

Community Participation Plan

Participating in Statutory Planning & Development Processes

FEBRUARY 2024



ENGLISH

If you do not understand this document, please visit Council's Administration Building to discuss it with Council staff who will arrange an interpreter service. The Administration Building is located at 31 Victor Street, Chatswood and open from 8.30am to 5pm, Monday to Friday. Alternatively, you may ring the Translating & Interpreting Service on 131 450 to ask for an interpreter to contact Council for you. Council's phone number is (02) 9777 1000.

ARABIC

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ARMENIAN

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CHINESE TRADITIONAL

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CROATIAN

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GREEK

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ITALIAN

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JAPANESE

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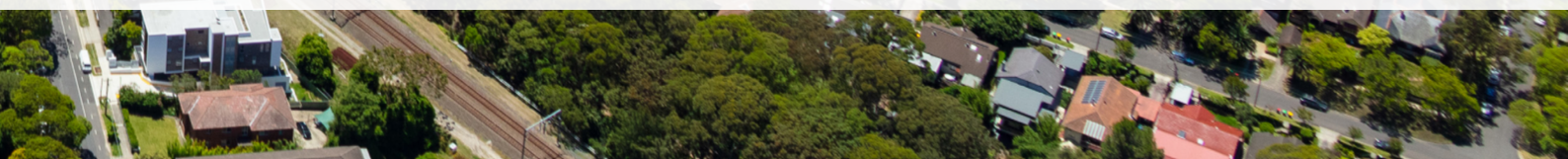
KOREAN

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Acknowledgement of Country

Willoughby City Council acknowledges the Traditional Owners of the lands on which we stand, the Gamaragal people. We pay our respects to their Elders past and present.



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About the strategy

Why has the Council prepared this plan?

Community Strategic Plan: Our Future Willoughby 2032

Council is committed to maintaining an informed and engaged community that understands and participates in its governance and activities. This is reflected in Council's overarching strategic plan, known as *Our Future Willoughby 2032*. The Community Participation Plan assists in delivering several priorities identified in the Community Strategic Plan, including:

- **Priority 5.1** – Be honest, transparent and accountable in all that we do
- **Priority 5.4** – Anticipate and respond to changing community and customer needs
- **Priority 5.5** – Make it easy for citizens to engage and participate in decision making

Relevant changes to the planning regulatory environment since 2019

In April 2020, the NSW Government made amendments to the Environmental Planning and Assessment Regulation to no longer require the placement of notices in local newspapers for certain planning functions. Instead, Councils are able to use the NSW Planning Portal or the Council's website. These changes have been incorporated into this revised plan.

In addition, in April 2023, legislative changes commenced to require councils to manage conflicts of interest arising in relation to council-related development applications, including requiring a 28-day notification period for these applications. This plan outlines the notification method that will take place in relation to these applications.

Environmental Planning and Assessment Act

Under the Environmental Planning and Assessment (EP&A) Act 1979, all councils are required to prepare a Community Participation Plan (CPP). The CPP is required to outline how Council will conduct community engagement in relation to its land use planning functions. These functions include:

- The creation and amendment of planning instruments, which could include changes to height and floor space standards or zoning amendments;
- Other strategic planning tasks, such as the exhibition of Local Strategic Planning Statements (LSPSs), Planning Agreements and Contribution Plans; and
- The assessment of Development Applications (DAs) and Environmental Impact Statements (EISs).

This CPP fulfils the above legislative requirement, and replaces the CPP adopted in November 2019.

Council's community engagement framework

How does this plan form part of the Council's Community Engagement Framework?

This plan is one of the three components of the Council's Community Engagement Framework. These components are:

Community Engagement Policy

- Defines Council's engagement principles, elements of the Council's Community Engagement Framework and internal roles and responsibilities.

Community Engagement Strategy

- Defines how the Council undertakes engagement on a wide range of matters, excluding statutory planning and development matters.

Community Participation Plan


- Defines how the Council undertakes engagement on statutory land use planning and development matters, certification, and land reclassification.



IAP2 Public Participation Spectrum

In line with global best practice, Willoughby City Council utilises the IAP2 Public Participation Spectrum. The Spectrum is a toolkit which can be used by project managers when designing engagement activity, to ensure that the level of engagement and the mediums utilised are in line with the level of community interest, and ability to inform the decision making process.

