

The background of the top half of the cover is a photograph showing a person's hands working on a wooden table. The table is covered with various items: several sheets of paper, some with diagrams and photos, many colorful sticky notes (yellow, pink, green), and a color calibration chart. The person's hands are positioned as if they are organizing or pointing at the materials. In the background, there are some office supplies like a white mug and a red box.

# **WOOLLAHRA COMMUNITY PARTICIPATION PLAN**

**Adopted 25 November 2019**

## **Acknowledgement of Country**

Woollahra Council acknowledges the Gadigal and Birrabirragal people who are the traditional custodians of this land and pay respects to Elders past, present and emerging.



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# 1. Introduction

Decisions about planning and development matters affect the lives of residents, businesses, and people who visit and work in our area.

Community participation is vital to support transparent and appropriate planning and development outcomes that are informed by an engaged community.

## Woollahra Council is guided by:

*Woollahra 2030*

Our organisational values and commitment to engagement

Principles of social justice

The IAP2 principles for community engagement

*The Environmental Planning and Assessment Act 1979* (the EP&A Act).

## Community participation is a priority for Council

*Woollahra 2030* is our community strategic plan that sets out community values, goals and strategies. These guide all of Council's business operations, plans, and activities. It has two goals related to community participation:

### Goal 10: Working together

Woollahra will be a place where residents are well informed and able to contribute to their community. Council will listen and respond to requests and concerns through open communication and engagement.

### Goal 11: A Well Managed Council

Woollahra Council will be open and accountable to all stakeholders, encourage participation in decision making and make decisions that are in the public interest. Through effective long-term planning, we will develop and implement strategies and ensure ongoing resources to fulfil long-term community goals.



Community Services pop up stall

### What is community engagement?

Community engagement can be defined as a two-way process by which:

- the aspirations, concerns, needs and values of citizens and communities are incorporated at all levels and in all sectors in policy development, planning, decision-making, service delivery and assessment
- governments and other business and civil society organisations involve citizens, clients, communities and other stakeholders in these processes<sup>1</sup>.

### Why community engagement is important

Community engagement plays an important role in helping to make our area a great place for residents and the people who work in and visit the area.

Council actively seeks out and listens to the views, concerns and aspirations of our community, to help us make decisions that are informed, representative and in the best interest of the whole community.

1. United Nations Brisbane Declaration on Community Engagement (International Conference on Engaging Communities, 2005)

### Why does Council engage with the community?

Council engages with the community for a range of reasons, including to:

- identify and understand the values, needs, priorities and aspirations of our community
- ensure that Council best meets the changing needs of our community
- hear from a range of voices so that everyone has the opportunity to express their views
- enhance community ownership and acceptance of planning decisions and outcomes
- facilitate ongoing two-way communication between Council and the community
- ensure community feedback informs Council's decision making.

### Our community wants to be involved

Our community has told us that engaging with Council is important to them. In the *Community Satisfaction Survey 2018* our community said:

- 80% are somewhat satisfied with Council's level of consultation
- opportunities for community involvement in decision making are a top indicator for overall satisfaction
- letters and emails are preferred for communication, followed by social media and newspapers.

Our community also told us that long-term planning and vision are areas of high importance and they would like more engagement in this area.

Woollahra Library at Double Bay



## 2. About this plan

### What is a community participation plan?

A community participation plan sets out how and when Council will engage with our community on planning matters.

It provides guidance to our community on how and when they can have a say on different types of planning matters or make a submission on a development application.

Examples of planning functions under the EP&A Act that this plan applies to include:

- assessment of development applications
- proposals to rezone land under the *Woollahra Local Environmental Plan 2014*
- amendments to the *Woollahra Local Strategic Planning Statement*
- amendments to the *Woollahra Development Control Plan 2015*
- a development contributions plan
- a local housing strategy.

This plan also explains how community feedback will inform decisions about development applications and strategic planning functions.

### Where does this plan apply?

This *Woollahra Community Participation Plan* is prepared under division 2.6 of *Environmental Planning and Assessment Act 1979* (the EP&A Act).

It applies to the Woollahra local government area and only to the exercise of Council's planning functions under the EP&A Act.

### Public exhibition of this plan

This community participation plan was publicly exhibited from 2 October to 1 November 2019 in accordance with Schedule 1 of the EP&A Act.

