

COMMUNITY PARTICIPATION PLAN

2019



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WHAT IS A COMMUNITY PARTICIPATION PLAN?

1.1 Background

Within the local government context, community participation is a process that enables the aspirations, concerns, needs and values of the community and stakeholders to be raised and considered with regard to policy development, planning, decision making and the business of Council.

As parts of the Wollondilly Shire Council move closer towards unprecedented urban growth, continued participation from the community with regard to planning functions will assist Council in planning for and delivering development that demonstrates greater design, environmental, connectivity, economic and social outcomes for the community.

1.2 Purpose and Aim

The Wollondilly Shire Council Community Participation Plan (CPP) was developed to provide the community with a clear process of how and when Council will engage with the community in relation to proposed development and plan making across the Shire, including mandatory requirements for public exhibition in relation to its planning functions.

The overarching aim of community participation is to gather feedback from the community on key strategic planning documents, planning proposals, and development applications to inform Council's relevant planning panels' decision making process.

The CPP will meet the legislative requirements of community participation under the Environmental Planning and Assessment Act 1979 (the Act) and aims to enable genuine and effective opportunities for the community to participate in Council's strategic plan making and the development application process.

1.3 Planning Functions and the CPP

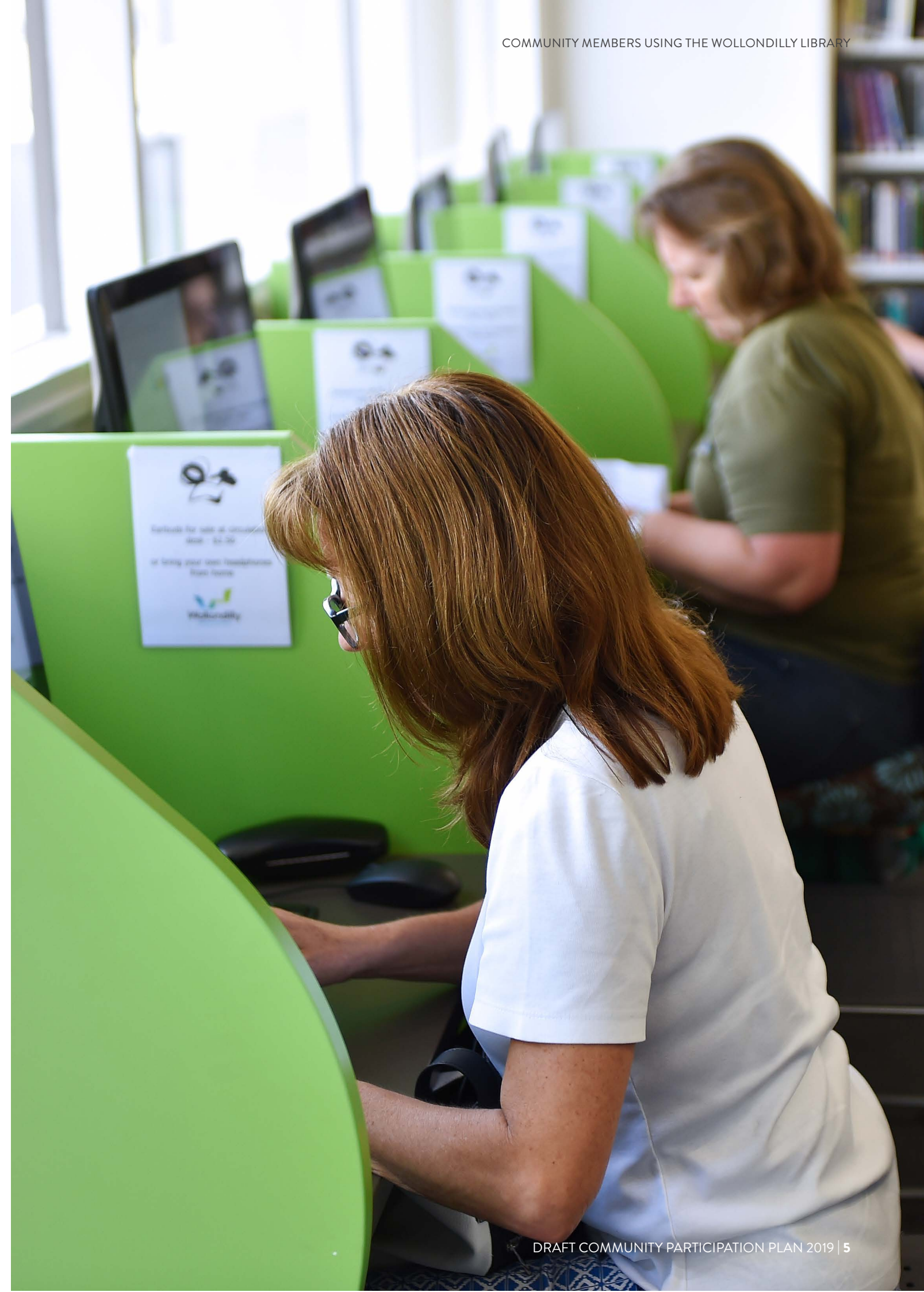
The CPP will apply to the following planning functions across Council:

- Plan making; the Strategic planning work such as the development and amendments to local environment plans, development control plans, contribution plans, local strategic planning statements, local planning strategies and studies and the assessment of planning proposals and;
- Development Assessment; being the assessment of building and development applications for a wide range of proposed development and uses across the shire.