Figure 1: IAP2 Public Participation Spectrum



Participation status	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/or 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 the identification of the preferred solution.	To place the 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 and aspirations and provide feedback on how public input influenced decisions.	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.

Table 1 provides a summary of how Council has applied the IAP2 spectrum to planning tasks.

Table 1: Examples of how we have applied the IAP2 Public Participation Spectrum in this Plan

Planning tool	Spectrum column we will aspire to	Why we took this approach
Local Strategic Planning Statement	Collaborate	The community has a significant opportunity to shape this important document, which outlines the planning priorities for the LGA and therefore influences the creation of new statutory land-use zoning and development standards.
New LGA-wide new planning controls	Collaborate	We will collaborate with the community, given the potential for significant and widespread change as a result of this instrument.
Development applications	Consult	The consult column is appropriate, given the community is being consulted on a lodged development application.



Statutory compliance

Section 2.23 of the EP&A Act states that, when preparing a CPP, a planning authority must have regard to a number of matters. Table 2 below lists these matters, and summarises how this Plan responds to each.

Table 2: Council responses to matters required to be considered in the preparation of this Plan

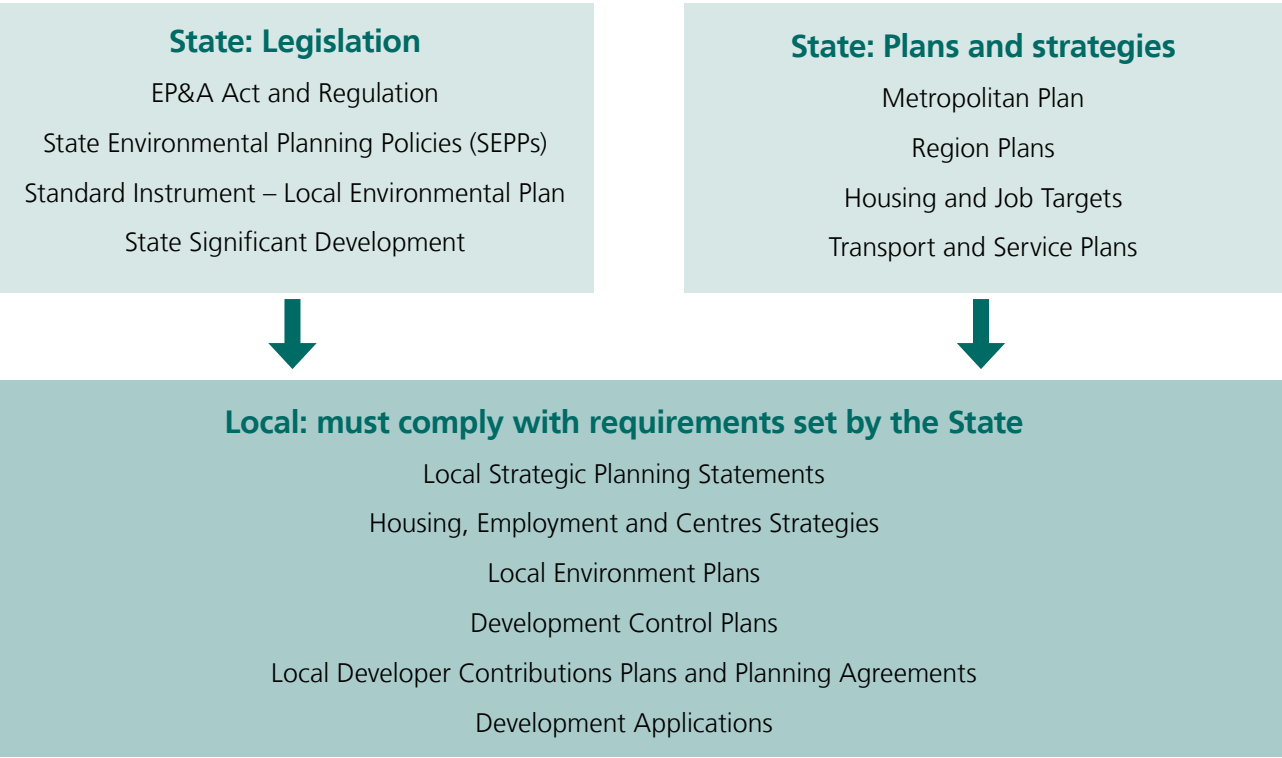
Matter required to be considered	Council response
The community has a right to be informed about planning matters that affect it.	This plan articulates how the community can access information about planning matters.
Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.	This plan encourages and enables such partnerships, particularly for engagement on strategic planning tools, where the community has a greater opportunity to influence the outcome.
Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.	Where the Council is in a position to explain the matter at hand, this plan seeks to ensure that fact sheets and other plain language material is available to support community understanding.
The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.	This plan supports collaborating with the community on major strategic planning projects, which may involve undertaking early community engagement to inform the development of these projects. The related Council Community Engagement Strategy also supports early engagement on studies and reports that inform the statutory strategic planning process.
Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.	This plan outlines the various methods that will be undertaken to seek out and collect a wide range of community views.
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.	The Council has not been provided with any statutory powers to require major development proponents to consult with the community. The Council, however, does encourage major development proponents to undertake this consultation.
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).	The Council is committed to transparency in the decision-making process, including publishing reasons for decisions.
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.	This plan seeks to align community participation methods to the significance and likely impact of the proposed development.

