



# Willoughby Community Participation Plan

This Community Participation Plan is developed for land use planning processes under the *Environmental Planning and Assessment Act 1979*

NOVEMBER 2019

## ENGLISH

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## KOREAN

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# Acknowledgement of Country

We acknowledge the traditional inhabitants of the land on which we stand, the Aboriginal People, their spirits and ancestors.

We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.





# Contents

<b>OVERVIEW .....</b>	<b>7</b>	<b>Part D – The notification process .....</b>	<b>22</b>
<b>Part A – Community participation in the planning process .....</b>	<b>8</b>	The notification process .....	23
Our communities play an essential role in decision making .....	9	General requirements for all notification areas .....	23
Our responsibilities in planning decisions .....	9	Who we notify .....	23
How we developed this plan .....	9	Notifications by email or post .....	24
Our approach to community participation .....	10	Site signs .....	24
Community engagement objectives and principles .....	11	Amending an application before determination .....	24
<b>Part B – How and when our communities can participate .....</b>	<b>12</b>	Modifications to a development consent .....	24
What our communities look like .....	13	Public notice of decisions and reason for decisions .....	25
How and when we engage these communities .....	13	Reviews of determination .....	25
Planning functions we are not responsible for .....	13	Building certificates (unauthorised works) .....	25
The role of local planning panels .....	14	<b>Part E – Notification categories .....</b>	<b>26</b>
Planning functions and level of impact .....	15	Category A: routine applications notified for 14 days .....	27
Engagement methods and levels of impact .....	16	Category B: applications requiring more extensive neighbour notification for 14 days .....	28
<b>Part C – Exhibition timelines .....</b>	<b>17</b>	Category C: significant or higher impact applications requiring notification for 21 days .....	29
Exhibition timeframes set by NSW Government legislation .....	19	Category D: no notification required .....	30
Table 5: Minimum mandatory exhibition timeframes ..	19		
Table 6: Non-mandatory exhibition timeframes .....	20		



# Overview

Willoughby City Council recognises that our communities are as diverse as our urban places and landscape.

Our communities have a unique relationship with, and understanding of, the Willoughby local area. Their range of experiences, interests and roles are essential in shaping the planning and land use decisions that affect our city and its neighbourhoods.

We want to ensure all these individuals and groups have the opportunity to have a say on the planning proposal decisions in our area that affect them.

This Community Participation Plan sets out the processes we use to notify you of opportunities to provide feedback on planning matters being considered by Willoughby City Council.

Parts A and B of this plan provide a summary of the community participation process in council planning and detail how and when we consult with our communities.

Parts C, D and E set out the timeframes, notification process and categories for different types of development applications.

This plan has been informed by community satisfaction surveys and engagement program evaluations.

It operates alongside the Willoughby Community Strategic Plan – Engagement Strategy (2017) and Community Engagement Framework (2016).

It also supports the commitments in our community strategic plan, *Our Future Willoughby 2028*, to show leadership, transparency and accountability in our decision making – and to make it easy for our communities to take part in this decision making.

This plan meets new requirements under the *Environmental Planning and Assessment Act 1979* and by the Department of Planning, Industry and Environment.



## Part A – Community participation in the planning process

## Our communities play an essential role in decision making

Community engagement in local government decision making is a two-way process. Individuals, community groups and interested parties collaborate on ideas with councils, helping to shape planning and project outcomes that best meet the needs of all our communities.

Quality engagement provides an opportunity for a diversity of voices to be considered on relevant issues. It promotes trust in our work and a greater understanding of the impact our communities can have on council decision making.

This plan outlines how and when our communities can provide input on the council land use planning process. It applies to the local government area where Willoughby City Council exercises its planning functions.

It supports the commitments in our community strategic plan, *Our Future Willoughby 2028*. This includes commitments in outcome 5 – A city that is accountable:

- 5.1 To be honest, transparent and accountable in all that we do.
- 5.2 Demonstrate leadership and advocacy for local priorities.
- 5.3 Balance the creation of new public assets with the upgrade of existing public assets.
- 5.4 Anticipate and respond to changing community and customer needs.
- 5.5 Make it easy for citizens to participate in decision making.

This plan has been prepared under the Environmental Planning and Assessment Act 1979. Other NSW planning authorities also have community participation plans under this Act.

The Willoughby *Community Participation Plan 2019* will be reviewed on a periodic basis.

## Our responsibilities in planning decisions

Planning in NSW is governed by the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

The principal legislation in NSW governing the operation of councils, including planning functions and community participation, is the *Local Government Act 1993*.

## How we developed this plan

This plan has been informed by community satisfaction surveys and engagement program evaluations.

These feedback mechanisms also inform our overall community engagement approach for council decision making. This includes our:

- Community Strategic Plan – Engagement Strategy (2017), developed for *Our Future Willoughby 2028* (part of the NSW Government’s integrated planning and reporting requirements)
- Community Engagement Framework (2016), which includes a policy, process and matrix and resources (developed under the *Local Government Act 1993 No 30* and *Local Government (General) Regulation 2005*).

This plan also draws on specialist community engagement research. This includes:

- Planning for Effective Public Participation 2006 by IAP2 (International Association for Public Participation)
- AA1000 Stakeholder Engagement Standard 2016 by AccountAbility
- private and government best practice examples.

### **Willoughby City Council community engagement policy statement**

*Willoughby City Council is committed to understanding the needs and expectations of the community to inform decision making processes. Council recognises the value of engaging with the community in a meaningful way to build long term, sustainable community relationships and achieve a shared vision. Council commits to inclusive, credible and equitable engagement processes.*

# Our approach to community participation

Our Community Engagement Framework supports a flexible, tailored approach when involving our communities in decision making. This is based on the potential impact of the decision, the appropriate level of community participation and the needs of our communities.