1.4 Relevant Legislation

The CPP was developed in accordance with the provisions of the:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Wollondilly Shire Council Local Environmental Plan 2011*
- *Wollondilly Shire Council Development Control Plan 2016, Volumes 1-8*
- *Wollondilly Community Strategic Plan 2033*
- *Wollondilly Shire Council Communications and Engagement Strategy 2018*
- *Wollondilly Strategic Planning – Planning Proposal Policy CP0038*



OBJECTIVES OF COMMUNITY PARTICIPATION

2.1 Principles of community participation

The Environmental Planning and Assessment Act (Section 2.23(2)) provides Council with clear principles that are to guide community participation within the planning context. The principles are:

- a) *The community has the right to be informed about planning matters that affect it*
- b) *Council will encourage effective and ongoing partnerships with the community to provide meaningful opportunities for community participation in planning*
- c) *Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning*
- d) *The community should be given opportunities to participate in strategic planning as early as possible to enable the community views to be genuinely considered*
- e) *Community participation should be inclusive and Council should actively seek views that are representative of the community*
- f) *Members of the community who are affected by the proposed major development should be consulted by the proponent before an application for planning approval is made*
- 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)*
- 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.*

Council will adhere to and implement the above principles when communicating and engaging with the community to ensure that a transparent and accountable approach is taken to the consideration of proposals and policies, and that this takes place in a timely manner.

2.2 Our approach to community participation

The approach to community participation at Wollondilly is one that seeks to encourage open, timely and meaningful opportunities for engagement in local planning functions. Our process is driven through three key activities being:

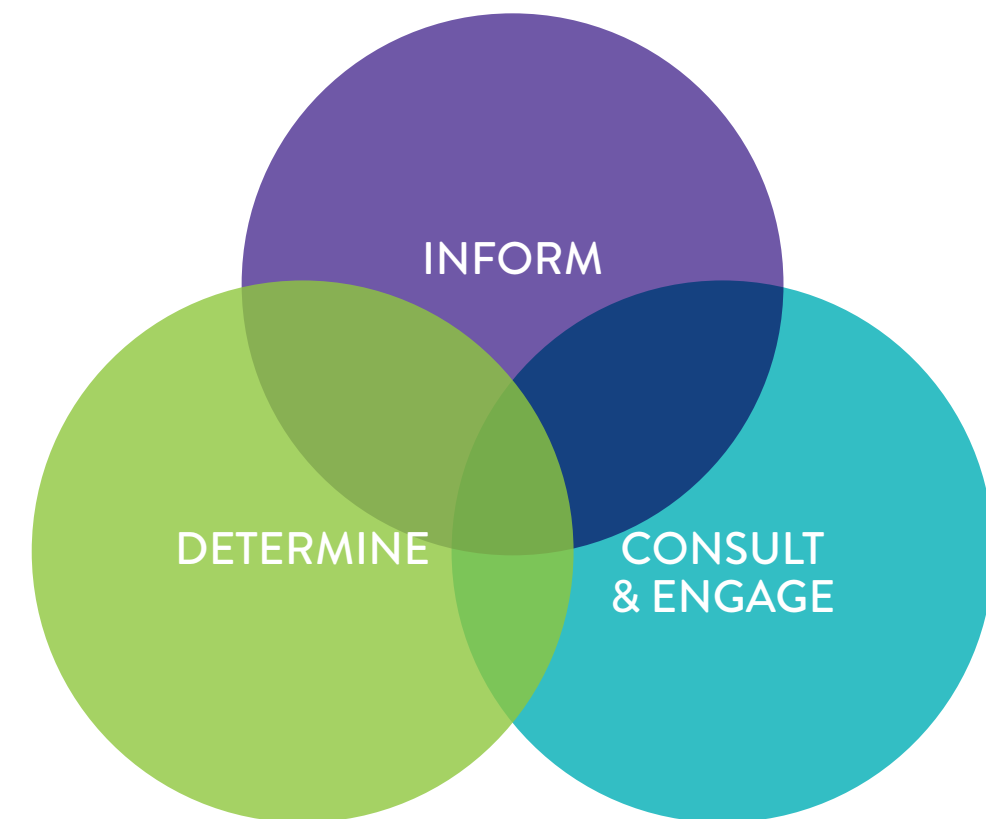


Figure 1: Our Approach to Community Participation

A variety of consultation tools are utilised by Council when undertaking community participation activities, and can typically include:

- Online participation through Council's website
- Informal face to face participation at community events
- Scheduled community workshops
- Request for written submissions through a public exhibition process

THE PLAN MAKING PROCESS

3.1 Mandatory public exhibition in plan making

Community participation occurs at many stages throughout Council’s plan making functions.

When Council is developing a new policy or plan, the requirements of how Council will engage and communicate with the community is detailed in Schedule 1 of the *Environmental Planning and Assessment Act 1979*, and outlined in the following Table.

POLICY OR PLAN	PUBLIC EXHIBITION TIME FRAME
Draft Community Participation Plans	28 days
Draft Local Strategic Planning Statements	28 days
Planning Proposals for Local Environmental Plans subject to a Gateway Determination	28 days or; (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.
Draft Development Control Plans	28 days
Draft Contribution Plans	28 days
Masterplans	42 days
Policy or Guidelines	28 days

Table 1. Mandatory public exhibition time frames for plan making

(Note: As part of any formal public exhibition Council will notify any submitters from previous community engagement.