Strategic land use planning

Strategic land use planning involves the setting of high level strategies and planning controls to guide the future location and form of land uses to accommodate growth and to maximise amenity.

Council’s strategic land use planning activities respond to the framework set by State legislation, policy, and plans. Figure 2 outlines the hierarchy of State and Local strategic planning activities.

Figure 2: State and local planning activities



The CPP is concerned with the local level strategic activities, including the delivery of:

- Amended planning controls (such as through LGA-wide or site-specific planning proposals).
- New or updated strategic land-use frameworks for the entire LGA (such as through the Local Strategic Planning Statement (LSPS), Local Environmental Plan (LEP), and Development Control Plan (DCP).
- Land-use planning policy frameworks (such as Contribution Plans).
- Agreements with proponents to dedicate funds or land alongside their planning proposals (PPs) through Voluntary Planning Agreements (VPAs).

Please note, that the following non-statutory strategic planning matters are subject to the Council’s Community Engagement Strategy:

- Sector studies (such as new housing or economic development studies).
- Precinct or centre studies (such as the Public Domain Manual).

The table on the following page highlights the proposed notification, engagement and reporting methods which will accompany different strategic planning tasks. This table is divided into methods of standard and extra communications methods.

Table 3: Notification, communication and engagement methods for statutory strategic planning tasks

Strategic Planning Task	Minimum exhibition period and notification zone	Standard Communication methods that occur for this type of project each time	Extra Communication methods for this type of project
Local Strategic Planning Statement Councils are required to prepare and make a Local Strategic Planning Statement and review the statement at least every seven years. These statements outline the planning priorities for the LGA.	<i>Notification and Engagement Methods</i> - 42 days - Notification zone not required <i>Reporting Methods</i>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments, inclusion in monthly subscriber email. • Social media promotion • Newspaper advertisement • Summary fact sheet • Local stakeholder notification • Engagement can be staged <ul style="list-style-type: none"> • <i>Engagement plan prepared</i> • <i>Engagement outcomes report</i> • <i>Respondents invited to speak to Council Meeting and decision</i> 	<ul style="list-style-type: none"> • Nearby landowners and occupiers notified • Standalone email to HYS Subscribers • Community noticeboard promotion • Webinar • Drop in session • Stakeholder round table • Public hearing
LGA wide planning control changes New comprehensive Local Environmental Plan (LEP) New comprehensive development Control Plan (DCP) LGA wide amendments to LEP and/or DCP	<i>Notification and Engagement Methods</i> - 42 days - Entire LGA, unless administrative in nature or minor policy impact <i>Reporting Methods</i>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Community noticeboard promotion • Summary fact sheet • Local stakeholder notification <ul style="list-style-type: none"> • <i>Engagement plan prepared</i> • <i>Engagement outcomes report</i> • <i>Respondents invited to speak to Council Meeting and decision</i> 	<ul style="list-style-type: none"> • Standalone email to HYS Subscribers • Social media promotion • Newspaper advertisement • Community noticeboard promotion • Webinar • Drop in session • Stakeholder round table • Public hearing • Engagement can be staged.