This approach is guided by IAP2's (International Association for Public Participation) core values and code of ethics.

IAP2's public participation spectrum assists us in selecting the level of participation for a community engagement program. The spectrum shows that

different levels of participation can be appropriate depending on the goals, timeframes, resources and levels of impact of the decision to be made.

The five levels of community participation on the spectrum are: inform, consult, involve, collaborate and empower. Examples of goals and participation techniques for these levels are shown in table 1 below.

For most decisions at Willoughby City Council, we expect community engagement to take place on the spectrum from 'inform' to 'collaborate'. The 'empower' level on the spectrum has limited application, particularly in planning decisions, as the elected Council are the decision making body.

**Table 1: The public participation spectrum by IAP2**

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and active solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the Public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns, aspirations and provide feedback on how public input influenced the decision.	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.	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.	We will implement what you decide.
Example techniques	<ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Website</li> <li>• Print</li> <li>• Open Hours</li> <li>• Social media</li> <li>• Bulletins</li> <li>• Letters</li> <li>• Brochures</li> <li>• Reports and websites</li> <li>• Speeches, conference and public presentations</li> </ul>	<ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberative Polling</li> </ul>	<ul style="list-style-type: none"> <li>• Citizen advisory committees</li> <li>• Consensus building</li> <li>• Participatory decision making</li> <li>• Multi-stakeholder initiatives</li> <li>• Online collaborative platforms</li> <li>• Joint projects</li> <li>• Joint ventures</li> <li>• Partnerships</li> </ul>	<ul style="list-style-type: none"> <li>• Ballots</li> <li>• Delegated decision</li> </ul>



Social media is used to promote community participation

# Community engagement objectives and principles

Our Community Engagement Policy principles align with those in the NSW Government's *Environmental Planning and Assessment Act 1979*. This is shown in table 2 below.

**Table 2: How our principles align with the NSW Government**

Objectives	Willoughby City Council principles	NSW Government principles
<b>Timely and responsive</b>	<ul style="list-style-type: none"> <li>Community engagement will be systematic, structured and timely</li> </ul>	<ul style="list-style-type: none"> <li>The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered</li> </ul>
<b>Meaningful and affective</b>	<ul style="list-style-type: none"> <li>Community engagement will provide opportunities for our communities to contribute in a meaningful way to provide relevant, timely and balanced information</li> <li>Community engagement will inform business improvement throughout council</li> </ul>	<ul style="list-style-type: none"> <li>Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning</li> </ul>
<b>Easy and human centred</b>	<ul style="list-style-type: none"> <li>Community engagement will ensure a mix of appropriate and accessible means for people to provide feedback</li> <li>Community engagement will consider human and cultural factors</li> </ul>	<ul style="list-style-type: none"> <li>Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning</li> </ul>
<b>Inclusive and transparent</b>	<ul style="list-style-type: none"> <li>Willoughby City Council will inform our communities about the final decision, and how their input was incorporated</li> <li>Willoughby City Council will utilise partnerships with community groups, business, and other government agencies</li> </ul>	<ul style="list-style-type: none"> <li>Community participation should be inclusive and planning authorities should actively seek views that are representative of the community</li> <li>Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions</li> </ul>
<b>Relevant</b>	<ul style="list-style-type: none"> <li>Community engagement will ensure a broad range of community needs, interests and ideas inform our elected Council's decision making</li> <li>Community engagement will gather contributions from people who are affected by or interested in a decision</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>The community has a right to be informed about planning matters that affect it</li> </ul>



# Part B – How and when our communities can participate



## What our communities look like

A variety of people and groups live, work and spend time in the Willoughby City Council local government area. They have diverse experiences, interests and roles that can inform the planning and land use decisions affecting our city.

We want to ensure all these individuals and groups have the opportunity to have a say on the decisions in our area that affect them.

These groups include:

- community, businesses, not-for-profit and government organisations that have a role to play in policy development, program or service delivery
- individuals and groups who use the city, including residents and voters, ratepayers, business owners, customers, contractors or suppliers, community interest groups, agencies and hard to reach populations
- other organised groups that use our local government area and have an interest in our decision making and are affected by our decisions.

## How and when we engage these communities

Community engagement projects can take place at any time of the year and depend on Willoughby City Council's program of work.

Any council-related project or decision is an opportunity to engage our communities for comment and feedback in a way that can be mutually beneficial.

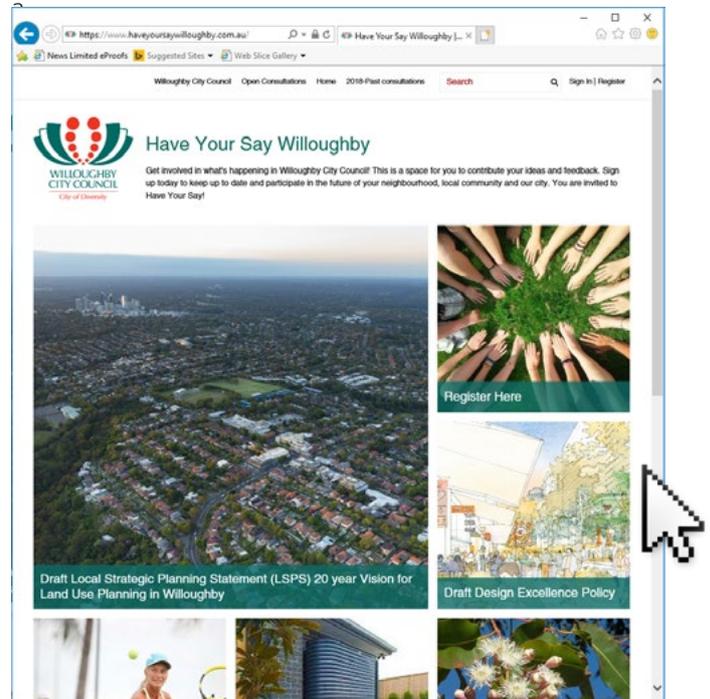
The level of engagement varies depending on the nature, complexity and potential impact of a planning proposal or decision. Constraints on response times during the planning process can also be a factor.

