



COMMUNITY
PARTICIPATION PLAN

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1 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 process to make strategic plans 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 & Policies

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

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- NSW Government LEP Plan Making Guideline
- Wollondilly Shire Council Local Environmental Plan 2011
- Wollondilly Community Strategic Plan 2033 (Draft CSP – Wollondilly 2040)
- Wollondilly Shire Council Community Engagement Strategy 2024
- Wollondilly Planning Proposal Policy

2 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

Community engagement is a term that describes how we provide opportunities for the community to participate in shaping projects, policies, and plans.

Council's overarching approach is detailed in our Community Engagement Strategy (CES) 2024, broadly covering: principles and values, roles and responsibilities, the general process of engaging, the framework showing various levels of influence, methods, who we engage with, and how we respond to feedback.

The Community Participation Plan (CPP) provides specific information about community participation in land-use planning processes.

Principles and Values

We strive to ensure our engagement is:

- **Clear:** The project, the purpose of engaging, ways to get involved, and engagement outcomes are explained in plain language.
- **Genuine:** The engagement is meaningful, with the outcome/s contributing to the project / plan / policy.
- **Timely:** Engagement is undertaken in reasonable timeframes for the complexity and scope of the project.
- **Accessible:** Everyone has the ability to access the information, and barriers to access are addressed (e.g. physical accessibility, readability, etc).
- **Equitable:** All voices are considered.
- **Participatory:** Members of the community are invited to participate and we actively seek their involvement.
- **Respectful of Rights:** Everyone is entitled to accurate and timely information and the ability to participate.
- **Collaborative:** We are focused on connection and seek to collaborate with organisations and individuals where feasible.
- **Responsive:** Closing the loop and explaining decisions are vital aspects of the process; we recognise the value of ongoing communication in building relationships and maintaining trust.

3 THE PLAN MAKING PROCESS

3.1 Different types of planning proposals

In this Plan, planning proposals are categorised into one of five categories as detailed below:

CATEGORY	DESCRIPTION
Scoping proposal	<ul style="list-style-type: none"> • A Scoping Proposal is prepared (Council or developer led) prior to the lodgement/progression of a planning proposal. This is not subject to community feedback and is considered to be 'Commercial in Confidence'.
Basic	<ul style="list-style-type: none"> • To correct an administrative error • Minor 'housekeeping' amendments • Listing of a local heritage item • Certain minor reclassifications of public land through the LEP • Proposals consistent with a Department endorsed/approved local strategy (e.g. Local Housing Strategy) • Section 3.22 Expedited amendments under the EP&A Act
Standard	<ul style="list-style-type: none"> • To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone • Changes to principal development standards of the LEP (e.g. height of building, lot size) • Addition of a permissible land use or uses • Amendments consistent with an endorsed District/Regional Strategic Plan and/or LSPS • Classification or reclassification of public land through the LEP
Complex	<ul style="list-style-type: none"> • To change in the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting infrastructure • Proposals inconsistent with a District/Regional Plan or council's endorsed LSPS • Responding to a change in circumstances, such as the investment in new infrastructure, changing demographic trends, or new policy • Proposals progressed under the Aboriginal Land SEPP • Any other amendment or amendments that are not categorised as a principal LEP, standard or basic planning proposal
Principal	<ul style="list-style-type: none"> • To create a new LEP that applies to the whole LGA • To implement a change in local policy that effects the LGA • To consolidate one or more LEPs into a new comprehensive LEP • That includes multiple 'housekeeping' amendments or a combination of a number of planning proposals

3.2 Preliminary Notification of Planning Proposals (Non-Mandatory)

Council is committed to engaging with the community and key stakeholders early in the planning proposal process. For relevant proposals, community engagement by way of preliminary consultation will be undertaken to better understand planning considerations and local attitudes to the proposal.