Strategic Planning Task	Minimum exhibition period and notification zone	Standard Communication methods that occur for this type of project each time	Extra Communication methods for this type of project
Local or precinct planning control changes - minor	<p><i>Notification and Engagement Methods</i></p> <ul style="list-style-type: none"> - Equivalent to Category B Development applications (see map on page 22) - In line with Gateway Determination, otherwise 28 days <p><i>Reporting Methods</i></p>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Nearby landowners and occupiers notified (as per Development Application Category B) • Summary fact sheet <p>• <i>Engagement plan prepared</i></p> <p>• <i>Engagements outcomes report</i></p> <p>• <i>Respondents invited to speak to Council Meeting and decision</i></p>	<ul style="list-style-type: none"> • Standalone email to HYS Subscribers • Community noticeboard promotion • Social media promotion • Newspaper advertisement • Local stakeholder notification • Stakeholder round table • Webinar • Drop in session • Public hearing • Staged engagement
Local or precinct planning control changes – significant	<p><i>Notification and Engagement Methods</i></p> <ul style="list-style-type: none"> - Equivalent to Category E Development applications – 250 metres from application site (see map on page 25) - In line with Gateway Determination, otherwise 28 days <p><i>Reporting Methods</i></p>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Nearby landowners and occupiers notified (as per Development Application Category E being within 250m radius of application site) • Summary fact sheet <p>• <i>Engagement plan prepared</i></p> <p>• <i>Engagement outcomes report</i></p> <p>• <i>Respondents invited to speak to Council Meeting and decision</i></p>	<ul style="list-style-type: none"> • Standalone email to HYS Subscribers • Social media promotion • Newspaper advertisement • Local stakeholder notification • Community noticeboard promotion • Community noticeboard promotion • Engagement plan prepared • Engagement outcomes report • Webinar • Drop in session • Stakeholder round table • Public hearing • Staged engagement

Strategic Planning Task	Minimum exhibition period and notification zone	Standard Communication methods that occur for this type of project each time	Extra Communication methods for this type of project
Local or precinct planning control changes - reclassification	<p><i>Notification and Engagement Methods</i></p> <ul style="list-style-type: none"> - 28 days, otherwise in line with Gateway Determination - Equivalent to Category C Development Application (150m from Development site) <p><u>(see map on page 23)</u></p>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Nearby landowners and occupiers notified (as per Development Application Category C being within 150m radius of application site • Standalone email to HYS Subscribers • Social media promotion • Newspaper advertisement • Local stakeholder notification • Community noticeboard promotion • Summary fact sheet • Public Hearing 	<ul style="list-style-type: none"> • Webinar • Drop in session • Stakeholder round table • Staged engagement
	<p><i>Reporting Methods</i></p>	<ul style="list-style-type: none"> • <i>Engagement plan prepared</i> • <i>Engagement outcomes report</i> • <i>Respondents invited to speak to Council Meeting and decision</i> 	

Strategic Planning Task	Minimum exhibition period and notification zone	Standard Communication methods that occur for this type of project each time	Extra Communication methods for this type of project
Planning Agreements	<p><i>Notification and Engagement Methods</i></p> <ul style="list-style-type: none"> - 28 days - Either use Planning proposal notification zone or if not accompanying a Planning proposal use Category B Development Application <p><i>Reporting Methods</i></p>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Summary Fact Sheet • Nearby landowners and occupiers notified <p>• <i>Engagement outcomes report</i></p> <p>• <i>Respondents invited to speak to Council</i></p>	<ul style="list-style-type: none"> • Standalone email to HYS Subscribers • Social media promotion • Newspaper advertisement • Local stakeholder notification • Community noticeboard promotion • Webinar • Drop in session • Stakeholder round table • Public Hearing • Staged engagement
Statutory Plans (other than DCPs) Community Participation Plan Contributions Plan	<p><i>Notification and Engagement Methods</i></p> <ul style="list-style-type: none"> - 28 days - Notification zone not required <p><i>Reporting Methods</i></p>	<ul style="list-style-type: none"> • Have your say Willoughby (online exhibition including information and ability to submit comments inclusion in monthly subscriber email. • Summary Fact Sheet <p>• <i>Engagement plan prepared</i></p> <p>• <i>Engagement outcomes report</i></p> <p>• <i>Respondents invited to speak to Council</i></p>	<ul style="list-style-type: none"> • Nearby landowners and occupiers notified • Standalone email to HYS Subscribers • Social media promotion • Newspaper advertisement • Local stakeholder notification • Community noticeboard promotion • Webinar • Drop in session • Stakeholder round table • Public Hearing • Staged engagement