### This plan only applies to Council's planning functions under the EP&A Act

#### This Plan does not apply to:

- the community strategic plan or documents in Council's IP&R framework
- delivery of Council services, functions, or infrastructure
- planning matters under the EP&A Act which are not within the jurisdiction of Council
- general communications between Council and the community
- routine administrative and operational duties.

# 3. Our approach to community engagement

Council’s approach to community engagement is guided by our values, the principles of social justice, the IAP2 spectrum, and the community participation principles of the EP&A Act.

Woollahra Council proactively engages the community using appropriate, effective and inclusive methods to facilitate public participation in decision making that affects residents and the people who work in and visit Woollahra<sup>2</sup>.

Council decisions affect the lives of residents and the people who visit and work in the area.

We value our community as a source of local expertise and actively seek feedback and input to help shape Council decisions.

**Council’s values are:**

- respect for people
- integrity and excellent performance
- professional, quality services
- open, accountable communication.

**Principles of social justice**

Social justice is the political and philosophical concept that all people should have equal access to wealth, health, well-being, justice, and opportunity.

In the context of community engagement, in the exercise of Council’s planning functions, social justice is based on the following four principles as taken from the *Integrated Planning and Reporting Manual for local government in NSW*, consistent with the *NSW Government’s social justice strategy*.

These social justice principles underpin the community engagement principles set out in section 4 of this plan.

**Social Justice in an Engagement Context**

Principle	Meaning
Equity	Inclusive and representative views from the community
Access	Appropriate methods for engagement selected
Participation	The community has a clear understanding of how they can get involved
Rights	People have a right for their views and voices to be heard

2. Woollahra Community Engagement Policy 2019

## IAP2 Spectrum

The International Association for Public Participation (IAP2) is an international peak body that seeks to promote and improve the practice of public participation or community and stakeholder engagement.

The IAP2 Public Participation Spectrum is a best practice tool that helps identify appropriate levels of engagement. It also sets out the promise being made to the public at each participation level. The spectrum is widely used in local government community engagement strategies across Australia.

Not all Council decisions require the same level of community engagement. The spectrum guides our selection of the most appropriate level of engagement for a particular project depending on the goals, time frames, resources and levels of concern in the decision to be made.

Not all spectrum levels are achieved on every engagement project. The spectrum is non-linear, and Council selects the most appropriate technique/s are used on a case-by-case basis, based on objectives, timing and resources.



Community workshop about Woollahra Libraries



Dillon Street Reserve community engagement

**Council's approach to engagement and examples of engagement techniques  
based on the IAP2 public participation spectrum**

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>	<b>Empower</b>
Goal	To provide the community with balanced and objective information to help them understand the planning matter.	To obtain community feedback on a planning matter or development application.	To work directly with the public through a strategic planning process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the community in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the community.
Promise to the community	We will keep you informed.	We will keep you informed, listen to and acknowledge your views, concerns and aspirations, and provide feedback on how community input influenced the decision.	We will work with you to ensure that your views, concerns and aspirations are directly reflected in strategic planning matters and provide feedback on how community input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	Note: this level of engagement is difficult to achieve under the current planning system decision making framework. It is more applicable in other Council service areas.
Examples of engagement techniques	Media releases, letters, emails, Council's website, social media announcements, videos, e-newsletters, public notices and advertisements, information sessions	Public exhibition, online forums and surveys, open days, drop-in sessions, walking tours, surveys, mapping, online polls.	Public meetings and hearings, feedback sessions, workshops, interactive online activities, prioritisation/ trade-off exercises, mapping.	Public meetings, workshops and interactive sessions, community reference groups.	N/A

# 4. Our community participation principles and objectives

## Community participation principles

Community participation is an important object of the EP&A Act:

- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Act sets out the following principles for community engagement for planning functions. This plan adopts these principles. Below we have identified the consistency of the principles in the Act with the principles of Social Justice in part 3 of this plan:

- a) The community has a right to be informed about planning matters that affect it.

<b>Rights</b>	People have a right for their views and voices to be heard
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- b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

<b>Equity</b>	Inclusive and representative views from the community
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- c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.

<b>Participation</b>	The community has a clear understanding of how they can get involved
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- d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

<b>Rights</b>	People have a right for their views and voices to be heard
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- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.

