derived by using these to make better decisions.

Council is committed to robust and transparent engagement practices where all affected community stakeholders have an opportunity to participate.

Two key principles underpin this approach:

### 1. NSW Social Justice Principles

- Equity - There is fairness in decision making and prioritising and allocation of resources.
- Access – All people have fair access to services, resources and opportunities to meet their basic needs and improve their quality of life.
- Participation – Everyone has the maximum opportunity to genuinely participate in decisions that affect their lives.
- Rights – Everyone's rights are recognised and promoted.

### 2. International Association of Public Participation (IAP2) spectrum

The International Association of Public Participation (IAP2) spectrum illustrates that a variety of engagement techniques will reflect the IAP2 spectrum.

<b>INFORM</b>	We will keep you informed.
<b>CONSULT</b>	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.
<b>INVOLVE</b>	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.
<b>COLLABORATE</b>	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.



## Council's Participation Tools

Council uses a range of tools to encourage and facilitate participation in decision-making. These include:

- Council's website
- Council's online community engagement portal (currently delivered by OurSay.org)
- Direct mail
- Mail-drops
- Local newspaper
- Advertising and awareness campaign via social media
- Banner advertising
- E-newsletters
- Direct contact with Community Groups via email and printed correspondence
- Workshops, focus groups and meetings
- Interviews and other face to face discussions

## How the community can participate in Council's planning functions

Council uses a range of engagement and participation tools throughout its planning functions and beyond. However, the process of public exhibition and notification plays a key role in capturing community feedback whereby the community are informed about a proposal and are invited to provide a written submission in response.

Existing planning functions have and continue to use this approach as it is a proven robust and effective process providing a reliable basis for capturing community opinion. It may be supplemented using other participation approaches but will remain the key approach employed by Council when undertaking its planning functions.

How and when Council's public exhibitions are undertaken are outlined in the table on the following page, along with their associated notification processes.



Marion Street, Killara



## 1) Community participation in strategic planning and contribution plan development

The following table outlines council's notifications commitments. Timeframes below are a statutory minimum and may be extended if required.

Strategic Planning Document	Minimum statutory community participation requirement	How this will be achieved
Draft community participation plans (CPP)	28 days	Public exhibition of Draft community participation plans will be undertaken in the following manner: <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul>
Draft local strategic planning statements (LSPS)	28 days	Public exhibition of Draft local strategic planning statements will be undertaken in the following manner: <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul> Council may undertake additional consultation during the exhibition period as deemed appropriate.
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.	Public exhibition of the planning proposal will be undertaken in the following manner: <ul style="list-style-type: none"> <li>notification on the Council's website</li> <li>notification in writing to affected and adjoining landowners, unless the council is of the opinion that the number of landowners makes it impractical to notify them.</li> </ul> The written notice will: <ul style="list-style-type: none"> <li>give a brief description of the objectives or intended outcomes of the planning proposal</li> <li>indicate the land affected by the planning proposal</li> <li>state where and when the planning proposal can be inspected</li> <li>give the name and address of the PPA for the receipt of submissions</li> <li>indicate the last date for submissions</li> <li>confirm whether delegation for making the LEP has been issued to Council.</li> </ul> During the exhibition period, the following material will be made available for inspection: <ul style="list-style-type: none"> <li>the planning proposal in the form approved for community consultation by the Gateway</li> <li>determination</li> <li>the Gateway determination</li> <li>any information or technical information relied upon by the planning proposal (e.g. reports and studies).</li> </ul> Council will undertake additional consultation if this is deemed appropriate or necessary for a particular planning proposal.