Engagement and notification methodology

In undertaking engagement on strategic planning matters, the Council staff will determine whether Extra Communication Methods activities are required. The following considerations will form part of this determination:

- Matters with low impact and/or highly localised interest will generally be considered “minor”, while matters of higher impact and/or wider community interest will generally be considered “significant”
- Staged engagement will be considered for highly complex matters or new plans and strategies. New plans and strategies (as opposed to exiting plans and strategies under review) may require additional early community engagement to help establish key concepts and principles before undertaking further exhibition of draft documents
- A wider notification area than specified in Table 3 may be required for letters to affected landowners where proposals have particular/unique impacts on land outside the minimum notification area specified in the table
- Social Media promotion may be used to facilitate awareness of matter and to encourage responses to other consultation and notification activities
- In addition to the matters specified in Table 3, Community Notice Boards may be utilised for matters particularly/uniquely affecting communities served by the notice boards
- In line with Section 16 of the Schedule 1 of the EP&A Act, exclude the period between 20 December and 10 January (inclusive) from the calculation of a period of public exhibition for a strategic planning matter
- A separate consultation report is not required if less than 12 comments or submissions are received, in which case feedback can be summarised in a covering report to Council
- Planning Agreements are generally exhibited with an associated Planning Proposal or development Application, and are exhibited in line with the Community Engagement Plan specified with the associate application. When exhibited individually, it will be in accordance with Table 3

- Draft and completed LEPs are placed on the NSW Planning Portal in accordance with State Government requirements
- Once completed, final versions of the DCP, Contributions Plan and the CPP will be uploaded onto the NSW Planning Portal in accordance with State Government requirements
- When a Planning Agreement accompanies a Planning Proposal, it is Council’s intention that it is notified at the same time as, and in the same way as, the Planning Proposal wherever possible
- Where matters are reported to Council prior to commencement of an exhibition/notification, the Council report will propose consultation methods for Council’s resolution
- The NSW Government Plan-Making Guideline states that Planning Proposal proponents should have an opportunity to respond to submission. To fulfil this request, the Council advises proponents of Planning Proposals and Planning Agreements that copies of submissions (with personal details redacted) are available In addition to any Engagement Outcomes Report, community members may request access to submissions via a GIPA application.

Submissions

Considering submissions

- All written submissions received within the exhibition period will be considered in the assessment of the proposal
- Petitions are recorded as one submission containing the number of signatures
- When we receive a petition, we will send updates to the lead petitioner only. It is the lead petitioner’s responsibility to inform co-petitioners about any updates
- We do our best to consider submissions we receive outside of the exhibition period where practicable
- The engagement outcomes report will articulate how the matters raised in the submissions have been considered.

Development Assessment

This section of the Strategy explains how we undertake engagement on certain development assessment matters, particularly Development Applications (DAs).

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.

Where the above development is exempt or is subject to a Complying Development Certificate (CDC), no DA is required. A DA is required so Council can assess how much impact the proposed changes will have on the environment, neighbourhood and other properties. Issues such as pollution, overshadowing, traffic and privacy are taken into account. DAs are lodged by the property owner or architect, town planner, engineer, builder or other person acting on the owner's behalf.

When considering a DA, Council assesses whether the requested development fits with the regulations and guidelines for the area. Council can refuse, grant consent, grant consent with conditions or grant a 'Deferred Commencement' consent (meaning more information needs to be supplied before a final consent will be given).

If your DA is approved, Council is agreeing that the plans you have made are satisfactory. A Construction Certificate (CC) is still needed to begin building.

The requirements for lodging and processing a Development Application are set out in the Environmental Planning and Assessment Act 1979 (EP&A Act), and the Environmental Planning and Assessment Regulation 2000.



Development application notification and exhibition period overview

The table below explains the notification and exhibition periods for a range of development applications received and assessed by the Council, while noting that under this plan some minor application types are not required to be exhibited (see [Category D page 24](#)).