Preliminary Notification is at the discretion of Council who will determine which Planning Proposals will undergo preliminary consultation. Preliminary exhibition is based on the following criteria:

- For all Standard, Complex and Principal Planning Proposals
- Where Government Agency feedback has not previously been sought
- Likelihood of community sensitivity (e.g. scale and impact of proposal)
- Community feedback has not previously been sought for the proposal in the past 5 years

Preliminary consultation will generally not be undertaken for:

- Basic Planning Proposals
- Administrative updates and corrections of general errors and anomalies
- Proposals with negligible impact on the community
- Routine amendments that align with existing planning frameworks
- Changes that do not affect the community's interests
- Planning Proposals in the Wilton Growth Area where considerable consultation has already occurred
- Planning Proposals which have previously been submitted to Council and have already undergone community engagement in the past 5 years

Timeframes for preliminary consultation:

- 28 calendar days for Standard, Complex and Principal Planning Proposals

Certain engagement methods listed below will be used for this non-mandatory exhibition period. The preliminary engagement will at a minimum utilise the following:

Planning Proposal Category	Your Say Wollondilly Webpage	Social Media Post	Notification of Landowners & Occupants ¹		
			Subject Site	Adjoining	Surrounding Area ²
Scoping Proposal	n/a	n/a	n/a	n/a	n/a
Basic	✓	✓	✓	✓	✓
Standard	✓	✓	✓	✓	✓
Complex	✓	✓	✓	✓	✓
Principal	✓	✓	✓	✓	✓
Criteria for Certain Council Initiated Planning Proposals					
Non-site Specific (e.g. Council wide)	✓	✓	n/a	n/a	n/a
Site-Specific (e.g. changes to multiple sites)	✓	✓	✓	Optional, depending on nature of proposed changes	

Table Notes:

1. When determining the extent of notification, geographical boundaries such as rivers, gorges, and highways will be considered, and the notification areas will be adjusted accordingly.
2. Surrounding Area Notification Requirements:
 - Planned growth proposal within nominated growth areas: within 100m
 - Unplanned growth proposal outside of nominated growth areas (e.g. within the Metropolitan Rural Area) 2km

Outcome of Engagement

The outcome of any preliminary consultation will be reported to the Local Planning Panel (LPP) and Council. The LPP and Council reports will include a section of "Consultation" detailing how engagement was conducted, the number of submissions received, and a response to key issues raised in submissions.

Feedback received will be used to inform the initial decision on whether a planning proposal is supported and should be forwarded to the State Government with a request for a Gateway Determination.

Submitters will receive a notification when the Planning Proposal:

- Is being presented to a Local Planning Panel for consideration. Notification will occur once the LPP Agenda has been published, with a link to register to speak at the LPP meeting.
- Has received a recommendation by the Local Planning Panel. Notification will occur once the LPP Minutes have been published.
- Is being presented to a Council meeting for an initial determination. Notification will occur once the Agenda has been published, with a link to register to speak at the Community Forum.
- Has received a determination of Council (including deferral). Notification will occur once the Council Meeting Minutes have been published.

Any changes made to a draft Planning Proposal by the proponent prior to its consideration by the Wollondilly Shire Local Planning Panel are not required to be re-exhibited so long as the impact of the proposal would not be significantly increased.

3.3 Mandatory Public Exhibition for Planning Proposals

Schedule 1 of the *Environmental Planning and Assessment Act 1979* specifies minimum public exhibition period for planning proposals, as follows:

- The period specified of the Gateway Determination; or
- No public exhibition if the gateway determination specifies that public exhibition is not required; or
- 28 days.

Note: 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.

At a minimum, Council will engage with the community in the following methods for the mandatory exhibition of planning proposals:

Planning Proposal Category	Your Say Web page	Social Media Post	Copies of Plans in Wollondilly Library and Mobile Library	Notification of Landowners & Occupants ¹			Notify previous submitters (when pre-exhibition occurred)	Adjoining Councils (where close to boundary)	Public Agencies
				Subject Site	Adjoining	Surrounding Area ²			
Scoping Proposal	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Basic	✓	✓	✓	✓	✓	✓	✓	✓	✓
Standard	✓	✓	✓	✓	✓	✓	✓	✓	✓
Complex	✓	✓	✓	✓	✓	✓	✓	✓	✓
Principal	✓	✓	✓	✓	✓	✓	✓	✓	✓
Criteria for Certain Council Initiated Planning Proposals³									
Non-site Specific (e.g. Council wide)	✓	✓	✓	n/a	n/a	n/a	✓	✓	✓
Site-Specific (e.g. changes to multiple sites)	✓	✓	✓	✓	Optional, depending on nature of proposed changes		✓	✓	✓

Table Notes:

1. When determining the extent of notification, geographical boundaries such as rivers, gorges, and highways will be considered, and the notification areas will be adjusted accordingly.
2. Surrounding Area Notification Requirements:
 - Planned growth proposal within nominated growth areas: within 100m

- Unplanned growth proposal outside of nominated growth areas (e.g. within the Metropolitan Rural Area) 2km
3. Where planning proposals are not site specific, and/or are major planning proposals, alternative methods may be used to notify the community where appropriate. Methods used will vary depending on the target audience, but could include Council Newsletters, community meetings, drop-in sessions or workshops, social media posts, and active resident groups (where known and appropriate).