Where a planning proposal is to be supported by an action under a separate statutory process (for example a planning agreement under the *Environmental Planning & Assessment Act 1979* or a biodiversity certification application under the *Biodiversity Conservation Act 2016*), the public exhibitions should be coordinated and held at the same time.

3.2 Non-mandatory community participation in plan making

In addition to mandatory requirements identified in Table 1, Council adopted the Strategic Planning - Planning Proposal Policy CP0038 at its Ordinary Council Meeting held 18 February 2019.

In doing so, Council committed to engaging with the community and key stakeholders early in the planning proposal process and adopted the following non-mandatory guidelines for community participation during the planning proposal process:

- As a part of its preliminary assessment for any planning proposal Council will undertake community engagement by way of preliminary consultation to better understand planning considerations and local attitudes to the planning proposal.
- All preliminary consultation will provide a submission period of no less than 15 calendar days for certain housekeeping amendments and planning proposals (minor).
- The minimum consultation period will be 28 calendar days for;
 - Council Initiated Planning Proposals;
 - Planning Proposals (Major);
 - Planning Proposals (Significant); and
 - Planning Proposals (Employment Generating).

The minimum consultation period may be longer at staff discretion for particularly complex or large proposals or during holiday periods. The definition of a minor / major / significant planning proposals are provided on pages 10 and 11 of this plan.

CATEGORY/TYPE OF PLANNING PROPOSAL	CONSULTATION PERIOD	LANDOWNER & OCCUPANT	ADJOINING LANDOWNER & OCCUPANT IMMEDIATELY ADJOINING THE SITE(S) OF THE PROPOSAL	LANDOWNER/ OCCUPANT WITHIN 2KM	ADJOINING COUNCIL(S)	LOCAL NEWSPAPER	COUNCIL'S WEBSITE	LIBRARIES AND OTHER LOCALITIES	PUBLIC AGENCIES
Planning proposals (minor)	15 days*	✓	✓		**	✓	✓	✓	***
Planning proposals (major)	28 days	✓	✓	#	**	✓	✓	✓	***
Planning proposals (significant)	28 days	✓	✓	✓	**	✓	✓	✓	***
Planning proposal (employment generating)	28 days	✓	✓		**	✓	✓	✓	***
Council initiated planning proposals (site specific)	28 days	✓	✓		**	✓	✓	✓	***
Council initiated planning proposals (non-site specific)	28 days	n/a	n/a	n/a	✓	✓	✓	✓	***
Housekeeping amendments (site specific)	15 days	✓			**				***
Housekeeping amendments Apply across the Shire or to specific zones)	Nil		No preliminary Consultation will be undertaken where the error or anomaly is general in nature and applies broadly.						

Table 2. Non-mandatory requirements for Preliminary Consultation for all draft planning proposals

* A minimum consultation period of 21 days should be provided for public agencies.
** Any adjoining Council(s) will be notified where the site is located close to the boundary.
*** Refer to Council’s Strategic Planning - Planning Proposal Policy CP0038 section 4.8 Consultation with Public Agencies.
Required for proposals that would result in more than 25 lots

DCP AMENDMENT	CONSULTATION PERIOD	LANDOWNER & OCCUPANT	NON MANDATORY REQUIREMENTS					
			ADJOINING LANDOWNER & OCCUPANT IMMEDIATELY ADJOINING THE SITE(S) OF THE PROPOSAL	ADJOINING COUNCIL(S)	LOCAL NEWSPAPER	COUNCIL'S WEBSITE	LIBRARIES AND OTHER LOCALITIES'	PUBLIC AGENCIES
Minor	28 days	Yes	Yes	**	Yes	Yes	Yes	***
Major	28 days	Yes	Yes	**	Yes	Yes	Yes	***
Housekeeping (site specific)	28 days	Yes		**				***
Housekeeping (apply across the Shire or to specific zones)	28 days	Nil	No preliminary Consultation will be undertaken where the error or anomaly is general in nature and applies broadly					

Table 3. DCP Amendments

** Any adjoining Council(s) will be notified where the site is located close to the boundary.
*** Refer to Council's Strategic Planning - Planning Proposal Policy CP0038 section 4.8 Consultation with Public Agencies.
+ Major DCP amendment – also includes a neighbourhood plan

Note: 'Libraries and other localities' in Table 2 and 3 of this plan refers to:

The inclusion of a requirement for a hard copy of all strategic planning documents, planning proposals and any development applications that are significant or generating community interest (where Council is the consent authority or running a planning process) to be provided at:

- i. Warragamba Silverdale Neighbourhood Centre for strategic planning documents and proposals or applications in Warragamba, Silverdale, Werombi or the Wallacia parts of Wollondilly;
- ii. Yerranderie Village for strategic planning documents and proposals or applications in Yerranderie or the parts of the locality of Blue Mountains National Park within Wollondilly;
- iii. An appropriate location in Appin for strategic planning documents and proposals or applications in Appin, and
- iv. The Wollondilly Library including mobile library.

It is acknowledged that considerable consultation has already occurred to establish a Growth Centre. Subsequently, the preliminary consultation requirements outlined for draft planning proposals located within a Growth Centre will be at the discretion of Councils Executive Leadership Team who may determine that no preliminary consultation period is required.