<b>Equity</b>	Inclusive and representative views from the community
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<b>Access</b>	Appropriate methods for engagement selected
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- f) Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.

<b>Rights</b>	People have a right for their views and voices to be heard
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- g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

<b>Participation</b>	The community has a clear understanding of how they can get involved
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- h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

<b>Access</b>	Appropriate methods for engagement selected
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Consistent with these principles the EP&A Act requires that matters raised in submissions must be considered before a decision is made about a development application or planning matter. For development applications this is part of the matters for consideration for assessment under Section 4.15 of the EP&A Act.

### Community participation objectives

Council's community engagement aims to be open, inclusive, timely and meaningful. Our objectives for community engagement are to:

- ensure Council decisions reflect the whole community by incorporating the community's views, concerns and aspirations into the decision-making process
- increase community confidence and trust in Council by building or improving relationships with the community through on-going, open and meaningful two-way conversations
- encourage the community to actively participate in civic life and to take responsibility for identifying and providing solutions to their concerns
- strengthen community capacity to increase knowledge and awareness and/or change behaviours.

Council's scalable community engagement approach aims to ensure people:

- are well informed about issues, strategies or plans that may affect them directly or indirectly
- understand how and when Council will consult them, and when Council will make decisions on their behalf (without consultation)
- are engaged in an effective, appropriate and relevant manner by Councillors, Council employees or agents of Council
- are offered genuine opportunities to participate in Council's decision-making process
- understand how their contributions affect the decision-making process and are informed of outcomes of the engagement process
- are connected, active, informed and engaged.

Volunteers at Woollahra Library, Double Bay



## 5. How will we engage on different types of planning matters?

To achieve effective and meaningful community engagement, Council will select suitable methods and timeframes appropriate to the type and scale of the planning function.

The table below outlines the opportunities and some methods **we may use** to engage with the community.

It is important to note that the planning process is only one part of an overall project lifecycle in which our community can participate. Outside of this process, in some circumstances we also undertake post-determination, compliance and enforcement activities to ensure that planning laws and decisions are implemented correctly.

### Potential participation methods based on planning function type

	Development assessment	Planning proposals (such as applications to rezone land)	Strategic planning
<b>Participation opportunity</b>	Notification and public exhibition inviting written submissions.	Notification and public exhibition inviting written submissions.	Opportunities for community input to shape the preparation of strategies or written submissions in response to exhibition of Council led projects.
<b>When?</b>	Public exhibition, panel meetings, and post determination notification.	Public exhibitions, public hearings, panel and committee meetings, determination notification.	Public exhibitions, engagement activities in the early stages of strategic planning processes, committee meetings, determination notification.
<b>How?</b>	Notification letters, advertising in the local newspaper, notice on Council's website, site signs, Council's DA Tracking website.	Notification letters, emails, advertising in the local newspaper, notice on the Council's website, notice on other websites, online surveys, open days, drop-in sessions, walking tours, social media, e-newsletters, public notices and advertisements, public hearings, workshops and interactive sessions.	Notification letters, emails, advertising in the local newspaper, notice on the Council's website, notice on other websites, online surveys, open days, drop-in sessions, walking tours, social media, e-newsletters, public notices and advertisements, public hearings, workshops and interactive sessions.

**Note:** In the case of advertising in the local newspaper, refer to additional points in clauses 6.3 and 6.14 of this plan.



# “Your say Woollahra”

Your Say Woollahra is Council's online engagement platform where we publicly exhibit draft planning strategies, planning proposals, and other Council projects.

After completing a one-time registration process, residents and other people in the community can give feedback on any open consultation published on the site. To keep our community up-to-date on consultations Council sends a bi-monthly e-newsletter to all registered participants.

Engagement activities on Your Say Woollahra may include taking a survey, joining a discussion forum, registering for a workshop or making a submission. Some engagement activities, particularly those that involve Woollahra's young people, may not require registration. The site is moderated to ensure inappropriate content is removed.

Council records all feedback, which is reviewed and reported to the project decision makers. This might be Council, a Committee or an independent local planning panel.