Strategic Planning Document	Minimum statutory community participation requirement	How this will be achieved
Public hearings for planning proposals to reclassify community land	21 days	<p>When Council is required to conduct a public hearing in the case of LEPs that propose to reclassify public land from 'community' to 'operational' under the Local Government Act 1993, notification will be undertaken in the following manner:</p> <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul> <p>Notice of the public hearing will not be given before the conclusion of the public exhibition of the planning proposal to ensure each person making a submission is given the requisite 21 day's notice.</p>
Draft development control plans	28 days	<p>Public exhibition of a draft development control plan will be undertaken in the following manner:</p> <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul> <p>During the exhibition period, the following material will be made available for inspection:</p> <ul style="list-style-type: none"> <li>a copy of the draft plan, and</li> <li>a copy of any relevant local environmental plan, and</li> <li>any relevant planning proposal, and</li> <li>any information or technical information relied upon by the draft development control plan (e.g. reports and studies).</li> </ul>
Draft development contribution plans	28 days	<p>Public exhibition of a draft contributions plan, will be undertaken in the following manner:</p> <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul> <p>During the exhibition period, the following material will be made available for inspection:</p> <ul style="list-style-type: none"> <li>a copy of the draft plan, and</li> <li>a copy of any supporting documents.</li> </ul>
Planning Agreements	28 Days	<p>Public exhibition of Planning Agreements will be undertaken in accordance with Council's adopted Planning Agreement Policy</p>
Plans of Management for community under the Local Government Act 1993	<p>Public exhibition - 28 Days</p> <p>Submissions may be made to the council for at least 42 days after the date on which the draft plan is placed on public exhibition</p>	<p>Public exhibition of a draft plan of management, will be undertaken in the following manner:</p> <ul style="list-style-type: none"> <li>notification on the Council's website</li> </ul> <p>During the exhibition period, the following material will be made available for inspection:</p> <ul style="list-style-type: none"> <li>a copy of the draft plan, and</li> <li>any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.</li> </ul>



## 2) Community participation in development consent functions

The following table outlines council's notifications commitments. Timeframes below are a statutory minimum and may be extended if required.

Application type	Minimum statutory community participation requirement	How this will be achieved
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days or: (a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.	Notification will be undertaken in accordance with Appendix 1
Application for development consent for designated development	28 days	Notification will be undertaken in accordance with Appendix 1
Application for modification of development consent that is required to be publicly exhibited by the regulations		Notification will be undertaken in accordance with Appendix 1
Environmental impact statement obtained under Division 5.1 of the EP&A Act	28 Days	<p>Public exhibition of environmental impact statements (EIS) will be undertaken in the following manner:</p> <ul style="list-style-type: none"> <li>• notification on the Council's website</li> </ul> <p>During the exhibition period, the following material will be made available for inspection:</p> <ul style="list-style-type: none"> <li>• a copy of the EIS, and</li> <li>• a copy of any supporting documents.</li> </ul>

Appendix 1 to this CPP outlines a range of notification methods that determine which properties are formally notified of a Development Application under assessment. This is based on a combination of factors but generally relates to the type and form of development being proposed. So small scale development usually requires notification to the properties immediately surrounding the subject site while large scale development would be notified to properties within a larger radius of the subject site.

## 3) Other non-mandatory planning functions

Some functions of Council do not have minimum exhibition timeframes. Exhibitions and notification of these projects, plans and strategies relating to these timeframes will be in line with the community participation objectives outlined in Council's Community Consultation policies which are underlined by social justice principles and the IAP2 Spectrum of Public Participation.



## GLOSSARY

Glossary of terms

CSP - Community Strategic Plan

CPP - Community Participation Plan

CP – Development Contributions Plan

DCP - Development Control Plan

EIS - Environmental Impact Statement

EP&A - Act - Environmental Planning and Assessment Act  
(1979)

IAP2 - International Association of Public Participation

LEP - Local Environmental Plan

LGA - Local Government Area

LSPS – Local Strategic Planning Statement

SEPP - State Environmental Planning Policy







## **Notification Requirements for Development**

Introduction

- 1 Notification and Advertising Requirements
- 2 Notification Requirement By Notification Type
- 3 Criteria to be Considered in Determining Detrimental Effects
- 4 Procedures for Notification By Council
- 5 Written Submissions to Council



## INTRODUCTION

This Part provides controls for advertising and notifying the public and other affected parties about a proposed development. It outlines a range of notification methods and describes which methods, or combination of methods are to be applied to different development types or categories. It also outlines the length of time for the exhibition of development proposals.

This Part also outlines requirements in relation to submissions on development proposals.



# 1 NOTIFICATION AND ADVERTISING REQUIREMENTS

## Controls

- 1 Notification is required for the following:
  - i) Development Applications;
  - ii) Sec 4.55 and Sec 4.56 Modification of consent - generally
  - iii) Sec 8.2 Review of Determination
- 2 A development is considered to require the notification type specified in *Table 1-1* if it meets one or more of the circumstances specified in the relevant line of the centre column of the table.
- 3 For the purposes of this Part, 'advertise' means '*provide written notice of a proposed development, including a notice on Council's website*'.
- 4 Where a development may be considered to fall into two or more Notification Types, notification is to be undertaken in accordance with the higher requirement.