Table 4: Development Application exhibition periods

Development Application type	Relevant legislative reference in Schedule 1 of EP&A Act	Minimum statutory exhibition period as defined by EP&A Act	Exhibition period outlined in this plan
New development application, excluding: Designated development, nominated integrated or threatened species development, Category 1 remediation work or Council-related development applications	7(1)	14 days, unless specified in the Community Participation Plan	See exhibition period for different development types in Section headed- Notification and exhibition procedure
Designated development	8	28 days	28 days
Nominated integrated or threatened species development	8A	28 days	28 days
Development application for Category 1 remediation work	9A	28 days	28 days
Council-related development applications (including modifications)	9B	28 days	28 days
Modification of development consent that is required to be publicly exhibited by the regulations ¹	10	14 days, unless specified in Community Participation Plan	14 days
Other modifications	N/A	N/A	14 days
Re-exhibition of any amended application	13	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter	14 days
Review of determination	20A	14 days, unless specified in Community Participation Plan	14 days

¹ These are modifications outlined in Part 5 Division 2 of the Environmental Planning and Assessment Regulation, including modifications for designated, State significant, integrated and threatened species development, modifications related to Court appeals and modifications related to NSW Government concurrences

Modification, re-exhibition and review notification and exhibition

Development consent modification, notification zone and exhibition period

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 the event that this modification is not covered by Part 5 Division 2 of the Environmental Planning and Assessment Regulation, we will notify, for a period of 14 days:

- Persons who made a written submission on the original application
- Owners and occupants of land who were notified but 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 effect 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.

Reviews of determination

Determination review applications made under Section 8.2 of the Environmental Planning and Assessment Act 1979 are notified to people who made submissions on the original application.

If no submissions were received, and in the opinion of the authorised officer, owners of adjoining or neighbouring land may be detrimentally affected by approval, then those owners are notified.

Re-exhibition of amended 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 re-notification 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.

Other matters relating to all development assessment participation

Consideration of late submissions

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.

Submission publication

As per the Government Information Public Access (GIPA) Act 2009, the Council publishes all submissions received on its ePlanning Portal Tracker:

<https://eplanning.willoughby.nsw.gov.au>

Post-determination traffic matters

From time to time, Development Applications require traffic upgrades to support the new development. These are required as part of conditions of the approval. To ensure that the community remains informed about the delivery of the required upgrades specified in the approval, it may be necessary for ongoing community engagement and/or notification to be undertaken post-determination. When required, this will also be a condition of the approval. Where appropriate, proponents will undertake this engagement at their cost, under careful supervision from the Council. Engagement will be specified in a Community Engagement Plan to be submitted to Council staff for approval, and will need to confirm that the consultation approach will ensure the community has clear and detailed information relating to the delivery of the required upgrades. Where appropriate, this is to include clear and legible maps and/or plans, and a minimum exhibition period of 21 days. Council staff will also review proposed community notification letters, and the notification zone. Associated materials are to be uploaded to [Council's Have Your Say page](#).

Planning panels

The Council assesses development applications which, by virtue of their capital investment value or another aspect, must be referred to either the Willoughby Local Planning Panel (WLPP) or Sydney North Regional Planning Panel for a final decision.

Willoughby City Council has adopted Operational Guidelines for the WLPP, which outline engagement activity undertaken by the panel. These guidelines are available [here](#). More information about the Sydney North Regional Planning Panel can be found [here](#).

Certification

Building Information Certificates

Building work carried out without prior approval or discontinued by a private certifier can be allowed to remain by applying for a Building Information Certificate (BIC) for the work (sections 6.25 and 6.26 of the Environmental Planning and Assessment Act 1979).

Council determines the application by either issuing or refusing to issue the certificate. Appeal rights apply if refused.

This process does not affect Council's ability to issue fines, start prosecution proceedings against the person responsible for carrying out unauthorised work, or require that rectification work be undertaken.

In the event that Council receives a BIC application for works which are not consistent with a development approval, then the Council may notify the BIC application, seeking feedback on the application from neighbours. This notification and engagement process will be in line with the process which would have applied if a development application or a complying development application had been lodged for the same works.