To find out what projects have open consultations, or follow the progress of engagement projects visit

**[yoursay.woollahra.nsw.gov.au](https://yoursay.woollahra.nsw.gov.au)**.

# 6. Minimum public exhibition timeframes and requirements

Section 2.21(2) and Schedule 1 of the EP&A Act set out minimum exhibition timeframes for certain types of planning functions. These have informed the tables on the following pages.

Council may consider exhibiting for an extended timeframe based on the scale and nature of the matter being exhibited.

Information to note about public exhibitions:

- Timeframes include weekends.
- An exhibition that closes on a weekend or a public holiday may be extended to finish on the first available work day.
- The days between 20 December and 10 January (inclusive) are not counted in the public exhibition period.
- A public authority is not required to make available for public inspection any part of a document whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.

## 6.1 Public exhibition of other planning matters

Several of Council's planning functions and other proposals do not have minimum exhibition timeframes. Consistent with our community participation principles and objectives, we typically exhibit documents related to the exercise of these functions and proposals for the timeframes described in the following tables.

## 6.2 When public exhibition is not required

Public exhibition is not required for complying development. Notification requirements are set out by the NSW Government under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and are not regulated by Council.

Additionally, there may be some occasions where a government priority or administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process. For example this may occur with emergency works.

### Plan Making, Planning Policy and Planning Agreement Mandatory Exhibition Timeframes

Plan	Minimum Timeframe
Draft community participation plan	28 days
Draft local strategic planning statement	28 days
Planning proposal for local environmental plans (subject to a gateway determination)	28 days or: <ul style="list-style-type: none"> <li>the period specified in the gateway determination, or</li> <li>no public exhibition, if the gateway specifies no public exhibition is required.</li> </ul>
Draft development controls plans	28 days
Draft contribution plans	28 days
Planning agreement	28 days

### Development Assessment Mandatory Exhibition Timeframes

Application type	Minimum Timeframe
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	15 days
Application for development consent for designated development	28 days
Application for modification of development consent that is required	15 days

### Non-mandatory Exhibition Timeframes

Matter	Minimum Timeframe
Draft local housing strategy	28 days
Council's draft guides, policies and strategies	Discretionary based on the urgency, scale and nature of the proposal.
Pre-engagement on strategic planning documents	Discretionary based on the urgency, scale and nature of the proposal.

### **6.3 Advertising of public exhibitions**

The notice advertising the public exhibition of development applications, applications to modify a development consent, development control plans, contributions plans and other planning matters to which this plan applies, such as planning proposals, will be published in an appropriate hardcopy local newspaper which circulates weekly in the Woollahra Municipality, when that newspaper is available, and on the Council's website.

In the event that the hardcopy local newspaper is not in publication, publication is suspended or otherwise not reasonably publicly available, the public notice on the Council's website will suffice.

For the purpose of fulfilling these requirements, the notice need only occur during the specified advertising period.

### **6.4 Notification of public exhibitions**

Notification of a development application or other planning matter must occur by one or more of the following methods at Council's discretion by:

- a) letter
- b) email
- c) a brochure, leaflet or similar notice
- d) a site notice (for development applications only).

### **6.5 Who will be notified?**

Notifications must be sent to:

- a) the owners of land to which a draft plan, planning proposal, draft policy or other document applies
- b) the owners of land adjoining a site subject to a site-specific planning proposal or a development application (including each owner in a Strata scheme or community land development)
- c) the owners of neighbouring land
- d) any public authority that in the opinion of the responsible Council officer may have an interest in, or may be affected by, the draft strategy, planning proposal, draft policy or development application.

Notifications will also be sent to relevant community organisations and other groups who have registered an interest.

Details regarding the owners of adjoining land and neighbouring land are taken from Council's records at the time the notice is produced.

## **6.6 Will Council notify properties in neighbouring LGAs?**

For proposals where the subject site adjoins the boundary of a neighbouring council, we will liaise with the neighbouring council to send notification letters to the impacted properties. Alternatively a letterbox drop to the affected occupiers may be undertaken

## **6.7 Additional exhibition and notification requirements for development applications**

Additional requirements for the exhibition and notification of development applications, amendments to development application, and applications for modification of a development consent are detailed in Schedule 1, including:

- re-exhibition of amended development applications
- notification of applications for modification of development consent
- information to accompany public exhibitions for development applications
- forming an opinion on whether the enjoyment of land may be detrimentally affected
- requirements for site notices.