### Examples:

1. From Table 1-1, a new dual occupancy development would be notified as Type D. A development on a heritage site relying on KLEP 2015 Clause 5.10(10) would be Type F. A dual occupancy development on a heritage site relying on KLEP 2015 Clause 5.10(10) would therefore be the higher requirement, namely Type F.
2. From Table 1-1, a new residential flat building is Type F. An amendment to an undetermined DA for a residential flat building, where the environmental impact will be greater than the original proposal is considered a different proposal type, namely Type B.
- 5 Once the development category is determined, notification must be undertaken in accordance with the Notification Type (A - F) listed for that development category in *Table 1-1*.
- 6 In the event that the development for which consent is applied does not appear in the table below, the notification and advertising requirements for the development application will be determined by Council's development assessment team leader in accordance with other requirements of this Part.

**Note:** Clause 5.10(8) of the KLEP 2015 sets out requirements for the notification of local Aboriginal communities in regard to applications which relate to Aboriginal places of heritage significance.



## 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

### Controls

Development Category	Circumstances	Notification Type
<b>AMENDMENTS, MODIFICATIONS AND REVIEWS</b>		
Amendments to undetermined DAs for all development types	Where the environmental impact will be the same or less than the original proposal	A
	Where the environmental impact will be greater than the original proposal	B
Modifications to Development Consent for all development types	S4.55(1) and S4.55(1A)	A
	S4.55(2) and S4.56 that is designated development, State significant or any other advertised development where Council is not the consent authority – see clause 118 of the EP&A Regulation	cl. 118 EP&A Regs
	All other S4.55 (2) and S4.56 modifications	B
Review of Determinations (S8.2) (S4.57, 8.23)	Are to be notified as per the notification requirements for the type of development proposed in the original DA or modification	As per original DA or modification sought to be received
<b>LOW DENSITY RESIDENTIAL DEVELOPMENT</b>		
Alterations and Additions to Dwelling Houses	All	C
Dual Occupancy	New	D
	Alterations and additions	C
New Dwelling Houses	All	D
Secondary Dwellings	New, addition of one or more rooms	D
	Other works	C
Other	All (see also residential ancillary)	C
<b>RESIDENTIAL ANCILLARY</b>		
Carports / Garages	All	C
Fencing	All	A
Landscape Works	All	A
Outbuildings	All	C
Swimming Pools	All	C
Tennis Courts	All	C
Other	All	C

Table 1-1 Notification by development type

# 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

## Controls

Development Category	Circumstances	Notification Type
<b>MEDIUM AND HIGH DENSITY RESIDENTIAL DEVELOPMENT</b>		
Boarding Houses	New building / use; additional habitable rooms; increased height; outdoor recreation facilities	E
	Other works	C
Group homes, Hostels	Internal works that do not change number of bedrooms or dwellings	A
	In residential zones (except internal works as above)	F
	In non-residential zones (except internal works as above)	D
Multi-dwelling Housing	Internal works that do not change number of bedrooms or dwellings	A
	Other works	F
Residential Flat Buildings	Internal works that do not change number of bedrooms or dwellings	A
	Other works	F
Shop Top Housing	Internal works that do not change number of bedrooms or dwellings	A
	Other works	E
Seniors Housing	Internal works that do not change number of bedrooms or dwellings	A
	In residential zones (except internal works as above)	F
	In non-residential zones (except internal works as above)	E
Other	Internal works that do not change number of bedrooms or dwellings	A
	In residential zones (except internal works as above)	F
	In non-residential zones (except internal works as above)	E
<b>SUBDIVISION</b>		
Community Title	All	A
Company Title	All	A
Strata Title	All	A
Torrens Title	All	D