The outcome of any preliminary consultation will be reported to Council to inform the initial decision on whether a planning proposal is supported and should be forwarded to the Greater Sydney Commission or their delegate with a request for a Gateway Determination.

If a planning proposal is modified following initial consultation, Council will undertake additional consultation and will also notify any previous submitters. This clause does not apply to minor amendments.

Note: this does not apply to modifications suggested by Council where it is addressing issues raised during consultation.

3.3 Definitions

In this policy words and phrases have the following meaning:

Draft Planning Proposal refers to a planning proposal which has not been considered by Council. For example, when a planning proposal is submitted to Council it is referred to as a “draft planning proposal” until Council resolves to support it and forward it to the Greater Sydney Commission or delegate with a

request for a Gateway Determination.

Gateway Determination means a document issued by the Minister for Planning, the Greater Sydney Commission or their delegate that specifies whether a planning proposal is to proceed and, if so, in what circumstances.

Planning Proposal means a written document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan which has been prepared in accordance with the NSW Government Department of Planning & Environment's *A Guide to Preparing Planning Proposals*.

Preliminary Consultation means consultation undertaken at the start of the process prior to a proposal being considered at an Ordinary Meeting of Council and prior to a Gateway Determination. Preliminary consultation is not a statutory requirement but is considered by Council to be good practice.

Growth Centre refers to land identified as a growth centre precinct under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. For the purposes of this policy Growth Centre also includes those under investigation by the Department.

Proponent means the person or organisation who submits/initiates a planning proposal. Where a planning proposal is submitted to Council for consideration the proponent will most likely be a landowner, developer or consultant. Where Council initiates a planning proposal, Council is the proponent.

3.4 Different types of planning proposals

In this policy, planning proposals are categorised into one of six categories as detailed below:

CATEGORY/TYPE OF PLANNING PROPOSAL	DESCRIPTION
Housekeeping Amendment	A Council initiated planning proposal that seeks to correct an error or an anomaly in the Local Environmental Plan.
Council Initiated Planning Proposal	Any Council initiated planning proposal that is not a Housekeeping Amendment.
Planning Proposal (Minor)	A non-Council planning proposal that Council considers to be: a) Small/minor in scale, and b) Simple in nature, and c) Unlikely to have significant impacts on the natural, built, social and economic environment (i.e. unlikely to require a number of specialist studies). A proposal to rezone land is unlikely to be considered a minor planning proposal if the rezoning is for the purposes of growth (i.e. to subdivide the land to create additional lots for houses). An example of a minor planning proposal would be where a correction/ minor change to the Local Environmental Plan is sought which has not resulted from an error on Council's account. Other examples include proposals submitted by or on behalf of not-for-profit organisations and other community based organisations and where the objective or intended outcome has a community focus.
Planning Proposal (Major)	A non-Council planning proposal which is modest in size, i.e. generally up to 50 lots or equivalent dwellings and where specialist studies are required. Planning Proposal (Significant) A non-Council planning proposal for significant growth, i.e. generally more than 50 lots or equivalent dwellings. All planning proposals within a Growth Centre as defined in section 3.3 of this plan.
Planning Proposal (Employment Generating)	A non-Council planning proposal where the focus of the proposal is for an employment generating objective or outcome. Where there is a mix of changes proposed, a proposal will be considered 'Employment Generating' where the job forecast to housing ratio is greater than 1:1.

Table 4. Types of Planning Proposals

Note: the description for non-Council planning proposals reflect Councils adopted fees & charges.

3.5 Consideration of Submissions

Current guidelines regarding the considerations of submissions in the plan making process will remain and include:

- Where more than one response is received from the same address, the submission will be counted as an individual submission if submitted by different people.
- Where an identical response is submitted by more than one person from the same address (for example Mr & Mrs Smith) this will be considered as one submission. If a person submits more than one response, those responses shall be considered as one submission.
- Where a petition is received, Council will advise the head petitioner only of the outcome of the consultation.

Note: The head petitioner is considered to be the person who submitted the petition and if this is not clear than the first person listed on the petition.

Late submissions will be accepted but will only be considered where these are received in sufficient time to allow for their reporting.



DEVELOPMENT APPLICATION PROCESS OVERVIEW

4.1 Participants in the development application process

When discussing how Council will engage with the community when considering building and planning matters, it is useful to understand the development process, particularly as it relates to development application (DA) assessment and construction approval processes. This is illustrated in Figure 2 below.



Figure 2. The Development Process

For a detailed explanation of the development process, please refer to Attachment 1.

During the DA process, Council officers will engage with a number of different interested stakeholders and / or members from the community, their typical interactions with Council officers are described in detail below:

Owner (of the DA site)

The owner of the land to which a DA relates has to provide consent for an application to be lodged. The owner also gives in principle consent for authorised Council officers and delegates to enter the land to carry out inspections for the purpose of assessing and determining the development application.

The owner also must nominate the applicant as the Single Point of Contact (SPOC) in the DA process to ensure communication and information flow is conveyed in a systematic and scheduled manner to a single person.