However, the best planning outcomes are usually reached when communities are engaged early in the planning process. Internal briefing plans should include a careful appraisal of the appropriate tools and timing required for the project or decision.

Quality community engagement is well planned, executed and inclusive. It is also tailored for special interest groups.

Factors to consider include: community interest, political implications, partnership opportunities, community, economic and environmental impact, legislative requirements, and timing and resource limitations.

Willoughby City Council officers use a community engagement resource and matrix to plan engagement levels and activities.



## Planning functions we are not responsible for

Not all local planning decisions are the responsibility of local government.

**Development and amendments to legislation, regulations and policy instruments in the planning system** – this includes state environmental planning policies, planning proposals where Willoughby City Council is not the delegated authority, state codes, guidelines and practice notes.

**Setting strategic direction and integration of social, environmental and economic factors for the planning system in NSW** – such as regional strategic plans, planning proposals for local environmental plans subject to a Gateway determination, standard instrument orders, and some plans for urban renewal areas referred to as Planned Precincts.

**Assessments on some major planning decisions in line with NSW Government strategic priorities, public interest and applicable policies and guidelines** – such as significant residential developments, port facilities, mining developments, energy generating facilities, transport and social infrastructure projects such as schools.

## The role of local planning panels

Local planning panels are mandatory for all Sydney councils under the *Environmental Planning and Assessment Act 1979*. These panels ensure there is a transparent and accountable process for assessing and determining development applications with a high corruption risk, sensitivity or strategic importance.

The Willoughby Local Planning Panel consists of a chair, two independent expert members and a community member. The panel assesses larger or more controversial development applications made to local councils. It also reviews and provides independent advice on planning proposals.

Statutory rules govern the panel's operation, through a code of conduct and operational procedures.

More information about local planning panels is at [planning.nsw.gov.au](http://planning.nsw.gov.au)

## Sydney North Planning Panel

Five Sydney planning panels operate across the Greater Sydney Region. These undertake rezoning reviews and determine 'regionally significant' development applications with a capital investment value over \$30 million.

The Willoughby City Council area falls under the Sydney North Planning Panel.

See [jrpp.nsw.gov.au/planningpanels](http://jrpp.nsw.gov.au/planningpanels)

## Independent Planning Commission

The Independent Planning Commission of NSW was established as a standalone agency in March 2018.

Its key functions are to:

- determine state significant development applications where there is significant opposition from the community
- conduct public hearings for development applications and other planning and development matters
- provide independent expert advice on any planning and development matter, when requested by the Minister for Planning or Secretary of the Department of Planning, Industry and Environment

See [ipcn.nsw.gov.au](http://ipcn.nsw.gov.au)



# Planning functions and level of impact

The table below categorises typical planning functions and the levels of impact these can have on our communities and the local area. It should be read together with **Table 4: Community engagement methods** in the next section.

We will determine the community participation level and engagement methods depending on community, proposal scope and the potential impact of the decision.

**Table 3: Planning decisions and levels of impact**

Impact level	Description	Criteria	Planning functions and other council decisions
<b>Level 1</b> <b>High impact</b> – whole area	Issue has higher level of real or perceived impact on the whole or large parts of the local government area.  A community engagement plan is essential.	<ul style="list-style-type: none"> <li>• High level of real or perceived impact, interest or risk across the whole or a large part of the local area</li> <li>• Significant impact on attributes that are considered to be of high value to the whole or large part of the local area, such as the natural environment or heritage</li> <li>• Significant impact on the health and safety of the whole or large part of the local area</li> <li>• Potential high degree of controversy or conflict</li> <li>• Potential high impact on state or regional strategies or directions</li> </ul>	<ul style="list-style-type: none"> <li>• Local environmental plan</li> <li>• Development control plan</li> <li>• Major planning and urban design strategies</li> <li>• Local strategic planning statement</li> <li>• Integrated transport strategy</li> </ul>
<b>Level 2</b> <b>High impact</b> – local only	Issue has higher level of real or perceived impact on a specific suburb, local area, community or user group.  A community engagement plan is essential.	<ul style="list-style-type: none"> <li>• High level or real or perceived impact or risk on a local area, small community or user group/s of a specific facility or service</li> <li>• The loss of, or significant change to, any facility or service to a local community</li> <li>• Potential high degree of controversy of conflict at the local level</li> </ul>	<ul style="list-style-type: none"> <li>• Site specific planning proposals following Gateway determination by the NSW Government for exhibition</li> <li>• Integrated and designated development assessments</li> <li>• Local environmental plan (localised change)</li> <li>• Reclassification of public land</li> </ul>
<b>Level 3</b> <b>Lower impact</b> – whole area	Issue has lower level of real or perceived impact on the whole or large parts of Willoughby LGA.  A community engagement plan is desirable.	<ul style="list-style-type: none"> <li>• Lower, although still some real or perceived impact or risk across the whole or large part of the local government area</li> <li>• Potential for some controversy or conflict</li> <li>• Potential for some, but not significant, impact on state or regional strategies or directions</li> </ul>	<ul style="list-style-type: none"> <li>• Community participation plan</li> <li>• Local infrastructure contributions policy and plan</li> <li>• Planning agreement policy</li> </ul>
<b>Level 4</b> <b>Lower impact</b> – local only	Issue has lower level of real or perceived impact on a specific suburb, local areas, community or user group.  A community engagement plan is not required. Follow standard protocols.	<ul style="list-style-type: none"> <li>• Lower level or real or perceived impact or risk on a local area, small community or user group/s of a specific facility or service</li> <li>• Only a small change or improvement to a facility or service at the local level</li> <li>• Low or no risk of controversy or conflict at the local level</li> </ul>	<ul style="list-style-type: none"> <li>• Other development applications</li> <li>• Planning agreements</li> </ul>