Table 1-1 Notification by development type



## 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

### Controls

Development Category	Circumstances	Notification Type
Subdivision proposal lodged in conjunction with a proposal for a building	All	As for the building
<b>HERITAGE</b>		
Heritage Item	Demolition - Where the DA applies to the Heritage Item	F
	Demolition - Where the DA applies to ancillary development	E
	Alterations and additions	E
Heritage Conservation Areas	Demolition - Where the DA applies to the main building on the site	F
	Demolition - Where the DA applies to ancillary development	E
	Any addition or alteration: •to the front façade; •that is visible from the street or public domain; or •that is 25% or more of the gross floor area of the main building.	E
	Alterations and additions	D
<b>COMMERCIAL DEVELOPMENT</b>		
Bulky goods premises (retail premises)	New building/use	F
	Alterations and additions	D
Business premises (not listed elsewhere in this table)	New building	F
	Additions and alterations	D
Caravan Parks	All	D
Change of Use (not listed elsewhere in this table)	In business zones	A
	In any other zone	D
Commercial premises in residential flat buildings permitted under Schedule 1 of the LEP	New building	F
	Alterations and additions	D
Extension of Trading Hours	In residential zones	D
	In non-residential zones	A
	Extension of trading hours between 10pm and 7am.	E
Firearms outlets	All	F
Hotel or motel accommodation	New buildings; additional habitable rooms; outdoor recreation facilities	F
	Other works	D

Table 1-1 Notification by development type

# 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

## Controls

Development Category	Circumstances	Notification Type
Internal works (all commercial development types)	All	A
Markets	All	A
Pubs	New building/ use; additional habitable rooms; outdoor recreation facilities	F
	Other	D
Office premises	New building	F
	Other	D
Restaurants	New building; Alterations and additions	D
	Change of use in non-residential zones	A
	Change of use in residential zone	E
Registered Clubs	New building	F
	Internal or minor external changes	A
	Other works	D
Retail premises (not listed elsewhere in this section)	New building	F
Service Stations	Minor external and internal works where no change to storage, pumping, bunding, drainage and the like of liquids or dangerous materials is required	A
	All other works	D
Sex Services Premises	New business; external alterations / additions; increase in room and / or employee numbers by more than two	D
	Other	A
Other – Alterations and Additions	All	D
<b>COMMUNITY FACILITIES</b>		
Amusement Centres	New building/use	E
	External alterations and additions	D
Child Care Centres	In residential zones	F
	In non-residential zones	D
Educational Establishments	In residential zones	F
	In non-residential zones	D
Entertainment Facilities	New building/use; Outdoor recreation facilities	F
	External alterations and additions	D
Function Centre	New building/use	F
	External alterations and additions	D
Hospitals	In residential zones	F
	In non-residential zones	E

Table 1-1 Notification by development type



## 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

### Controls

Development Category	Circumstances	Notification Type
Information and Education Facilities	New building/use	E
	External alterations and additions	D
Internal works for all community development types (including those otherwise listed in this table)		A
Medical Centre	New building/use	E
	External alterations and additions	D
Places of Public Worship	New building/use	F
	External alterations and additions	D
Public Administration Building	New building/use	F
	External alterations and additions	D
Recreation Facility (Indoor)	New building/use	F
	External alterations and additions	D
Respite Day Care Centres	In residential zones	F
	In non-residential zones	D
Special Events	All	A
Temporary structures	All	A
Other	All	D
<b>MIXED USE</b>		
Building comprising 2 or more different land uses Note: Where proposed works only affect one use, the table relevant to that use applies.	New buildings; additional habitable rooms; outdoor recreation facilities; increased height	F
	External alterations and additions	D
	Internal works	A
<b>MISCELLANEOUS</b>		
Agriculture	All	A
Demolition	All	D <sup>1</sup>
Drainage	All	A
Formal Biodiversity Offsets (other than Bio-banking under Part 7 of the NSW Threatened Species Conservation Act 1995)	All	F
Heritage Items or Aboriginal Places of Heritage Significance	Any application relying on KLEP 2015 Clause 5.10(10)	F

Table 1-1 Notification by development type

# 1 NOTIFICATION AND ADVERTISING REQUIREMENTS (continued)

## Controls

Development Category	Circumstances	Notification Type
Signage	Commercial	A
	Residential	C
	Other	A
Tree works/ removal/ pruning	In Heritage Conservation Areas; On land which contains a Heritage Item	C
	Where the tree is deemed to be significant by Council's tree management Officer <sup>2</sup>	C
Telecommunications Facilities	All	D
Utility Installations	All	A
Other	All	D
1. Note: As described in the following section (Part 5.2), additional notification provisions apply to this type of development where proposed for an item within an area identified by Council as a draft Heritage Conservation Area or where the item is identified as a draft Heritage Item by Council.		
2. Note: This may be due to the tree's size, type or prominence.		