Where a BIC application is seeking approval for works which are consistent with a development approval or of a minor nature, no notification will occur.

Complying Development Certificates

For certain development, including new homes, additions, demolition, and new small-scale medium-density housing, applicants may have the option to seek approval to begin construction via preparation and approval of a Complying Development Certificate (CDC). Certifiers, who may be registered by NSW Fair Trading as private or Council certifiers, must ensure the plans outlined in the CDC is in line with the relevant State Environmental Planning Policy, before approving the CDC.

The complying development system has been established by the NSW Government, not this Council.

CDCs are not subject to a merit assessment by the Council's development assessment staff. In addition, the Council has no statutory authority to require certifiers or their clients to consider the views of adjoining or nearby neighbours. For further information on the complying development system, please go to:

www.planning.nsw.gov.au/assess-and-regulate/development-assessment/planning-approval-pathways/complying-development



Notification and exhibition procedure

The following Figures illustrate how different Categories of development will be notified.

Category A

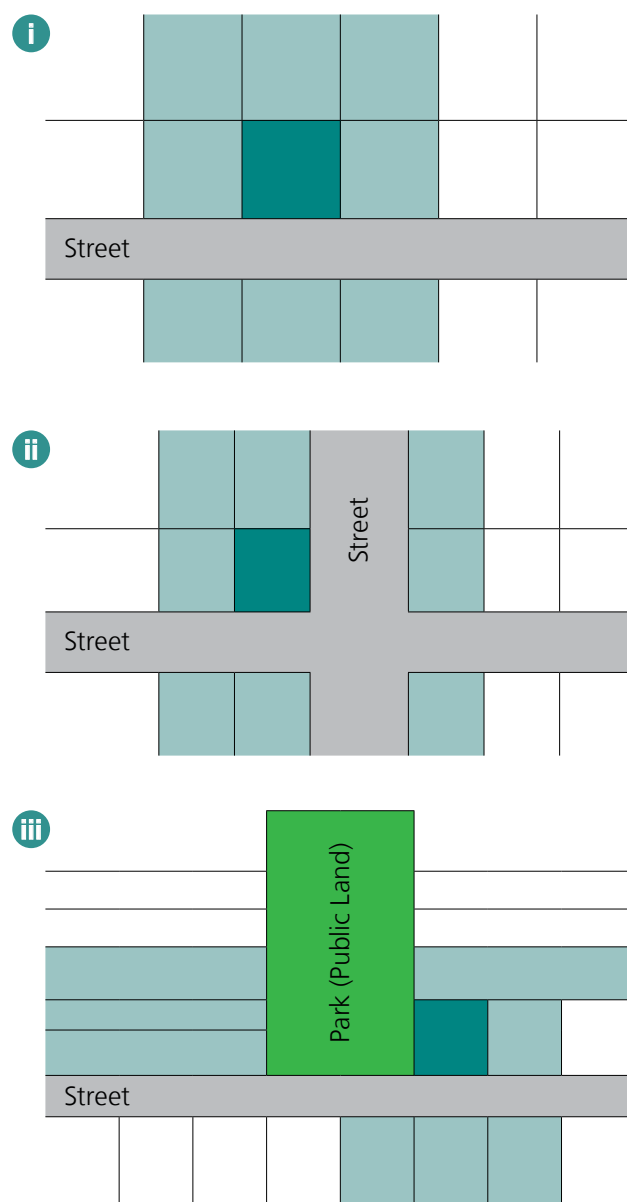
Routine applications requiring 14 days' notice

- New dwelling, dual occupancy, secondary dwellings
- Alterations and additions to a dwelling, dual occupancy, secondary dwelling
- Demolition of a dwelling in the C4 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 C4 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 C4
- Environmental Living zone, and removal of gum trees in the R2 Low Density Residential zone in the West Chatswood locality
- Advertising signs 20m² 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 3: 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 (ii) or where a lane or other public land adjoins a property (iii) 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)

