



MOSMAN

COMMUNITY PARTICIPATION PLAN

INVOLVING THE
COMMUNITY
IN PLANNING

June 2020



Note:

November 2019 – This Plan was adopted by Council.

June 2020 – Minor amendments were made to this Plan in response to changes in planning legislation regarding the notification of development applications in a newspaper, and to correct an error regarding the notification days for integrated development.

INTRODUCTION

Council has a strong commitment to community consultation as evidenced by its record of community participation in planning projects and development proposals. This Plan has been prepared to satisfy the requirements of Division 6 Community Participation in the *Environmental Planning and Assessment Act 1979* (the Act) and is a Community Participation Plan (Plan) as defined by the Act. In particular, the Plan has been prepared having regard to the matters included in section 2.23(2) of the Act. These matters relate to community participation being open and inclusive, easy, relevant, timely and meaningful.

The Plan is consistent with Council's community strategic plan, MOSPLAN Strategic Direction 4: An informed and engaged community, and Council's community engagement strategy known as the *Community Engagement Policy*. The key engagement principles in the Policy underpin this plan.

It applies to the Mosman local government area.

Planning matters within Mosman that are the responsibility of other planning authorities (such as State Significant Development assessed by the State Government) are subject to the relevant community participation plan prepared by that authority.

PURPOSE

The purpose of the Plan is to clearly explain how and when Council will undertake community participation when exercising its planning functions that are listed below –

- Assessment and determination of development applications, including revised plans, modifications and review applications.
- Preparation of draft local strategic planning statements
- Local environmental plan (LEP) draft amendments - planning proposals
- Draft development control plans (DCP)
- Draft contribution plans
- Draft community participation plans

OBJECTIVES

The objectives of the Plan are:

1. To provide planning information that is easily accessible and in a form that is readily understandable and engaging to our community.
2. To engage with people who are representative of our community.
3. To meet statutory obligations regarding notification, exhibition and decisions of Council on relevant planning matters.
4. To provide for a range of consultation methods that are timely, reflect best and current practice.
5. To encourage input from the community to ensure it continues to play an important role in planning for Mosman.

OUR COMMUNITY

The community to which this Plan applies are the residents, property owners and business operators in Mosman. Planning matters covered by this Plan may affect any or all members of our community.

An objective of the plan is to engage with people who are representative of our community. One of the principles guiding this plan is that community participation should be inclusive. This Plan identifies the demographic data of our community through Mosman's community profile which is available on Council's website and is summarised in MOSPLAN.

The implications of our community profile for engagement are that a diversity of communication tools should be used in order to engage effectively. Council's Community Survey 2018 showed that different age groups find Council information from different sources. For example, Council's column in the local paper (in publication at that time) was twice as popular with people over 50 than with younger people; and Council's social media channels are four times more popular with 18-34 year olds than with 50-64 year olds. English is the predominant spoken language to be used in communication material. While plain English will be used the information supplied will recognise and respect the educated and informed profile of the community.

DEVELOPMENT ASSESSMENT

This Part covers the development consent functions of council under Part 4 of the Act, and includes community participation in the assessment process:

- Lodgement, notification and exhibition of applications
- Assessment of applications
- Determination of applications

The Environmental Planning and Assessment Regulation 2000 (the Regulation) makes provision under Part 6 Procedures relating to development applications, Divisions 7 and 8, for public participation. The following requirements are consistent with, and in addition to, those requirements.

Development applications lodged with Council will be exhibited and notified. There are certain circumstances under which exceptions will be made. For example, some minor development may not be exhibited or notified, and in some cases exhibition periods may be extended based on the scale and nature of the development.

In response to COVID-19 and the closure of many local newspapers, including the Mosman Daily, the *Environmental Planning and Assessment Amendment (Public Exhibition) Regulation 2020* was gazetted on 17 April 2020 to remove the requirement to publish planning notices in a local newspaper and to instead require such notices to be published on Council's website.

APPLICATIONS

Development applications will be exhibited and notified in the following ways:

- a. written notice sent to adjoining property owners, any other property owners that council considers may be affected, and relevant public authorities.
- b. erection of a site notice.
- c. on Council's website.

Summary of exhibition and notification

Table 1 includes minimum requirements, unless otherwise specified by this Plan.

Note: Statutory minimums are prescribed in Schedule 1 of the Act which also includes provision for exclusion of Christmas/New Year period from the calculation of the exhibition period, ie 20 December–10 January.

Application	Days	Written notice to property owners	Site notice	Council website
Development Application	14	✓	✓	✓
Revised plans – before determination	14	✓ ¹	✓	✓
Modifications Sections 4.55(2), 4.56	14	✓ ¹	✓	✓
Review Section 8.2	14	✓ ¹	✓	✓
Designated development	28	✓	✓	✓
Nominated Integrated development	28	✓	✓	✓
Other Integrated development	14	✓	✓	✓

Table 1 - Minimum exhibition and notification requirements

¹ All those properties originally notified, those which made submissions as part of the initial notification process, and any others that in the opinion of council that may be affected.