## **6.8 Where to view public exhibition documents**

All documents, studies, plans and information lodged with a development application or supporting a planning matter will be available for inspection during the public exhibition period.

Public exhibition documents can be viewed on our website:

- Notification of DAs (Notice of proposed development) page and DA Tracking page for development applications
- Notice on Council's website for other planning matters.

Documents can also be viewed in person during business hours at Council's customer service centre, 536 New South Head Road, Double Bay.



Woollahra Council customer service centre

## 6.9 Making a submission to a public exhibition

We encourage written submissions on a development application or planning matter during the public exhibition period.

A written submission may be in the form of a letter, email or other like form. It must include the following information:

- reference to the development application or planning matter
- your comments including a statement of the reasons for objection or support
- your contact details such as an email or postal address so we can keep you up to date on the matter.

Council may, depending on the circumstances of the case, accept and consider written submissions that are lodged after the close of the public exhibition.

Subject to the Privacy and Personal Information Protection Act 1998, the names and addresses of the persons making written submissions will be indicated in the assessment report for the development application or planning matter.

## 6.10 Petitions

Where a petition has been submitted the Head Petitioner will be the only point of contact for ongoing communication with Council staff unless Council is formally advised otherwise.

If the petition does not identify a Head Petitioner, Council will assume the first signatory is the Head Petitioner.

## 6.11 How will submissions be considered?

A report summarising the submissions made must be prepared and given consideration before a development application or planning matter is determined. Council is not required to adopt or support a submission in making its determination.

## 6.12 Determination by a panel or committee

Planning matters and development applications may be reported to a Council committee or planning panel for a determination:

- **Woollahra Local Planning Panel** – determines certain development applications and applications to modify a development consent. The Panel also provides advice on strategic planning matters.
- **Sydney Eastern City Planning Panel** – determines certain development applications and applications to modify a development consent that are 'regionally significant' or have a capital investment value over \$30 million.
- **Environmental Planning Committee** – makes recommendations to Council about decisions on planning matters such as planning proposals, strategies, draft policies and other planning documents.

Note that under section 4.8 of the EP&A Act development applications may only be determined by the Woollahra Local Planning Panel, Sydney Eastern City Planning Panel, Council's Application Assessment Panel or under staff delegation.

### **6.13 Notification of committee and panel agendas and reports**

Council will provide a minimum of three days' notice to the applicant and anyone who has made written submission of the date and time of the meeting at which the matter will be considered and a link to our website where a copy of the meeting agenda is available (containing the report on the assessment of the matter, a summary of submissions and a recommendation as well as any annexures).

Access to a report in whole or in part does not apply where material is to remain confidential or privileged in accordance with Council's policy on such matters.

Failure to strictly comply with this section will not render any determination of a development application or planning matter invalid.

Council's website provides more information about Council's committee and panel agendas: **[woollahra.nsw.gov.au/council/meetings\\_and\\_committees](https://www.woollahra.nsw.gov.au/council/meetings_and_committees)**

### **6.14 Notification of determination for a development application or planning matter**

The Council will publish a notice in an appropriate hardcopy local newspaper which circulates weekly in the Woollahra Municipality, when that newspaper is available, and on its website of the determination of a development application and an application to modify a development consent. The Council will publish a notice on its website regarding decisions on a development controls plan, contributions plan and any other planning matter to which this plan applies, such as a planning proposal.

In the case of other matters to which this plan applies, such as a planning proposal, the Council may also publish a notice of its decisions in an appropriate hardcopy local newspaper which circulates weekly in the Woollahra Municipality, when that newspaper is available.

In the event that the hardcopy local newspaper is not in publication, publication is suspended or otherwise not reasonably publicly available, the public notice on Council's website will suffice.

Council will send a notification to each person who made a written submission in relation to a development application, an application to modify a development consent, or a planning matter.

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

- the decision
- the date of the decision
- the reasons for the decision
- how submissions were considered.

Where a petition has been submitted, notification will be sent to the Head Petitioner unless Council is formally advised otherwise.