# Engagement methods and levels of impact

This list is not exhaustive. Council will continue exploring a range of new and innovative ways to encourage community participation in council decision making. Please read the table below together with **Table 3: Planning decisions and levels of impact** in the previous section.

**Table 4: Community engagement methods**

Engagement Method		Level 1 High Impact – LGA wide	Level 2 High Impact – Local	Level 3 Lower Impact – LGA wide	Level 4 Lower Impact – Local
Inform	Media Release / Mayoral Release	A	U	O	O
	Promotional material, noticeboard, banners	A	U	O	O
	Report	A	U	O	O
	Website / Social Media	A	U	O	O
	Newsletter / e-news	A	U	O	R
	Newspaper notice (North Shore Times)	U	U	O	O
	Direct contact - email, letter or SMS.	O	O	O	O
	On-hold messages	O	O	R	R
	Letterbox drop, Rates Notice insert	O	R	O	R
Consult	Written Submissions, Comments / suggestions	A	A	U	O
	Responsible Officer contact point	A	A	U	O
	Surveys / other engagement tools on-line	A	A	U	O
	Public exhibition and submission	A	U	U	R
	Pop-ups	U	U	O	O
	Engagement Evaluations	U	U	O	O
	Public meeting	U	U	R	R
	Information Session	U	O	O	R
	Online two-way forum - Have Your Say (HYS)	O	O	O	R
	Expo / Events	O	O	R	R
Involve	Have Your Say on-line Consultation tools	A	A	U	O
	Large scale community consultation	A	U	O	R
	Focus groups / Workshops / Round Table	A	O	O	R
	Meeting with invited individuals	U	U	U	O
	Meet with specific groups or committee's	U	U	U	O
	Briefings	U	U	O	R
	Stakeholder and Interagency Networks	U	O	O	R
	Site Tour	O	O	O	O
	Working Group / Reference Group	O	O	O	O
	Peoples Panel	O	O	O	R
	Card Storming	O	O	R	R
	Seminars / Conferences / Forums	O	R	R	R
Collaborate	Participatory decision making	O	O	O	R
	Online collaborative platforms	O	O	O	R
	Joint projects	O	O	O	R
	Joint ventures	O	O	O	R
	Partnerships	O	O	O	R
	Co-design	O	O	O	R
	Symposium	O	O	O	R
	Citizen advisory committees	O	O	R	R
Empower	Delegated decision e.g. grant funding	U	U	U	R
	Ballots	O	O	R	R

Table key: A: Always / U: Usually [provide rationale] / O: Occasionally [as required] / R: Rarely [specific circumstances]

# A prosperous and vibrant future for Willoughby



Write or draw what a prosperous and vibrant future for Willoughby looks like to you...

Vibrant shopping hub

"let's create a village atmosphere with quality businesses and no empty shops"

Food & dining destination

Active and connected town centres

"I love all the different food options"



Stage for local & international talent



"I would love our area to have a co-working space - something that allows entrepreneurs access to fast internet"

Building infrastructure to connect

Vivid night economy

Tourist destination

Resilient businesses & diverse employment opportunities

We need more nightlife and venues for local music

# A connected future for W

Write or draw w future for Willou

Easy & affordable public transport

Think the app is useful for people with no car

"I would love our area to have a co-working space - something that allows entrepreneurs access to fast internet"

Building infrastructure to connect

Band belly dancing WEDNESDAY

I would like programs for and new mig they can b

## Connected & inclusive future for Willoughby

Write or draw what a connected & inclusive future for Willoughby looks like to you...

"we need more walkways that connect us to schools and shops"

Safe streets for cyclists & pedestrians

More parking, less traffic & better roads

Family atmosphere

Celebrating & supporting diversity

## A green future for Willoughby

Write or draw what a green future for Willoughby looks like to you...

Environmental leaders

Protect bushland, waterways & wildlife

Adopt a low carbon strategy & set greenhouse gas emission targets

Reduce the impact of our waste

## An effective & accountable future for Willoughby

Write or draw what an effective & accountable future for Willoughby looks like to you...

Infrastructure for population growth

Planning for a growing population

Leading & advocating on behalf of our community

## A liveable future for Willoughby

Write or draw what a liveable future for Willoughby looks like to you...

Great open & green places

Healthy & vibrant communities

Support our heritage

Research health & wellbeing

# Part C – Exhibition timelines

# Exhibition timeframes set by the NSW Government

Willoughby City Council follows timeframes set by the Department of Planning, Industry and Environment. These are shown in tables 5 and 6 below.

Submissions can be made on any matter on exhibition during these times. We do not make decisions on an application or draft plan until after the minimum or other specified timeframe for the public exhibition.

Timeframes are in calendar days and include weekends. If the exhibition is due to close on a weekend or a public holiday, we may extend this to finish on the next working day.