Note: There are certain circumstances where Council will waive these requirements. Refer to the Exceptions section of this plan.

EXCEPTIONS

In certain circumstances Council will waive the need for notification, as indicated below:

Development applications and modifications:

The need for notification may be waived where a development application is considered to have minimal environmental impact. This may include, but is not limited to, applications for:

- a. minor development where adjoining property owners have signed and agreed to the development application plans. Notwithstanding, where it is considered that the proposal is likely to have broader implications notification will still take place for a period of 14 days;
- b. development on sites on which a heritage item is situated or within a heritage conservation area which, but for the heritage provisions in the LEP, would constitute exempt development;
- c. internal alterations and additions where the approval of the owner/owners' corporation has been obtained and there is no external change to the building;
- d. strata subdivision of a previously approved building;
- e. change of use of a retail/commercial building in a business zone where there is no external change to the building;
- f. erection of front fences in heritage conservation areas where they comply with the relevant DCP;
- g. minor landscaping works that do not significantly alter the topography or drainage patterns or reduce the extent of site landscaped area;
- h. minor development for a heritage item where a Conservation Management Plan has been prepared for the site;
- i. clearing of vegetation as defined under SEPP (Vegetation in Non-Rural Areas) 2017 that is or forms part of a heritage item or that is within a heritage conservation area, except if determined otherwise by Council;
- j. boundary adjustments that don't result in a lot being under the minimum lot size requirement.

Revised plans

Notification may be waived if, in the opinion of Council, the revised plans address issues raised by Council and/or objectors by reducing the identified impacts of the original proposal, or would not adversely affect neighbouring properties to a significant extent.

At all times applicants are encouraged to discuss their revised plans with their neighbours and other affected parties.

Modification applications under sections 4.55(1) or 4.55(1A)

Applications for section 4.55(1) or section 4.55(1A) modifications will not be notified. These are for modification of consent to correct a minor error, misdescription or miscalculation, or for modification of a consent involving minimal environmental impact.

SUBMISSIONS

Written submissions received during the exhibition period will be considered as part of the assessment of the application. No determination of the application will be made before the conclusion of the exhibition period.

DECISIONS

Once an application has been determined, Council will notify of the decision in the following ways:

- a. All of those individuals and organisations that made a written submission in respect of an application will be notified in writing.

- b. The following information will be provided on Council's website via the DA Tracker consistent with the mandatory requirements of Schedule 1 of the Act.

- The decision
- The date of the decision
- The reasons for the decision
- How the community views were taken into account in making the decision

The decision and the date will be provided in the form of the Notice of Determination, and the reasons for the decision and consideration of community views will be contained within the Assessment Report.



STRATEGIC PLANNING

This section outlines consultation strategies for the following draft plans:

- Draft community participation plans
- Draft local strategic planning statements
- Proposed amendments to MLEP2012 – the planning proposal
- Draft development control plans
- Draft contribution plans

These plans will be collectively referred to in this section as 'draft plans'.

Statutory minimum exhibition periods under Schedule 1 of the Act are 28 days, with the exception of LEP amendments that would be subject to periods specified in the 'gateway determination' issued by the NSW Department of Planning, Industry and Environment.

The extent and methods of consultation adopted for each of these draft plans will depend upon the complexity of the plan and its potential impact. The following principles will be followed for consultation on these draft plans:

- All material will be in plain language.
- Exhibition material will be available across a number of formats to ensure ease of accessibility.
- Opportunities to participate will be made available as soon as possible in the planning process.
- Strategies will be developed to reach people who are representative of the community.
- Participation methods will be relevant and appropriate to the significance and likely impact of the draft plan.
- A range of methods to submit feedback will be made available.
- Exhibitions will be timed to exclude the Christmas/New Year period, ie 20 December–10 January, from minimum time periods.
- Consistent with the *Community Engagement Policy*, Council will involve the community in a meaningful way before draft plans are prepared, if the scale and nature of the plan warrant it.

Informing the Community

At a minimum the following will be undertaken:

What	When	Examples of how
External request to amend LEP (If request proceeds to a planning proposal refer to item below)	Upon receipt and before assessment	Site notice DA tracker
Planning proposal (prepared by Council)	For a period of time determined by the Minister for Planning as soon as practical after decision to exhibit	Public exhibition <ul style="list-style-type: none"> ▪ On council websites ▪ At council ▪ Local newspaper (if in publication) ▪ Written notification ▪ Social media ▪ Enewsletters ▪ Community meetings ▪ Surveys
Other draft plans	For a minimum of 28 ² days as soon as practical after decision to exhibit	Post exhibition <ul style="list-style-type: none"> ▪ Acknowledgement of submissions ▪ On line updates of progress Post determination <ul style="list-style-type: none"> ▪ Written notification ▪ Council's websites

Consulting the Community

What	When	Examples of how
Opportunities to provide feedback and be involved	During exhibition of draft plans	Submissions including: <ul style="list-style-type: none"> ▪ Written submissions ▪ Responses to Council surveys ▪ Other engagement and response tools used as part of the consultation on draft plans Attending events such as: <ul style="list-style-type: none"> ▪ Market stalls ▪ Meetings ▪ Drop in sessions
Consideration of feedback	During evaluation of draft plans	Planner's report to Council will include a summary of issues raised in submissions; how these issues were considered, and what changes, if any, have been made to the draft plan as a result.