Table 1-1 Notification by development type



## 2 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE

### Controls

#### **Notification Type A requirements**

- 1 No notification is necessary except where, in the opinion of Council's development assessment team leader, the owners and occupiers of adjoining and neighbouring land would be detrimentally affected in any manner described in *3 of this Part* if the development proposal was carried out.
- 2 In the event that Council's development assessment team leader determines that owners and occupiers of adjoining and/or neighbouring land would be detrimentally affected by the proposed development, notification letters are to be sent in accordance with *5 of this Part* to all such persons.

#### **Notification Type B requirements**

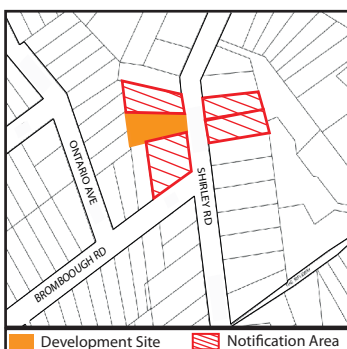
- 3 Notification letters must be sent in accordance with *5 of this Part* to:
  - i) all persons who were notified about the original application or any subsequent applications for amendment or modification; and
  - ii) all persons who made submissions with respect to the original application and any subsequent applications for amendment or modification.
- 4 Where, in accordance with the above controls, Council's development assessment team leader determines that re-notification and re-advertising is not to occur, the assessment report on the application is to include a statement giving the reasons why re-notification was not considered necessary.
- 5 The development application is to be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 6 The development application is to be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *4 of this Part*.

#### **Notification Type C requirements**

- 7 Notification letters must be sent in accordance with *4 of this Part* to:
  - i) all owners and occupiers of the adjoining land on either side of the subject property; and
  - ii) all owners and occupiers of the land adjoining the rear or front of the property, whichever side the works are proposed to be undertaken.

**Note:** Exceptions to Type C requirements may apply where, in the opinion of Council's development assessment team leader, the owners and occupiers (where known) of land other than that specified above would be detrimentally affected in any manner described in *4 of this Part*, if the proposal was carried out, in which case additional persons are to be notified as specified by Council's development assessment team leader.

- 8 If land to which notification letters are to be sent is occupied by a



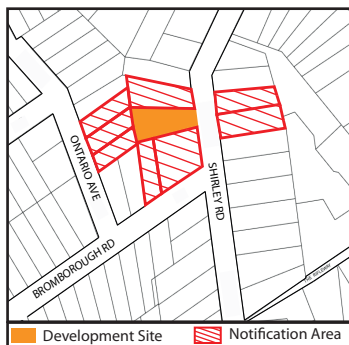
**Figure 2-1:**  
**Example: Notification Type C -**  
**minimum notification**  
**requirements for works at**  
**front**

## 2 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

### Controls



**Figure 2-2:**  
**Example: Notification Type C -**  
**minimum notification**  
**requirements for works at**  
**rear**



**Figure 2-3:**  
**Example: Notification Type D -**  
**minimum notification**  
**requirements for all works**

strata title building or a community land development, the notification letters sent in accordance with *4 of this Part* must also be forwarded to the proprietors of the strata plan or community plan.

- 9 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared. Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter will only be sent to one of the joint owners.
- 10 The development application is to be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 11 The development application is to be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *4 of this Part*.

### **Notification Type D requirements**

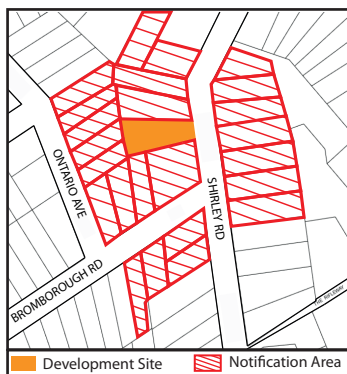
- 12 Notification must be sent in accordance with *4 of this Part* to the owners and occupiers of all adjoining land except where, in the opinion of Council's development assessment team leader, the owners and occupiers of land (other than those specified) would be detrimentally affected. In such a case additional persons are to be notified as specified by Council's development assessment team leader.
- 13 Where land to which notification letters are to be sent is occupied by a strata title building or a community land development, the notification letters required in accordance with *4 of this Part* must also be sent to the proprietors of the strata plan or community plan.
- 14 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 15 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter need only be sent to one of the joint owners.
- 16 The development application is to be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 17 The development application is to be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *4 of this Part*.
- 18 If the development application is for a new dual occupancy development, a notification sign must be placed at the street frontage to the property in accordance with *4 of this Part*.