## 7. Summary

This Community Participation Plan outlines our community engagement approach for Council's planning functions under the EP&A Act. Our plan:

- reaffirms our commitment to involving the community in the development of our shared vision and long-term planning matters
- clearly states our statutory engagement requirements and voluntary exhibition timeframes, so our community knows what to expect and when
- explains how the community can have their say on development applications and other planning matters
- explains how Council will keep the community informed of engagement outcomes and how community feedback informed decisions.

Community engagement plays an important role in making our area a great place for people to live, work and visit. For Council, it is the foundation of good decision-making. For our community it is the opportunity to exercise their right to have their views and voices heard in the planning process.

Council looks forward to working with our community to deliver planning outcomes that benefit our community now and for future generations.

# Sign up

Sign up to Your Say Woollahra to stay up-to-date and have your say on strategic planning projects at [yoursay.woollahra.nsw.gov.au](https://yoursay.woollahra.nsw.gov.au)

“Your say  
Woollahra”

# Glossary

**For the purposes of this community participation plan the following definitions apply unless otherwise defined under the legislation:**

Term	Meaning
Contribution plans	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated development 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)
Development control plans	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Environmental Planning and Assessment Act 1979 (the EP&A Act)	Legislation that establishes the NSW planning and development system. This Community Participation Plan has been prepared under section 2.23 of the Act.
Gateway determination	A 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
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Local strategic planning statement	20-year plans that address the community's needs and the requirements of the regional strategic plan that applies to all of Metropolitan Sydney
Responsible Council officer	Any one or a combination of the Council officers who is or are responsible for the processing and assessment of a development application, or an application to modify a development consent, or any other planning matter, and the recommendation of a report regarding that application or planning matter. The responsible Council officers include the Assessment Officer, Team Leader, Manager or Director.
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

# Schedule 1

## Additional exhibition and notification requirements for development applications

### 1. Instances where public exhibition is not required

Public exhibition is not required for development applications where in the opinion of the responsible Council officer, the owners and occupiers of adjoining land and neighbouring land (whether in or outside of the Woollahra LGA) would not be detrimentally affected if the development proposal was carried out.

Additionally, public exhibition is not required for any development application where insufficient information has been provided with the application to enable a proper assessment of that application under the provisions of the Act and the application is to be determined by refusal for that reason.

There may be some occasions where a government priority or administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process, such as emergency works.

### 2. Forming an opinion on whether the enjoyment of land may be detrimentally affected

In forming an opinion on whether the enjoyment of land may be detrimentally affected by a development application, an amendment to a development application or an application to modify a development application, the responsible Council officer must take into consideration the following criteria:

- a) the views to and from the land
- b) overshadowing
- c) privacy
- d) noise
- e) the design and appearance of the proposal in relation to the streetscape
- f) the scale and bulk of the proposed building or works
- g) the siting of the proposed building or works, including changes to an existing building involving relocation of external walls and other elements that expand the building envelope
- h) excavation, particularly excavation for the purpose of car parking areas, storage areas, plant rooms and voids
- i) the structural integrity of common or party walls where demolition of floors, ceilings and internal walls is proposed
- j) the heritage significance of the land and any building, work or feature on the land
- k) stormwater drainage.

The opinion formed by the responsible Council officer on whether the enjoyment of land may be detrimentally affected is not to be taken as an assessment of the merits of the development application.

Note: Land means an area of ground together with vegetation, landscaping and buildings erected on the land.

### **3. Re-exhibition of amended development applications**

Where an applicant makes an amendment to a development application prior to the application being determined, re-advertising will only occur where the responsible Council officer is of the opinion that the proposal as amended (replacement) will have no greater impacts than the previously advertised application.

Where a development application is being re-exhibited, notifications must be sent to anyone who:

- made a submission
- was notified of the original public exhibition
- may be impacted by the amendments or modifications, including any public authorities.

Submitters may request to be notified of any amendments to a proposal regardless of whether or not re-exhibition is required.

When re-advertising does not occur, the assessment report on the application must include a statement of the reasons why re-advertising was not considered necessary.

### **4. Public exhibition of applications for modification of development consent**

Where an applicant or any other person entitled to act on a development consent makes an application to the Council to modify a development consent in accordance with the provisions of section 4.55 of the Act, notification must be sent to anyone who may be impacted by the modifications, including:

- a) individuals and organisations that made a written submission previously
- b) owners of adjoining or neighbouring land who, in the opinion of the responsible Council officer, may be detrimentally affected by the modification proposal
- c) relevant public authorities.