Applicant

The applicant is the owner's authorised agent and is the Single Point of Contact (SPOC) in the DA process. In some cases, the owner may also be the applicant. Communication with Council in the DA process is primarily between the applicant and Council's Assessment Officer who has carriage of the particular application. Disagreements pertaining to merit considerations and interpretation of the controls should initially be directed at the relevant assessment officer and only where there is no resolution should the concern be escalated to the Team Leader, the Manager or the Director, as a last resort.

Any concerns with the conduct of officers during the assessment process should be raised with the Team Leader and only escalated to the Chief Executive Officer if not satisfactorily addressed by the Manager or the Director.

Neighbours/objectors/submitters

Formal notification/advertising of DAs to affected residents will be conducted in accordance with this Community Participation Plan.

Submissions received within the exhibition period will be acknowledged in writing. If required to better inform the assessment, Council may (but is not required under legislation) to contact submitters to obtain additional information or to conduct a site inspection.

All submissions received within the exhibition period will be considered and are addressed in the officers' assessment report. Upon the finalisation of Council's assessment, persons making submissions are provided with a copy of Council's Notice of Determination.

Councillors

From 1 March 2018 local planning panels became mandatory for all councils in the Greater Sydney Region, including Wollondilly Shire Council.

These panels comprise independent experts that determine development applications on behalf of a Council and provide other advice on planning matters.

The establishment of the panel means that development applications will be determined by either a panel or Council staff, depending on the scale and impact of the DA.

Elected Councillors are therefore no longer involved in the DA process.

4.2 Mandatory public exhibition in the DA process

As is the case with strategic planning making, Council’s process of notifying and / or advertising proposed DA’s is in strict accordance with Schedule 1 of the Environmental Planning and Assessment Act 1979, as outlined in Table 3.

DEVELOPMENT TYPE	PUBLIC EXHIBITION TIME FRAME
Local and Integrated Development	14 days **
Designated Development	28 days
State Significant Development	28 days
Modification Applications	<p>Where determined necessary by the Council, the same time frame as when the application was originally notified / advertised.</p> <p>If Council decides that re-notification is necessary, the re-notification / advertising will be sent to:</p> <ul style="list-style-type: none">• those persons previously notified of the original development application• those persons who made submissions to the original development application; and• any other persons who, in the opinion of the Assessment Officer, may be affected by the modified development application. <p>Notification of Section 4.55 Applications</p> <ul style="list-style-type: none">• Section 4.55 (1) modifications that involve minor error, misdescription or miscalculation will not be notified.• Section 4.55 (1A) modifications that involve minimal environmental impact will not be notified unless in the opinion of Council, the proposed modification has the potential to increase the impact of the development on adjoining land.• Section 4.55 (2) modifications which cause increased environmental impact will be notified in the same manner as the original application was notified. Also, any person who made a submission to the original development application will be notified.
Application for the Review of a Determination	14 days, where the original application was notified / advertised.
When an Environmental Impact Statement is obtained (under Division 5.1 of the Act)	28 days
When an Environmental Impact Statement is obtained for a State Significant Infrastructure (under Division 5.2 of the Act)	28 days
Re-exhibition of any amended Application or Matter	Where determined necessary by the Council, the same as when the application was originally notified / advertised

Table 5. Mandatory requirements for exhibition of development applications

General conditions for notification:

- In cases where the owners address recorded in Council’s rating database for a notified property is different to the street address of that property, a “written notice” shall also be sent to “the occupier” at the street address.
- In the case of any development that requires advertising, a written notification shall also be sent to any person who owns or occupies land adjoining the land to which the application relates.
- Where the notification of a development application is required under this plan the Council must provide a written notice of the application to any person who owns or occupies land adjoining the land to which the application relates. Land that is considered to be adjoining the development site is identified in the diagram below:

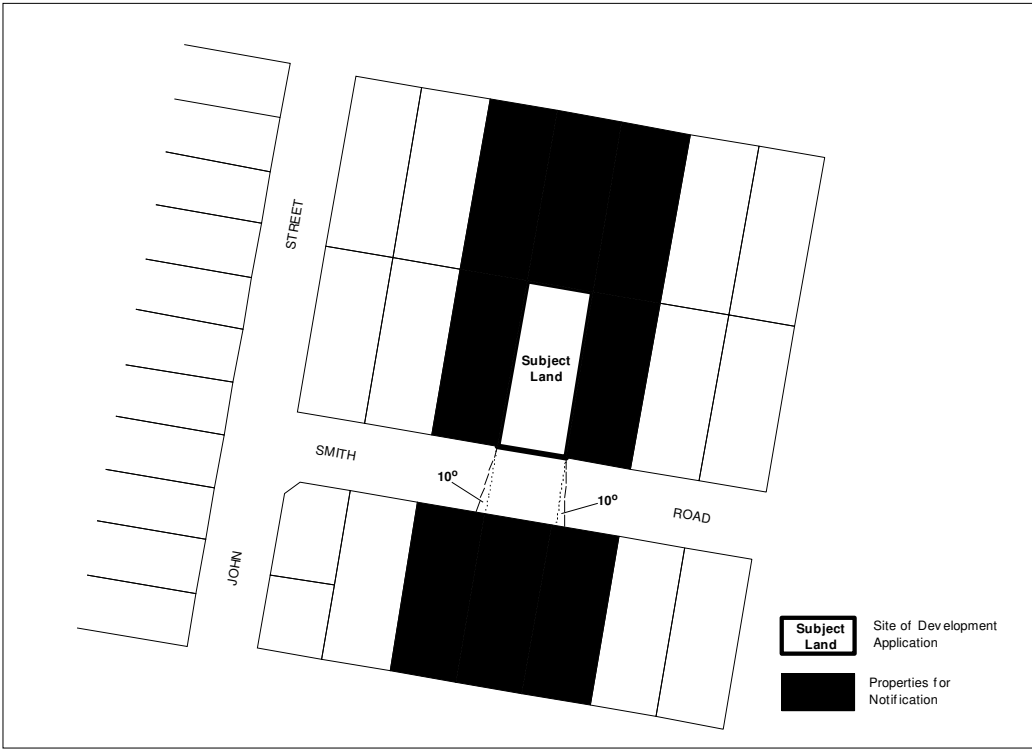


Figure 3: Land considered to be adjoining

Council may elect to provide a written notification to owners or occupiers of land beyond those adjoining the development site if Council considers that the nature and scale of the development requires the notification of a broader area.

Where land is held in a strata or community title, the written notice must be forwarded to:

- The manager or secretary of the body corporate (under the Strata Titles Act, 1973 or the Strata Titles (Leasehold) Development Act, 1986) or the Association (under the Community Land Development Act, 1989), and
- The lessor of the leasehold strata scheme concerned and to the owners corporation (if the land is not a lot within the meaning of the Strata Schemes (Leasehold Development) Act, 1986) is taken to be written notice to the owner or occupier of each lot within the Strata Scheme (in accordance with the Environmental Planning and Assessment Regulations); and
- Each individual strata or community title owner, meeting the adjoining land criteria above.

Note: Where Council has not been provided with contact details for the association under the Community Land Development Act, 1989 then the association will not be notified.

Furthermore, local development that proposes the following types of development will require an advertised period of 28 days:

- Animal boarding or training establishment
- Any retail premise selling liquor, pub, registered club, or hotel or motel accommodation, or any other licensed premises under the Liquor Act 2007
- Boarding house, or group home
- Caravan park, or camping ground
- Cemetery, crematorium, mortuary, or funeral home
- Centre-based child care facility with a capacity for 40 or more places
- Correctional centre
- Depot, transport depot, or truck depot
- Electricity generating work (excluding solar panels for domestic use)
- Extractive industry
- Food and drink premises with drive-thru component
- Forestry
- Freight transport facility, air transport facility, or passenger transport facility
- Heavy industrial storage establishment
- Heavy industry
- Hospital
- Hostel comprising more than 10 dormitories
- Intensive livestock agriculture
- Intensive plant agriculture
- Livestock processing industry
- Multi dwelling housing comprising more than 5 dwellings
- Place of public worship with a capacity for more than 100 people
- Recreation facility (major), recreation facility (outdoor)
- Residential care facility comprising more than 5 rooms
- Residential flat building comprising more than 5 dwellings
- Restricted premises, or sex service premises
- Seniors housing comprising more than 5 dwellings
- Service station
- Shop top housing comprising more than 5 additional lots
- Subdivision resulting in more than 5 additional lots
- Tourist and visitor accommodation comprising of more than 5 guest rooms
- Other matters and land uses at the discretion of Council Officers.

General conditions for public exhibition:

- Council will not make any determination of an application or adopt any new plan / policy until after the minimum period of public exhibition has finished.
- Submissions in regards to the application or plan / policy on public exhibition may only be made during the specified period of public exhibition.
- The Christmas / New Year break between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition

- If a particular matter has different exhibition or notification periods that apply under this Part, the longer period applies.
- Council are not required to make available for public inspection any part of an Environmental Impact Statement, where in our opinion, by doing so, it would be contrary to the public interest because of its confidential nature or for any other reason.
- If a development application is amended prior to being determined, the application will only be re-notified if the environmental impact is deemed by Council to be greater than that of the original development proposal.

4.3 Non Mandatory Notification in the DA process

As per Wollondilly Development Control Plan 2016 Volume 1 Part 4 Community Engagement, notification of development applications will be required except where Council consider that the potential for adjoining and nearby land to be adversely affected by the development is minimal.

Notification is not required for the development types listed in Table 4 so long as the criteria in the right hand column are met.

Table 6. Notification not required as per Council's DCP 2016 Volume 1, Part 4

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
Dwelling House (including alterations and additions)	<ul style="list-style-type: none">• No other Dwelling House located on the same allotment• Finished floor levels no greater than 1m above or below the natural ground level• Complies with Council's building line setbacks prescribed in this plan• For single storey dwellings - No walls less than one (1) metre from any boundary• For two storey dwellings – be setback at least 10.0m from side boundaries.• Total floor area of less than 430m2• No more than 2 garage doors visible from the street• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.
Carports (residential)	<ul style="list-style-type: none">• Relates to a residential use of the land;• Complies with Council's building line setbacks in this plan• Setback from side boundaries is no less than 1.0m• No taller than 4m above ground level (existing)• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.
Awnings and Pergolas (residential)	<ul style="list-style-type: none">• Relates to a residential use of the land• Complies with Council's building line setbacks in this plan• Setbacks from side boundaries are no less than 1m• No taller than 4m above existing ground level• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area

Table 6. Notification not required as per Council's DCP 2016 Volume 1, Part 4 continued...