## 2 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

### Controls

- 19 If the development application is for demolition of an item within an area identified by Council as a draft Heritage Conservation Area or where the item is identified as a draft Heritage Item:
  - i) a notification sign must be placed at the street frontage to the property in accordance with *4 of this Part*; and
  - ii) the notification of the development application on Council's website must indicate that the item is a draft Heritage Item or in a draft Heritage Conservation Area as appropriate.



**Figure 2-4:**  
**Example: Notification Type E -**  
**minimum notification**  
**requirements for all works**

### Notification Type E requirements

- 20 Notification letters must be sent in accordance with *4 of this Part* to the owners and occupiers of:
  - i) three (3) adjoining and neighbouring properties to each side of the subject property; and
  - ii) seven (7) adjoining and neighbouring properties to the front and rear of the subject property.

Note: Exceptions will apply where, in the opinion of Council's development assessment team leader, the owners and occupiers of land (other than that specified below) would be detrimentally affected in any manner described in *4 of this Part*. In such a case additional persons are to be notified as specified by Council's development assessment team leader.

- 21 A notification sign is to be placed at the street frontage to the property in accordance with *4 of this Part*.
- 22 If land to which notification letters are to be sent is occupied by a strata title building or a community title development, the notification letters required in accordance with *4 of this Part* are also to be sent to the proprietors of the strata title or community title properties.
- 23 Details regarding the owners and occupiers of adjoining and neighbouring land will be taken from Council's records at the time the notification letters are being prepared, or from other sources as may be made available to Council prior to the notification letters being prepared.
- 24 Where Council's records show that land to which notification letters are to be sent is jointly owned, the notification letter will only be sent to one of the joint owners.
- 25 The development application is to be available for public inspection for a period of fourteen (14) calendar days from the date of the notification letter.
- 26 The development application is to be listed on Council's website and in information supplied on a weekly basis to Councillors as specified in *4 of this Part*.
- 27 Notification on Council's website must indicate if the development application applies to a Heritage Item, a draft Heritage Item or is in a Heritage Conservation Area or a draft Heritage Conservation Area as applicable.

## 2 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

### Controls

#### **Notification Type F requirements**



**Figure 2-5:**  
**Example: Notification Type F -**  
**minimum notification**  
**requirements for all works**

- 28 As soon as practicable after the development application has been submitted, Council must place the application, and any accompanying information, on public exhibition for a period of not less than 30 days commencing the day after which notice of the application is first published.
- 29 Council must also give written notice of the application in accordance with the following:
  - i) to such persons as appear, based on Council records, to own or occupy the property;
  - ii) the three (3) adjoining and neighbouring properties to each side of the subject property;
  - iii) the seven (7) adjoining and neighbouring properties to the front and rear of the subject property;
  - iv) if practicable, to such other persons as determined by Council's development assessment team leader to own or occupy land the use or enjoyment of which, in its opinion, could be detrimentally affected in any manner described in *4 of this Part* if the proposal was carried out; and
  - v) to such other persons as are required to be notified by the regulations.
- 30 Notice of the application is to be exhibited in accordance with the regulations on the land to which the application relates.
- 31 Notice of the application is to be published in accordance with the regulations on Council's website.
- 32 In the case of land to which notification letters are to be sent being occupied by a strata title building or a community title development, the notification letters required must be in accordance with *5 of this Part* and must also be sent to the proprietors of the strata plan or community plan.
- 33 If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to satisfy the notification requirements of this DCP.
- 34 A notification sign is to be placed at the street frontage to the property in accordance with *4 of this Part*.
- 35 During the submission period, any person may inspect the development application and any accompanying information and make extracts or copies of them (the cost of copying will be charged in accordance with Council's Fees and Charges).
- 36 During the submission period, any person may make written submissions to the consent authority with respect to the development application. A submission by way of objection must set out the grounds of the objection.