Exhibition periods are extended during December to January school holiday times for both public and private schools. These extension times are listed each November at [willoughby.nsw.gov.au](http://willoughby.nsw.gov.au).

We are not required to place any part of an environmental impact statement on exhibition if the public authority considers this would be contrary to the public interest. This can be due to its confidential nature or for another reason.



**Table 5: Minimum mandatory exhibition timeframes**

Environmental Planning and Assessment Act, Schedule 1	Minimum community participation requirement
<b>Community participation plan</b> (this plan)	28 days
<b>Draft local strategic planning statements.</b> Our 20 year vision for land use in Willoughby City.	28 days or as specified by our elected Council
<b>Planning proposals for local environmental plans subject to a Gateway determination.</b> To make changes to Willoughby Local Environmental Plan (WLEP) such as: <ul style="list-style-type: none"> <li>• Rezone / change of permissible land use.</li> <li>• Change to height or floor space controls.</li> </ul>	28 days or: <ul style="list-style-type: none"> <li>(a) a different period of public exhibition as specified in the NSW Government’s Gateway determination for the proposal</li> <li>(b) no public exhibition if the Gateway determination specifies this due to the minor nature of the proposal</li> </ul>
<b>Draft Willoughby Development Control Plan (WDCP) amendments.</b> Provides detailed planning and design guidelines that support the Willoughby Local Environment Plan (WLEP).	28 days
<b>Draft local infrastructure contributions policy and plans.</b> Process to gain financial contributions from new development to accommodate new and upgraded public amenities and/or services.	28 days
<b>Application for development consent (other than for complying development certificate, for designated development or for state significant development).</b> Examples include development applications for new dwellings, commercial, retail and industrial development and modifications to these.	See Part E in this plan for development consent notification
<b>Application for development consent for designated development.</b> Higher impact developments as detailed in Schedule 3 of the EP&A Regulation 2000 for activities such as aquaculture, coalmines, chemical storage facilities, extractive industries, electricity generating stations and marinas. These developments need to be supported by an Environmental Impact Statement.	28 days
<b>Modification application as per Section 4.55 of EP&amp;A Act.</b> Application for a modification of development consent where it is not listed in Category D (No notification required)	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
<b>Environmental impact statement (EIS) obtained under Division 5.1 of the Act.</b> Prepared for development under Part 5 of the EP&A Act for certain development such as state significant development.	28 days
<b>Reclassification of public land.</b> A legal requirement to change the status of how public land is used under the Local Government Act, with the majority being either ‘community’ or ‘operational’. <ul style="list-style-type: none"> <li>• Community land is generally open to the public, for example parks, reserves or sportsgrounds.</li> <li>• Operational land is public land used for other purposes such as work depots, car parks or investment properties held by Council.</li> </ul> The primary purpose is to provide flexibility in the management or future use including commercial leasing or potential future sale.	28 days
<b>Draft planning agreements.</b> Agreements between Council and a developer to allow contributions for land dedication, recreation, community and transport facilities in lieu of development contributions.	28 days

This table is adapted from the State of New South Wales and Department of Planning, Industry and Environment 2019.

**Table 6: Non-mandatory exhibition timeframes**

Other planning functions (not subject to Schedule 1)	Minimum community participation requirement
Major planning and urban design strategies (such as housing / local centres / draft CBD strategies) Transport strategy	28 days
Re- exhibition of any amended application or matter referred to in the table above	Discretionary based on the urgency, scale and nature of the proposal.





## Part D – The notification process

# The Development Application notification process

This section details how and when we notify you about the development applications we receive for the Willoughby City Council area.

There are four main categories that determine how Council will notify the community:

- **Category A** – routine applications notified for 14 days
- **Category B** – applications requiring more extensive neighbour notification for 14 days
- **Category C** – significant or higher impact applications requiring notification for 21 days
- **Category D** – no notification needed

Development applications in categories A, B and C are advertised in the local newspaper The North Shore Times and on our website. Further detail on notifications for each category is in the next section.

Notification for some applications is at the discretion of an authorised officer. This officer is a Willoughby City Council employee who has delegated authority to make decisions on behalf of our elected Council.

We encourage community feedback on the development assessment process. However, we also have to balance this with a requirement to process applications in a timely manner.

This means we cannot consider any submissions received after the notification period unless an authorised officer grants an extension of time in writing to lodge a submission.

An extension can only be granted for exceptional circumstances and only for people the authorised officer considers are likely to be affected by the proposed development.

## General requirements for all notification areas

Notifications apply to these types of applications:

- development applications requiring notification, including designated development and state significant development

- amendments made before the determination of a development application that required notification
- modifications to development consents under Section 4.55 of the *Environmental Planning and Assessment Act*
- reviews of determinations under Section 8.2 of the Act
- building certificates under the Act for unauthorised works.

## Who we notify

For development applications in notification areas for categories A, B and C, we notify these individuals and groups:

- owners of property within the applicable notification category and area
- ward councillors of the ward in which the application site is located
- relevant progress associations, societies or other community organisations whose comments, in the authorised officer's opinion, would assist the assessment of an application
- owners or occupants of properties in a neighbouring local government area that fall within the applicable notification area if the application site is on our local government area boundary
- owners and/or non-owner occupants who in the opinion of the authorised officer, with regard to the nature of the proposal, have a history of public interest in the site and the nature of the surrounding land uses.

## Notifications by email or post

We send written notification of applications in the notification areas for categories A, B and C. This includes:

- a brief description of the proposal, including change of use
- the address of the site and name of the applicant
- where and when the application, including plans and documentation, can be inspected
- the period during which an application may be inspected

- an invitation to make a written submission and the period during which submissions may be made
- Willoughby City Council address, website, telephone and email contacts
- clarification of how the *Privacy and Personal Information Protection Act 1998* applies to the notification and submissions.