Notification need not occur for an application to modify a development consent in order to correct a minor error, misdescription or miscalculation.

When notification does not occur, the assessment report on the application must include a statement of the reasons why notification was not considered necessary.

## 5. Information to accompany public exhibitions for development applications

Advertisements notifications and site notices for a public exhibition must contain, but may not be limited to, the following information:

- a) the address of the application site, including where available the name of the building and the name of the business conducted from the building
- b) the application number or Council reference number
- c) a brief description of the development proposal, planning proposal, or document
- d) the name of the Council and the Council's postal address
- e) the place where the application may be freely inspected
- f) the times of the day and the overall period during which the application may be inspected
- g) the period during which written submissions may be lodged with the Council
- h) an invitation to make written submissions on the application during the exhibition period
- i) a statement to the effect that the name and address of any person making a written submission will be included in an assessment report relating to the application and that the report will be publicly accessible
- j) a statement to the effect that the supply of personal information is voluntary. If personal information is not provided, Council may be limited in dealing with a submission. Submissions, summaries of submissions, and/or names and addresses of people making submissions will be included in publicly available reports to Council or Committee meetings
- k) a statement to the effect that in accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998* (NSW), you are advised that all submissions received by Council in relation to any matter will be placed on the appropriate Council file, may be available on our web site and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. In accordance with the *Government Information (Public Access) Act 2009* (GIPA Act) Council is obliged to disclose inspection of its documents, including any submission you may make. Under the GIPA Act, people may also make an application for access to all submissions received.

In addition public exhibitions notices for re-notification of applications or applications to modify a development contents must contain the following information:

- a) a statement to the effect that an amendment to the development application or for modification of a development consent has been lodged
- b) a brief description of the amendment to the development proposal or modification to the development consent
- c) the public exhibition period during which the application can be inspected and submissions lodged with Council.

## 6. Site notices for development application public exhibitions

Site notices must be displayed for public exhibitions for development applications, amendments to applications and applications for modification of a development consent. The site notice must:

- a) be exhibited on the land to which the development application relates
- b) must be displayed on a signpost or board
- c) must be clear and legible
- d) must be headed in capital letters and bold type  
"DEVELOPMENT PROPOSAL"
- e) must, if practicable, be capable of being read from a public place
- f) must be in the form provided by Council.

Council is responsible for preparing the site notice and making the site notices available to the applicant prior to the commencement of the notification period. The applicant is responsible for erecting the site notice and for ensuring that it is displayed during the notification period. The applicant is responsible for removing the notice and returning it to Council after the notification period.

The applicant must provide to Council, prior to determination of any application a Statutory Declaration made under Part 4 of the *Oaths Act 1900* stating under oath, words to the effect that:

"In accordance Schedule 1 (6) of the Woollahra Community Participation Plan, the site notice was erected and maintained during the notification period under this Plan."

OR

"In the event that the site notice was damaged, defaced or removed by a third party that the notice was removed on and replaced on [DATE]."

# Appendix

## A. Related Council plans, strategies and policies

This Community Participation Plan is informed and supported by a number of strategies and plans including, but not limited to, the following:

- Aged and Disability Study 2016
- Asset Management Strategy 2011-2021
- Delivery Program 2018-2021 & Operational Plan 2019-2020
- Disability Inclusion Action Plan 2017
- Reconciliation Statement- Action Plan 2012
- *Woollahra 2030- Community Strategic Plan*- Adopted 18 June 2018
- *Woollahra Social and Cultural Plan 2013-2023*
- *Woollahra Development Control Plan 2015*
- *Woollahra Local Environmental Plan 2014*.

## B. Relevant legislation

Further State and Federal legislation and guidelines relating to when Council must initiate community consultation:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Environmental Planning and Assessment (Savings, Transitional and other Provisions) Regulation 2017 (Part 2 Clause 16)*
- *Privacy and Personal Information Protection Act 1998*
- *Crown Lands Act 1989*
- *Roads Act 1993*
- *Local Government Act 1993*
- *Local Government Act Amendment (Governance and Planning) 2016*
- *Local Government Act Amendment (Planning & Reporting) Act 2009*.

Perry Lane, Paddington mural



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