## 2 NOTIFICATION REQUIREMENT BY NOTIFICATION TYPE (continued)

### Controls

- 37 Circumstances in which public exhibition may be dispensed with are as follows:
- i) a development application for designated development is amended, substituted, or withdrawn and later replaced before it has been determined by the consent authority;
  - ii) the consent authority has complied with the requirements above for Type F in relation to the original application;
  - iii) the consent authority is of the opinion that the amended, substituted or later application differs only in minor respects from the original application; and/or
  - iv) consent authority decides to dispense with further compliance with the notification provisions in relation to the amended, substituted or later application (in that event, compliance with this Part in relation to the original application is taken to be compliance in relation to the amended, substituted or later application).
- 38 The development application is to be listed on Council's website and information supplied on a weekly basis to Councillors as specified in *4 of this Part*.
- 39 Notification on Council's website must indicate if the development application applies to a Heritage Item, a draft Heritage Item or is in a Heritage Conservation Area or a draft Heritage Conservation Area as applicable.



### 3 CRITERIA TO BE CONSIDERED IN DETERMINING DETRIMENTAL EFFECTS

#### Controls

- 1 In forming an opinion as to whether notification requirements should be increased or decreased from those specified in this CPP, Council's development assessment team leader is to consider whether the enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development.
- 2 In considering whether enjoyment of adjoining or neighbouring land could be likely to be detrimentally affected by the proposed development, the development assessment team leader is to take into account the following matters:
  - i) views from surrounding properties;
  - ii) overshadowing;
  - iii) loss of privacy;
  - iv) noise impact;
  - v) the design and appearance of the proposal in relation to the streetscape;
  - vi) the use of the development;
  - vii) the scale, height, external appearance and bulk of the proposed building;
  - viii) the siting of any proposed building in relation to the site boundaries;
  - ix) hours of use;
  - x) light spillage or reflection;
  - xi) the structural integrity of common or party walls where demolition of walls, floors and ceilings is proposed;
  - xii) traffic and parking generation;
  - xiii) adverse impacts of stormwater drainage;
  - xiv) tree removal impacts; and
  - xv) excavation requirements.
- 3 The opinion formed by Council's development assessment team leader regarding the likely detrimental impact upon the enjoyment of adjoining and neighbouring land is not an assessment of the merits of the development application.

## 4 PROCEDURES FOR NOTIFICATION BY COUNCIL

### Controls

#### *Website information*

- 1 Where the development application is to be advertised on Council's website, the following information must be included:
  - i) the development application number;
  - ii) the address of the proposed development (including lot, deposited plan and street numbers);
  - iii) a brief description of the proposed development;
  - iv) identification of any Heritage Item or draft Heritage Item on the land; and
  - v) whether the land is in a Heritage Conservation Area or a draft Heritage Conservation Area.

#### *Notification to Councillors*

- 2 Councillors will receive a weekly list of all new development applications within their ward area. The list will include:
  - i) the development application number;
  - ii) the address of the proposed development (lot, deposited plan and street numbers);
  - iii) the date on which the development application was accepted by Council;
  - iv) the name of Council's development assessment team leader responsible for assessing the development application;
  - v) a brief description of the proposed development; and
  - vi) plans of the proposal.

#### *Content of notification letters*

- 3 Where notification letters are to be sent, the letters are to contain the following information:
  - i) the development application number;
  - ii) the address of the proposed development;
  - iii) the name of the applicant;
  - iv) the name of the Council officer responsible for assessing the development application;
  - v) a brief description of the proposed development;
  - vi) an invitation to view the development proposal;
  - vii) when and where the development application may be viewed;
  - viii) that persons to whom the letter is addressed have the right to make a written submission regarding the development proposal and that written submissions will be considered by Council during the assessment period;
  - ix) the date by which submissions must be provided to Council; and

## 4 PROCEDURES FOR NOTIFICATION BY COUNCIL (continued)

### Controls

- x) advice that submissions made to Council may not be kept confidential as they, or their contents, may be included in reports to Council and may be available for the applicant to consider in accordance with the *Government Information (Public Access) Act 2009*;

### **Public exhibition period**

- 4 Submissions must be received by Council by the end of the public exhibition period.
- 5 For the purposes of this Part, the public exhibition period is the time during which the development application is to be available for public inspection.
- 6 The public exhibition period for new development applications and new applications for modification or review, is extended for the December/January period as outlined in Table 4-1.