Outcome of Engagement

The outcome of any mandatory consultation will be reported to Council, to inform whether the planning proposal is supported to proceed to finalisation. The Council report will include a section of "Consultation" detailing how engagement was conducted, the number of submissions received, and a response to key issues raised in submissions.

Submitters will receive a notification when the Planning Proposal:

- Is being presented to a Council meeting for a final determination. Notification will occur once the Agenda has been published, with a link to register to speak at the Community Forum.
- Has received a determination of Council (including deferral). Notification will occur once the Council Meeting Minutes have been published.
- Has received a determination from the State Government (where the State Government is the Plan Making Authority).

3.4 Engagement for other Strategic Planning Matters

In addition to planning proposals, community participation also occurs at other stages throughout Council's plan making functions.

Timeframes for the exhibition of the following strategic planning matters are as follows:

Strategic Plan	Timeframe	Relevant Legislation
Draft community participation plans	28 days	EP&A Act 1979, Schedule 1, Clause 1
Draft local strategic planning statements	28 days	EP&A Act 1979, Schedule 1, Clause 3
Draft development control plans	28 days	EP&A Act 1979, Schedule 1, Clause 5
Draft contribution plans	28 days	EP&A Act 1979, Schedule 1, Clause 6
Masterplans	42 days	-
Strategic Policies or Guidelines	28 days	-

Community engagement on these matters will be tailored specific to the needs of the project. This will include a range of methods listed in Section 3.3.

4 DEVELOPMENT APPLICATION

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 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 to the relevant assessment officer and only where there is no resolution should the concern be escalated to the Team Leader, Manager or 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 letter of the decision, which includes details on how to get a copy of the notice 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 of 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 Legislative requirements for Development Assessment Notification

All applications are made available on Council's DA Tracker Website.

Council's process of notifying 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	TIME FRAME	EP&A ACT 1979, Schedule 1 Clause
Local and Integrated Development	Period specified by Community Participation Plan	Clause 7
Designated Development	28 days	Clause 8
Nominated integrated development or threatened species development	28 days	Clause 8A
Category 1 remediation work under State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4	28 days	Clause 9A
Council-related development applications	28 days	Clause 9B
Modification Applications	Where there is an increased environmental impact and determined necessary by Council the application will be notified for 7 days, unless otherwise required by the EP&A Act.	Clause 10
Application for the Review of a Determination	14 days, where the original application was notified / advertised.	Clause 20A
When an Environmental Impact Statement is obtained (under Division 5.1 of the Act)	28 days	Clause 11
When an Environmental Impact Statement is obtained for a State Significant Infrastructure (under Division 5.2 of the Act)	28 days	Clause 12
Re-exhibition of any amended Application or Matter	Where there is an increased environmental impact and determined necessary by Council the application will be notified for seven days, unless otherwise required by the EP&A Act.	Clause 13

‘Advertised Development’

The following development is classified as ‘Advertised development’. These developments will include a notice on Council’s website, in addition to the notification requirements within this Policy:

- Designated development,
- Nominated integrated development,
- Threatened species development,
- Class 1 aquaculture development,
- State significant development

4.3 Development Applications requiring notification

Development that proposes the following types of development may be notified for a period of 28 days, depending on the potential impact to neighbours or the environment:

- 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 five 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 five rooms
- Residential flat building comprising more than five dwellings
- Restricted premises, or sex service premises
- Seniors housing comprising more than five dwellings
- Service station
- Shop top housing comprising more than five additional dwellings
- Subdivision resulting in more than five additional lots
- Tourist and visitor accommodation comprising of more than five guest rooms
- Other matters and land uses at the discretion of Council Officers.

4.4 Non-Mandatory Notification in the DA process

Notification is not required for the development types listed in Table 4 so long as the criteria in the right hand column are met. Where the criteria is not met, the development will require a formal notification period of seven days.

It is also noted that Section 4.6 below has further exceptions for certain development considered to be low impact.