## Site signs

We supply an application site sign which applicants are required to install on or in front of the land that relates to a development application. This includes:

- a brief description of the proposal
- where and when the application can be inspected
- the period during which an application may be inspected
- an invitation to make a written submission and the period during which submissions may be made
- Willoughby City Council address, website, telephone and email contacts.

A photograph and a statutory declaration must be submitted to Council within 2 days to advise that the sign is in place.

## Amending an application before determination

An applicant may amend an application at any time before the determination of the application.

For amendments before the determination of an application, the authorised officer may renotify:

- persons who made submissions on the original application. If the authorised officer is satisfied that the amendments will have a lesser or similar effect as the original application then renotification may not be required and submissions on the original application will be considered in the assessment.
- persons who own adjoining or neighbouring land (including those who were previously notified of the application) who may, in the opinion of the authorised officer, be further affected by the proposed amendments.

The renotification advice follows the normal notification procedure. Submissions on the amendment are to comment only on the implications of the amendment.

## Modifications to a development consent

An applicant may lodge an application to modify a development consent or a deferred commencement consent (Section 4.5 modifications, *Environmental Planning and Assessment Act 1979*).

In this case, we may notify:

- persons who made a written submission on the original application
- owners of land adjoining or neighbouring the application site who did not make a submission on the original application but who, in the opinion of the authorised officer, may be detrimentally affected by the development as proposed to be modified if carried out.

We do not send notification if the authorised officer is satisfied that:

- the proposal as modified will have a lesser or similar affect and no effect of a different type on the use or enjoyment of neighbouring or adjoining land than the original application
- the application to modify the consent is only to correct a minor error, misdescription or miscalculation as allowed by Section 4.5(1) of the Act.

The advice in the notification follows the normal notification procedure.

## Public notice of decisions and reason for decisions

We provide public notice of these types of decisions:

- the determination of an application for development consent
- the determination of an application for the modification of a development consent (being an application that was publicly exhibited)

- the granting of an approval, or the decision to carry out development, where an environmental impact statement was publicly exhibited.

This notice includes:

- the decision
- the date of the decision
- the reasons for the decision (with regard to any statutory requirements).

## Reviews of determination

Notification of a 'review of determination' application made under Section 8.2 of the *Environmental Planning and Assessment Act 1979* if submissions were received on the original application. In this case all previous correspondents who made submissions are notified.

It also occurs whether or not submissions were received on the original application if, in the opinion of the authorised officer reviewing the determination, owners of adjoining or neighbouring land may be detrimentally affected by approval of the application by the review.

The advice in the notification follows the normal notification procedure.

## Building certificates (unauthorised works)

Work done without prior council consent can be authorised by applying for a building certificate for the work (sections 6.25 and 6.26 of the *Environmental Planning and Assessment Act 1979*).

We determine the building certificate application by either issuing or refusing to issue the certificate. Appeal rights apply if we refuse.

This process does not affect our ability to issue fines, start prosecution proceedings against the person responsible for carrying out the unauthorised work, or require that rectification work takes place.

The notification of a building certificate application for unauthorised works follows the normal notification procedure. It outlines the nature of the unauthorised work the building certificate is seeking to authorise.

## Public Exhibition – Planning Proposals\* and Willoughby Development Control Plan (WDCP) exhibitions.

Who we will notify:

- 1) Where the proposal involves a site or area specific change, the owners of property covered by the amendments.
- 2) Within Willoughby City, the owners of property adjoining or neighbouring the land covered by the amendment who in the opinion of the responsible Council Officer may be affected by the amendment if adopted.
- 3) Depending upon the subject matter, local organisations that might have an interest.

The following will not be notified to individual owners:

- a) Amendments which affect the whole of the city or, in the opinion of the responsible Council Officer, affect a major portion of the City (generally more than 2000 properties);
- b) Amendments which do not change existing policy, which involve editing changes, changes to definitions or rectifying drafting errors.

For a) above, we'll communicate with a large range of stakeholders through:

- Targeted social media
- Letters to Progress Associations including a request to include information in associated publication / mailing lists.
- Web announcements
- North Shore Times
- Registration contacts within haveyouraywilloughby.

\*Note: Planning Proposals are notified in accordance with the NSW Department of Planning's Guide to Preparing Local Environmental Plans.