Public exhibition period required in this Part	Date of lodgment of development proposal	Public exhibition period extended to the first working day after
14 days	Between 10 December and 30 January inclusive	13 February
30 days	Between 10 December and 14 January inclusive	13 February
Table 4-1 Extended notification period for new development applications, new modification or reviews as applicable.		

- 7 The public exhibition period for amendments to undetermined development applications, modifications and reviews for applications that require re-notification (Type B) is extended for the December period as outlined in Table 4-2.

Public exhibition period required for Type B in this Part	Date of lodgment of amendments to development proposal	Public exhibition period extended to
14 days	Between 10 December and 31 December inclusive	21 calendar days
Table 4-2 Extended notification period for amendments to development applications, modification or reviews as applicable.		



## 4 PROCEDURES FOR NOTIFICATION BY COUNCIL (continued)

### Controls

#### ***Notification signs at the property***

- 8 Where, in accordance with this CPP, a notification sign is required, it must be headed "Development Proposal" and must contain the following details:
- i) the development application number;
  - ii) the address of the proposed development;
  - iii) a brief description of the proposed development; and
  - iv) the date by which written submissions must be provided to Council.

## 5 WRITTEN SUBMISSIONS TO COUNCIL

### Controls

#### *Form of written submissions*

- 1 A person may make one or more written submissions regarding any development proposal, to which this CPP applies, within the period during which the application is available for public inspection.
- 2 A written submission may take the form of a letter, report, facsimile transmission, petition, e-mail or other like form.
- 3 A written submission must state the reasons for objection to, or support for, a development application.
- 4 The name and address of the person making the written submission must be clearly marked on the submission.
- 5 If the written submission is a petition, the petition must clearly state the name of the head petitioner and his/her contact details.
- 6 The development application number is to be clearly marked on the submission.
- 7 The written submission must be clear and legible.

**Note:** A daytime telephone contact number is required in the event that Council needs to clarify issues with the person making the submission.

**Note:** Section 10.4 of the *Environmental Planning and Assessment Act 1979* requires the disclosure of any political donations or gifts in relation to public submissions. A form is available at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) for attachment to a submission where relevant.

#### *Anonymous submissions*

- 8 Council will not consider any anonymous submissions in the assessment of development applications.

#### *Disclosure of submissions*

- 9 The applicant for the development and members of the public may access submissions upon request to Council in accordance with the *Government Information (Public Access) Act 2009*.
- 10 If the development application is reported to a public meeting, the submission may be reproduced and/or summarised in the assessment report.

#### *Acceptance and consideration of submissions*

- 11 All written submissions submitted on or prior to the date specified by Council on the website advertisement and/or notification letter are to be considered by Council's development assessment team leader in the assessment of the development proposal.

## 5 WRITTEN SUBMISSIONS TO COUNCIL (continued)

### Controls

- 12 In the event that a person or group of persons requests an extension of time for the submission of written comments, the period allowed for submissions may be extended only if, in the opinion of Council's development assessment team leader, a longer period is warranted in the circumstances.
- 13 Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged with the Council after the expiration of the period of public inspection and prior to the completion of Council's assessment report.
- 14 In the assessment of a development proposal, Council will not consider written submissions lodged after Council's assessment report has been completed.
- 15 The reasons for support of, or objection to, the development application specified in the written submissions are to be summarised in Council's assessment report.
- 16 The names and addresses of the persons who made written submissions with respect to the development application are to be indicated in Council's assessment report in accordance with the *Privacy and Personal Information Protection Act 1998*.

### ***Acknowledgement of submissions***

- 17 Receipt of written submissions received by Council will be acknowledged in writing.
- 18 In the event that the development application is to be determined at a public meeting, the responsible officer will contact the person who made the submission by telephone, facsimile or e-mail, provided such contact details have been given to the Council, to advise the person of the committee or public meeting date.

### ***Advice to applicant of written submissions***

- 19 The applicant of a development application to which this CPP applies will, upon written request to Council, be advised of the terms of any written submission and from where it has emanated.
- 20 The applicant is to be entitled to read and, at the applicant's expense, copy any written submissions received, in accordance with the provisions of the *Privacy and Personal Information Protection Act 1998*.





**stay  
connected**



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## Contact Us

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