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
Gazebos (residential)	<ul style="list-style-type: none"> Relates to a residential use of the land Complies with Council's building line setbacks in this plan Setback from side boundaries no less than 1m No taller than 4m above existing ground level Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area
Retaining walls (residential)	<ul style="list-style-type: none"> Relates to a residential use of the land No more than 0.6m high Setback from side and rear boundaries is no less than 2.5m Located behind or beside the dwelling.
Swimming pools (residential)	<ul style="list-style-type: none"> Relates to a residential use of the land Setback from side and rear boundaries no less than 1m Located in the rear yard or on a corner lot, behind the front and secondary street setbacks of the dwelling No coping or decking more than 0.5m above ground level (existing).
Decks and Balconies (residential)	<ul style="list-style-type: none"> Relates to a residential use of the land No more than 0.5m above ground level (existing) Setback at least 10.0m from any boundary
Residential Outbuildings	<ul style="list-style-type: none"> Relates to a residential use of the land Complies with the building line setbacks in this plan Located in a residential zone (other than R5 Large Lot Residential) Setback from any boundary is no less than 900mm No higher than 3.5 metres above the natural ground level Can accommodate a maximum of two car parking spaces Floor area less than 50m²
Ancillary Buildings including Farm Buildings	<ul style="list-style-type: none"> Relates to a residential use of the land Located on land zoned R5, RU1, RU2, RU4 or E4 Complies with the building line setbacks contained within this plan Setback from any boundary is no less than 10.0m No higher than 5.0m above natural ground level Floor area less than 100m²
Telecommunications Facilities	<ul style="list-style-type: none"> Be "low impact facilities" as defined by the legislation of the Commonwealth.
Tree removal (residential)	<ul style="list-style-type: none"> Removal of 10 trees or less Located on residential zoned land
Tree removal (rural)	<ul style="list-style-type: none"> Removal of less than 10m² of vegetation Located on rural zoned land
Tree removal (agricultural)	<ul style="list-style-type: none"> Located in a RU1 or RU2 Removal is required for the purposes of agriculture

Table 6. Notification not required as per Council's DCP 2016 Volume 1, Part 4 continued...

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
Demolition	<ul style="list-style-type: none"> Demolition of a building that would have been subject to another exemption in this clause if it were being proposed as a new building.
Septic Tanks	<ul style="list-style-type: none"> No notification required
Rain Water Tanks	<ul style="list-style-type: none"> No notification required
Strata subdivision of existing buildings	<ul style="list-style-type: none"> Existing building is lawful and complies with the Building Code of Australia.
Subdivision of existing dual occupancy	<ul style="list-style-type: none"> Be located in Zones R2, R3 or B4 The existing building(s) is/are lawful
Health Services Facility	<ul style="list-style-type: none"> Located within Zones B1, B2 or B5 Be located wholly within an existing commercial building
Kiosk	<ul style="list-style-type: none"> Be located within Zones B1, B2 or RE2
Change of use of an existing building from one type of commercial use to another	<ul style="list-style-type: none"> Where, in the responsible Council Officer's opinion, the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation Proposed use is permissible in the zone Adequate car parking is provided In a business zone Contained within an existing building
Internal Works to an existing building	<ul style="list-style-type: none"> Does not affect the height, footprint or external appearance of the building
Minor Commercial external building alterations/additions	<ul style="list-style-type: none"> Works are not proposed to a Heritage Item or to a building within a Heritage Conservation Area, including Landscape Conservation Area. Does not increase the height of the building Does not create additional shops/units
Change of use from one type of light industry to another type of light industry	<ul style="list-style-type: none"> Proposed use is permissible in the zone Adequate car parking is provided Where, in the responsible Council Officer's opinion, the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation The land is within an industrial zone Contained within an existing building The land does not adjoin any residential, rural, environmental or open space zone

Table 6. Notification not required as per Council’s DCP 2016 Volume 1, Part 4 continued...

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
Secondary Dwellings	<ul style="list-style-type: none">• The lot is within a rural or environmental zone and is greater than 2 hectares• Will not result in any more dwellings than the principal dwelling and the secondary dwelling on the site.• Is consistent with the setback requirements for Secondary Dwellings in rural and environmental zones contained in <i>Volume 4 of Wollondilly Development Control Plan 2016</i>.
Minor Environmental Protection Works	<ul style="list-style-type: none">• No notification required
Signage	<ul style="list-style-type: none">• Within a business or industrial zone• Does not require advertising under SEPP 64• Is not illuminated• Is not attached to a heritage item, on a lot containing a heritage item or within a heritage conservation area, including a Landscape Conservation Area• Is not in association with a restricted premises
Works that are required in response to an emergency situation (such as a natural disaster event, e.g. a flood).	<ul style="list-style-type: none">• No notification required.
Home Occupations	<ul style="list-style-type: none">• Where, in the responsible Council Officer’s opinion, the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation

Any development within the following areas / locations will always require notification:

- On land which contains a ‘Heritage Item’
- On land that is ‘adjoining land’ to any land which contains a ‘Heritage Item’
- On any land within a Heritage Conservation Area (excluding shop fit-outs and ‘change of uses’)

For developments of a minor nature, notification may not be required for a development application where, in Council’s considered opinion, the potential for adjoining or nearby land to be adversely impacted by the development is considered minimal in terms of the following:

- Amenity (including noise, odour, hours of use);
- Suitability of the land for the proposed development;
- The siting of the proposed building in relation to the development of the site boundaries; and
- The scale and bulk of the proposed development.