## Part E – Notification categories

# Category A

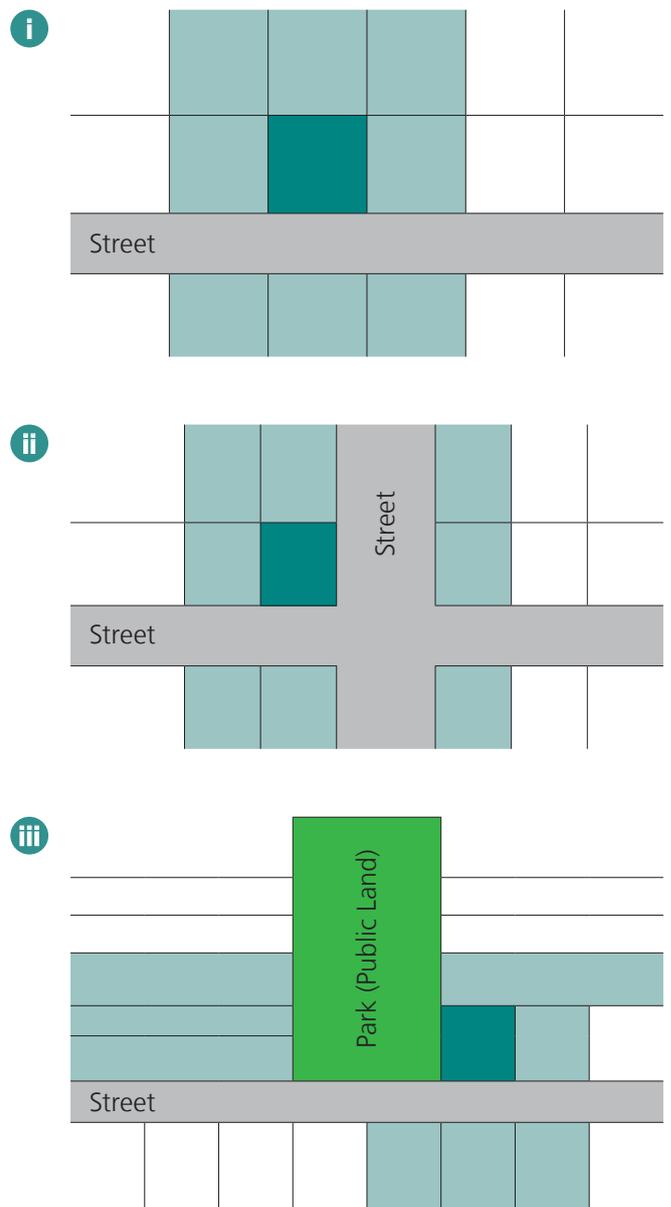
## Routine applications notified for 14 days

- New dwelling, dual occupancy, secondary dwellings
- Alterations and additions to a dwelling, dual occupancy, secondary dwelling
- Demolition of a dwelling in the E4 Environmental Living zone
- New building or significant alterations and additions to a building on land in Business or Industrial zones. Alterations and additions are 'significant' if they result in more than 50% of the existing gross floor area
- New tennis court (including change to lighting) ancillary to residential land use
- New swimming pool ancillary to residential land use
- Minor ancillary structures that require a development application (such as awnings, decks, fences, carports, outbuildings) and, in the opinion of the authorised officer, will have an adverse impact on the adjoining property
- Change of use applications for industrial or business zoned land abutting land zoned R2 Low Density Residential or E4 Environmental Living
- Development below the foreshore building line
- Change of hours of operation which in the opinion of the authorised officer is likely to have an impact on residential properties
- Permits under *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* to clear vegetation, prune or remove a tree in the E4 Environmental Living zone, and removal of gum trees in the R2 Low Density Residential zone in the West Chatswood locality
- Advertising signs 20m<sup>2</sup> or less in area or less than 8 metres high
- All other development requiring consent that is not elsewhere identified in the development application notification categories and in the opinion of the authorised officer is required to be notified

**Figure 1: Notification areas for Category A**

The property at each side of a site  
 3 nearest properties at the rear  
 3 nearest properties at the front (A)

For a corner block (B) or where a lane or other public land adjoins a property (C) the next nearest property or properties will be notified by disregarding the road, lane or public land.



**KEY:**

- Application site
- Property notified
- Street
- Park (Public Land)

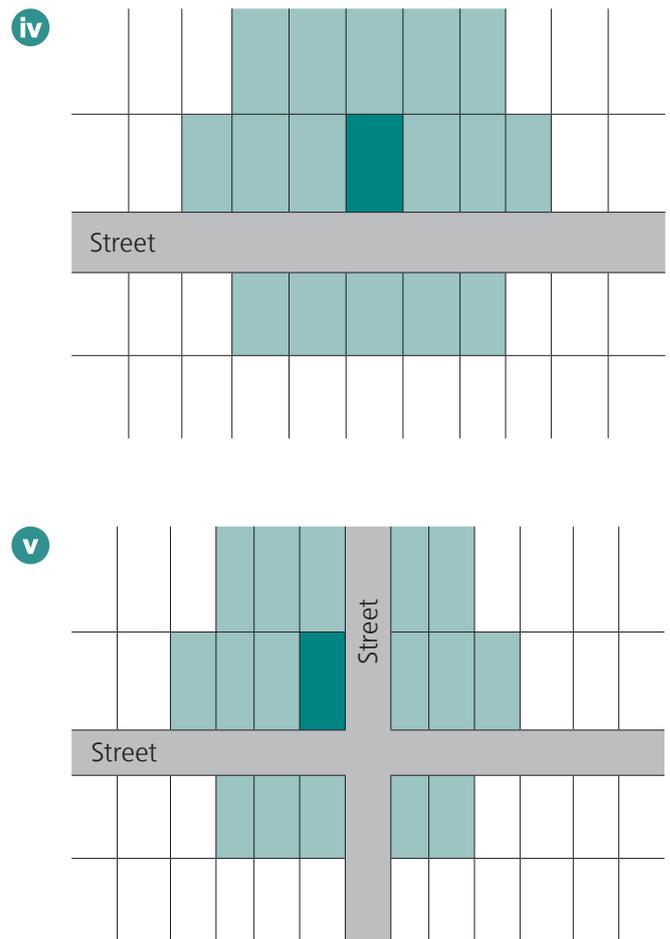
# Category B

## Applications requiring more extensive neighbour notification for 14 days

- External alterations and additions involving a heritage item
- Boarding houses not exceeding 300m<sup>2</sup> and 12 persons
- Demolition, construction of a new dwelling house or secondary dwelling, change to frontage (including building façade, fencing, carparking) additions above ground floor within a heritage conservation area
- New residential flat building, attached dwellings, multi-dwelling housing, or shop-top housing comprising 10 units or less
- Land subdivision in the R2 Low Density Residential or E4 Environmental Living zones (other than subdivision of an existing dual occupancy or property boundary adjustment)
- External alterations and additions to a building on land in a Special Purpose zone
- New recreation area and new recreation facilities (indoor)
- New bed and breakfast accommodation in the R2 Low Density Residential or E4 Environmental Living zones
- Any development relying on 'existing use rights'
- Alterations and additions to a childcare centre in the R2 Low Density Residential zone
- New community facility in a Business or Industrial zone (other than a community facility development detailed in Category C)
- Development applications under *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* to clear vegetation, prune or remove a tree
- Any other developments requiring consent that are not identified elsewhere in the development notification categories, where the authorised officer determines the proposal or potential impact warrants more extensive notification.