² Refer to Schedule 1 of the Act

I wish this was...
e and
ssible

I wish this was:
a round about
So traffic
movement is
Safer

I wish this was:
A jeweler

I wish this
was: some
need to develop
and because we
are too small.

I wish there
was... more open
space

I wish this was:
bio-dome

I wish
was

A Small/
nice bar to
hang out in...

I wish this
was:

I wish this was
better linked with
the Kirribilli community

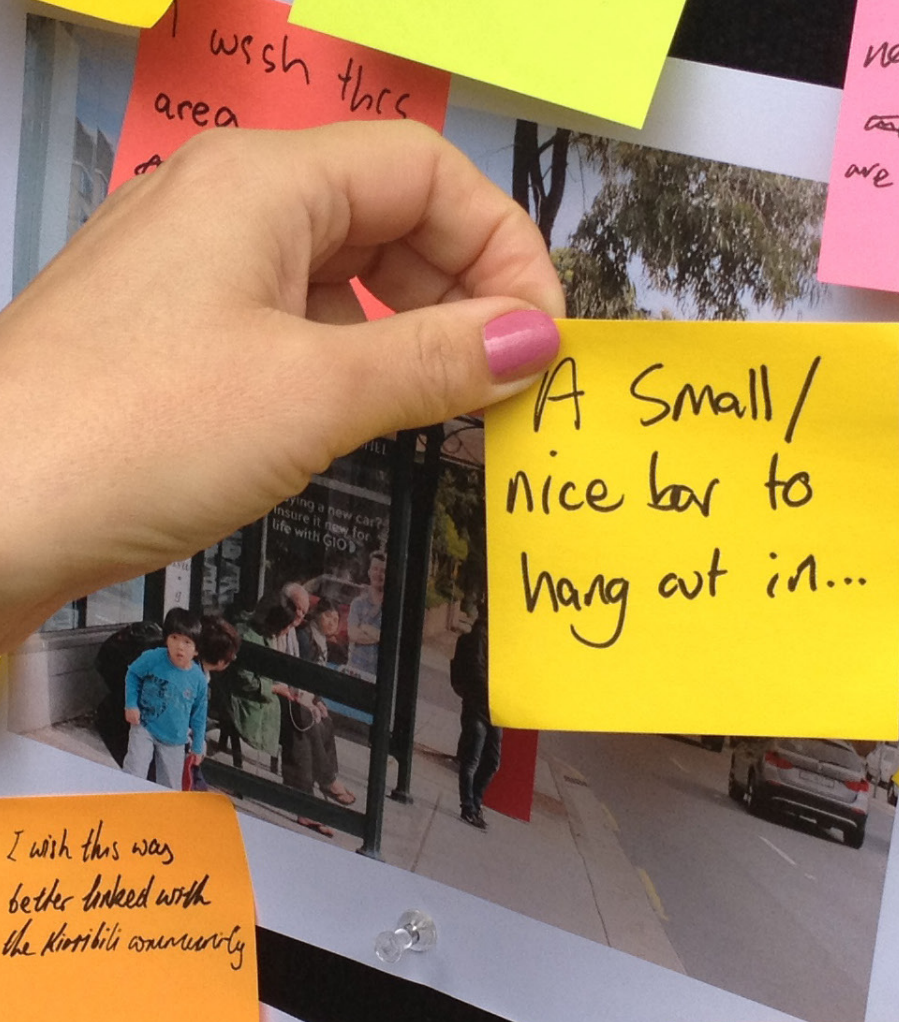
Child friendly

I wish there
was less street
parking (dangerous
when crossing street)

I wish this
area was:
No many cars.

I wish this was a:
Mini Bunnings

I wish this
was...
Community
Gallery /
shop



EVALUATING THE COMMUNITY PARTICIPATION PLAN – HOW CAN WE DO BETTER?

EQUITABLE COMMUNITY ENGAGEMENT

Evaluation measure: The demographic diversity of people participating in planning functions under this plan is increased.

Action: As part of Council's consultations a voluntary short survey may be included to obtain data on the demographic characteristics of the community using the website.

BUILD CAPACITY IN THE COMMUNITY TO PARTICIPATE IN PLANNING PROJECTS

Evaluation measures:

- a. Improve community engagement practices
- b. Build and invest in community capacity

Actions:

- a. Ensure community participation practices evolve with innovations in technology, developing best practice, learning from good examples elsewhere, and improvements as a result of better understanding of what our community wants more. Include evaluation question in consultation about how the community would like to find out about planning matters from Council.
- b. Provide opportunities for the community to learn more about planning by increasing the availability of information such as videos and Q & A on the website.



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