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 • For single storey dwellings - No walls less than 900mm from any boundary • For two storey dwellings – be setback at least 10.0m from side boundaries. • 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; • Setback from side boundaries is no less than 900mm • 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 • Setbacks from side boundaries are no less than 900mm • Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area
Gazebos (residential)	<ul style="list-style-type: none"> • Relates to a residential use of the land • Setback from side boundaries no less than 900mm • 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 1m high • Setback from side and rear boundaries is no less than 500mm • 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

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
	<ul style="list-style-type: none"> • 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
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
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 10m 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
Demolition	<ul style="list-style-type: none"> • Located on a lot which does not contain containing a heritage item or and is not located within a Heritage Conservation Area, including a Landscape Conservation Area
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"> • No notification required
Subdivision of existing approved dual occupancy	<ul style="list-style-type: none"> • No notification required
Health Services Facility	<ul style="list-style-type: none"> • 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"> • Contained within an existing building
Internal Works to an existing building	<ul style="list-style-type: none"> • No notification required
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.
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 • Contained within an existing building
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.
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

TYPE OF DEVELOPMENT	CRITERIA WHICH EXCLUDES THE DEVELOPMENT FROM REQUIRING NOTIFICATION
	<ul style="list-style-type: none"> • Does not require advertising under SEPP Industry and Employment 2021 • Is not illuminated or digital • 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

4.5 Neighbour Notification requirements for Development Assessment

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 Figure 3 below:



Figure 3: Land considered to be adjoining

4.6 Additional Notification Requirements in the DA Process

Development considered low impact

In new subdivisions, no information letters or formal notification will be required for residential or small scale development within five years of the registration of the deposited plan.

Despite other provisions of this Plan, for developments of a minor nature, notification may not be required 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.

Development considered high impact

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, internal alterations and additions, and 'change of uses')

Despite other provisions of this Plan, 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.

Additionally, for certain uses which have potential for greater impact to the amenity of the area (e.g. environmental, noise, traffic, amenity and visual impacts), Council may elect to provide a written notification to owners and 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. This may include uses such as:

- Child Care Centres
- Service Stations
- Animal Training or Boarding Establishments
- Telecommunication Facilities
- Cemeteries
- Restricted Premises (e.g. licenced premises and sex-service premises)
- Private Schools (Public Schools are assessed by the State Government and not Council)
- Places of Public Worship
- Subdivision resulting in more than 5 additional lots

Community Associations

Where a development application applies to land held in strata or community title and requires notification under this plan, a community association will be notified.

The written notice will 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.

5 FIRST NATIONS CONSULTATION

Notification letters are sent to a First Nations contact list, maintained by Council, as well as Local Aboriginal Land Councils (LALC's), for the following matters, at the discretion of Council:

Development Applications

- Subdivision (generally)
- Development Applications on land which contains a known Aboriginal object or Aboriginal place of heritage significance
- If a due diligence report is submitted

Planning Proposals

- Basic, Standard, Complex and Principal proposals

6 IMPLEMENTATION OF THE CPP

6.1 General conditions for public exhibition:

Notification may occur via letter or email.

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. It is intended that any Court proceeding would be adjourned to allow for re-notification to occur.

6.2 Consideration of Submissions

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 (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). Petitions are counted as one submission, however reporting will note that a petition is received.

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

6.3 Variations to this Plan

Departures from the requirements of this Policy may be considered based on the scale, impact and prior consultation efforts of the application.

Variations are to be justified in writing and approved by the Director Shire Futures or the CEO. They are also to be identified in any future report to Council, Wollondilly Shire Local Planning Panel, or the Sydney Western City Planning Panel (SWCPP).

Justification for variations may include (but not limited to) the following:

- Engagement would result in engagement fatigue
- Where Council is in ongoing contact with affected landowners
- Where the proposed plans are in relation to administrative and inconsequential planning matters
- Where it may not be financially viable/practicable to notify every affected landowner
- Where previous engagement has already occurred and Council has recent and relevant feedback
- Where a planning proposal was recently refused by Council, and then again relodged
- Where a known Residents Group can be contacted for comment, rather than a widescale notification
- Where a shire-wide planning proposal is proposed (e.g. all rural land), and notification occurs via a range of alternative methods, rather than individual letters

ATTACHMENT 1 - THE DEVELOPMENT PROCESS



Stage 1: Pre-lodgement consultation

This is not a 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.

ACRONYM LIST

CPP	Community Participation Plan
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LSPS	Local Strategic Planning Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000



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