**Figure 2: Notification areas for Category B**

The 3 properties adjoining each side of the site  
5 nearest properties at the rear  
5 nearest properties at the front



**KEY:**

- Application site
- Property notified
- Street

# Category C

## Significant or higher impact applications requiring notification for 21 days

We notify all properties within a 100 metre radius of the application site for applications in this category.

- New or major alterations and additions to seniors housing, including SEPP (Seniors Living) 2004
- New or major alterations and additions to a childcare centre (other than Category B)
- New or major alterations and additions to an educational establishment in or adjoining land in a residential zone or E4 Environmental Living zone
- Sex services premises
- New recreation facility (major) and recreation facility (outdoor) in or adjoining land zoned residential or E4 Environmental Living zone
- New place of public worship in or adjoining land zoned residential or E4 Environmental Living zone
- New buildings and major alterations and additions in a Special Purpose zone (other than category B)
- Designated development\*
- State significant development\*
- Integrated development\*
- New residential flat building, attached dwellings, multi-dwelling housing or shop-top housing comprising more than 10 residential units
- New or major alterations and additions to a pub
- New or major alterations and additions to a community facility in or adjoining land zoned residential or E4 Environmental Living zone
- New or major alterations and additions to a health services facility in or adjoining land zoned residential or E4 Environmental Living zone
- New or major alterations and additions to tourist and visitor accommodation buildings (other than a bed and breakfast accommodation)
- New or alterations and additions to telecommunications facilities and/or network communications facilities
- Boarding houses
- Advertising signs greater than 20m<sup>2</sup> in area or higher than 8 metres

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\*Notification requirements for designated development, state significant development and integrated development are separately prescribed by the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation (2000)*. In these cases, the 21-day notification period may not apply.

# Category D

## No notification required

We do not notify you about the types of development in this category.

- Proposed works that meet all of the development standards (identified in the [State Policy](#) for exempt and complying development).
  - Exempt development - very low impact for certain residential, commercial and industrial properties such as decks, garden sheds, carports, fences, repairing a window or painting a house.
  - Complying development - combined planning and construction approval for straightforward development that can be determined through a fast-track assessment by Council or an accredited certifier. Complying development applies to homes, businesses and industry and allows for a range of things like the construction of a new dwelling house, alterations and additions to a house, new industrial buildings, demolition of a building, and changes to a business use.
  - Change of use in a business or industrial zone
  - Fitout of a building in a business, industrial zone or special purpose zone
  - Land subdivision of an existing dual occupancy
  - Property boundary adjustment
  - Strata and/or stratum subdivision
  - Building works that involve alterations to an existing building which in the opinion of the authorised officer will have a lesser or similar effect as the approved development (excluding works involving a heritage item)
  - Applications for development of a minor nature in a heritage conservation area or involving a heritage item that in the opinion of the authorised officer would not adversely affect the heritage significance of the heritage conservation area or heritage item (including repair and maintenance with materials and finishes that match or are compatible with the existing building)
- Applications which in the opinion of the authorised officer, contain insufficient information for a proper assessment under the Act and the application is determined as a refusal for that reason
  - Applications that in the opinion of the authorised officer, will have a lesser or same effect as the existing development on site including building certificates for unauthorised works
  - Permits under *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* other than in the E4 Environmental Living zone, and removal of gum trees in the R2 Low Density Residential zone in the West Chatswood locality
  - Applications where letters of support have been received from adjoining property owners, who in the opinion of the authorised officer, may be affected.





# Glossary

## Development application

A development application (DA) is an application made to Council seeking consent to:

- construct
- subdivide
- change the use of a property or premises
- demolish a building
- display advertising
- undertake earthworks
- make alterations or additions to a building

**A Local Environmental Plan (LEP)** is prepared by Council to guide planning decisions for the local government area and is principally made up of a written instrument and associated maps. Through zoning and development standards, it allows Council to supervise the ways in which land is used. Specifically, the LEP states whether development:

- is permissible on the land;
- is subject to specific restrictions, including controls on height, minimum land area and floor space;
- requires consent of Council.

## Planning Proposals

The preparation of a planning proposal is the first step in making an amendment to the existing LEP. A planning proposal is a document that explains the intended effect of, and justification for, the proposed amendment.

A planning proposal must include the following:

- A statement of objectives and intended outcomes of the proposal,
- An explanation of the provisions that are to be included in the proposal,
- A justification of the objectives and outcomes, including the process of how these are to be implemented,
- Maps where relevant, to identify the intent of the planning proposal and the area to which it applies
- Details of the community consultation that will be undertaken
- Project timeline

**Willoughby Development Control Plan (WDCP)** applies to all land in Willoughby and all types of development.

The WDCP is supplementary to Local Environmental Plans (WLEP 2012)

A Development Control Plan specifies detailed guidelines and environmental standards for new development, which need to be considered in preparing a Development Application. The WDCP provides a layered approach – some parts are relevant to all development, some to specific types of development, and some to specific land.

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