Council may also require an application to be notified which would not usually require notification after conducting a site inspection and consideration of factors such as the character of the existing development, slope of the site, local amenity, potential overshadowing and any other issues considered to be relevant.



IMPLEMENTATION OF THE CPP

5.1 Plan implementation

To implement the CPP, Council will employ a variety of strategies to ensure all relevant staff are aware of the CPP and understand its responsibilities within the planning context.

Proposed implementation strategies include raising awareness of the CPP through Council's intranet and discussion of the CPP at Council's regular staff monthly meetings.

Council's Community Engagement team will continue to work closely with all planning staff to ensure opportunities of best practice community participation are available and accessible to the Wollondilly community.



ATTACHMENT 1 THE DEVELOPMENT PROCESS



Stage 1: Pre-lodgement consultation

This is not mandatory step but is highly recommended before lodging a formal DA. It is intended to assist owners/applicants in the preparation of a DA that will make the development assessment process easier, including understanding the land and putting together the specialist team, talking to Council and talking to neighbours, before finalising and lodging a formal DA. Pre-lodgement advice is based on a non-statutory application and is not notified to neighbours. As a paid-for service, the content of Council's advice at a pre-lodgement consultation is considered 'Commercial in Confidence'.

Stage 2: DA lodgement and initial administration by Council

Council's online DA guide describes the information that must be included when lodging a DA and the initial steps council takes in its processing (notification, referral to government departments and allocation to an assessment officer). At lodgement applicants receive written confirmation that their DA has been lodged.

Stage 3: Assessment

Council assesses applications against all the relevant standards and controls and takes into account any submissions made. Applicants and submitters may also refer to Council's online DA tracking system to find out how an application is progressing.

When contacting Council by email or telephone, it will assist to quote the DA number and the name of the officer who is dealing with the application. Council officers are available to take calls during normal business hours from 9am to 3pm. You must make an appointment if you need to meet with our assessment officers.

The assessment officer has carriage of a DA during the assessment process. To ensure Council Officers can provide an efficient DA service any separate or uncoordinated discussions with other specialist referral officers or external referral bodies are discouraged. However, if unavoidable, explicit approval from the assessment officer is required in these circumstances.

It is important that all the relevant information is submitted with a DA so that it can be determined as quickly as possible. Council has a legal obligation to assess and make decisions on DAs without unreasonable delay. For this reason, Council can only accept one modification to a DA prior to determination.

After a DA is lodged, Council cannot accept unsolicited amended plans and information. Where Council does request additional information or amendments, we will only allow 28 calendar days for it to be provided. Should all of the requested information not be provided within this timeframe, Council will recommend that the DA be withdrawn. Council cannot request information multiple times and after 28 days, Council will suggest that the application be withdrawn within 7 days or that it will be determined based on the available information. Council may agree to a reasonable written request for an extension to provide the information.

Some DAs will need to be determined at a panel meeting rather than by staff. Such applications may take longer to determine. If a DA is to go to a panel meeting, we will inform the applicant and any submitters of the process and likely timeframe.

Stage 4: Determination

Council have a legal obligation to assess and make decisions on DAs. A DA can be approved subject to conditions or refused. In making our determination, Council use a peer review process. This ensures that all recommendations made by our assessment officers are reviewed by a team leader and, where required, by the Manager or Director. This ensures transparency and consistency in the recommendations and decisions made by our staff.

On larger, more controversial and larger DAs, the Wollondilly Local Planning Panel (WLPP) or the Sydney Western City Planning Panel (SWCPP) may be the decision makers. Most other DAs are determined by our assessment staff. When an application is to be considered at a panel meeting, the applicant and any objectors are notified and may speak about the application at the public meeting.

At a public meeting, the panel may:

- approve the application
- refuse the application
- defer the application and request the applicant to submit amended plans
- defer the application to a site inspection

When an application is deferred by a panel, it must ultimately be referred back to a future meeting of the panel for determination. The applicant and objectors are notified in writing of the decision within 14 days of the date of determination.

Stage 5: After the decision – Construction Certificate (approval to build)

A development consent is an approval for the carrying out of development as proposed in the DA. A construction certificate is needed for any building work, which considers how the building will be built to ensure it is safe, healthy and in accordance with the development consent.

A construction certificate can be obtained from council or from an accredited certifier. Before commencing construction, neighbours are required to be notified (this is not policed by Council unless Council is the certifier).

Complaints during construction works should first of all be directed at the certifier who is the Certifying Authority of the development at this stage of the development process. Their contact details must be on a sign at the front of the development site. If the concern is an immediate threat to public safety or if a response from the certifier is not received after 21 days Council's call centre should be contacted to enable a compliance officer or ranger to investigate.

A reference number (customer request number – CRN) will be provided to the complainant. It is imperative that this formal procedure be followed as complaints cannot be properly recorded if they are received through informal channels of communication such as Councillors, social media etc. When complaints are formally recorded in Council's system a more efficient investigation can be carried out which also ensures accountability.

Stage 6: After construction - Occupation Certificate

An Occupation Certificate is mandatory to certify that the requirements of the development consent and construction certificate have been met and that the building is now ready to occupy. There is no legislative requirement for public participation during this stage.



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