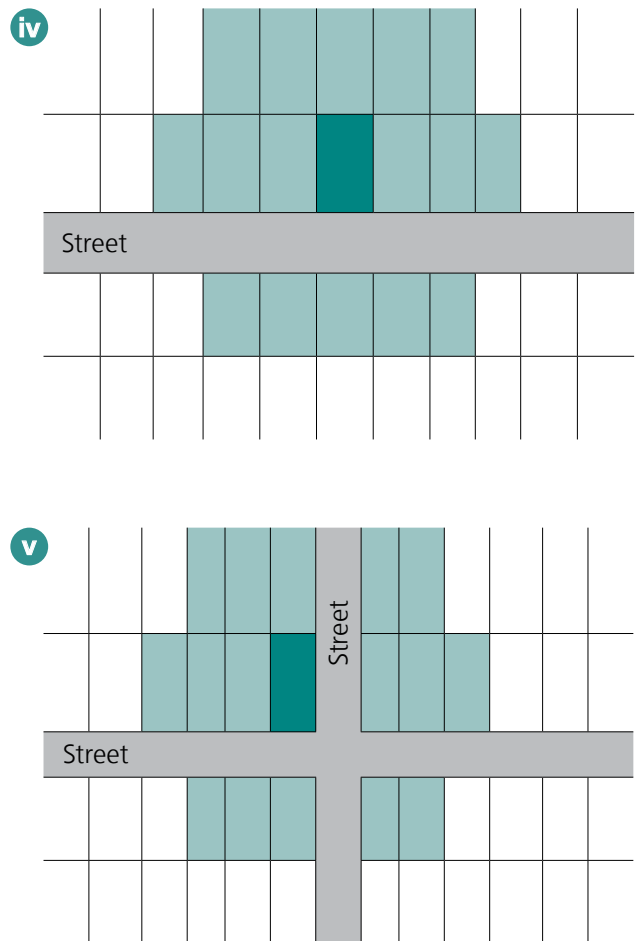
Category B

Routine applications requiring more extensive 14 days' notice

- External alterations and additions involving a heritage item
- Boarding houses not exceeding 300m² and 12 persons
- Demolition, construction of a new dwelling house or secondary dwelling, change to frontage (including building façade, fencing, car parking) 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 C4 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 C4 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 4: 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



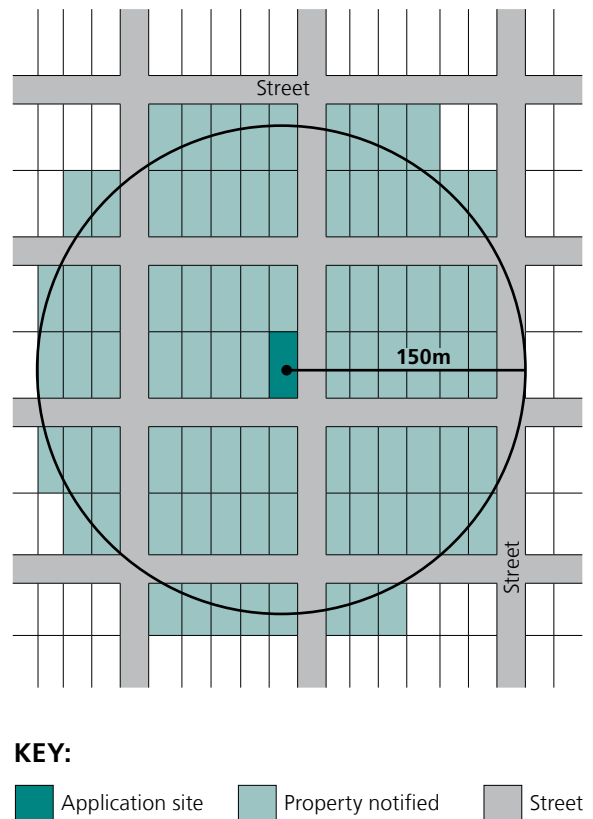
Category C

Significant applications requiring 21 days' notice

We notify all properties within a 150 metre radius of the application site for applications in this category.

- New or major alterations and additions to seniors housing
- New or major alterations and additions to an educational establishment in or adjoining land in a residential zone or C4 Environmental Living zone
- Sex services premises
- New recreation facility (major) and recreation facility (outdoor) in or adjoining land zoned residential or C4 Environmental Living zone
- New place of public worship in or adjoining land zoned residential or C4 Environmental Living zone
- New buildings and major alterations and additions in a Special Purpose zone (other than category B)
- 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
- Developments under 35m (including concept DAs)
- New or major alterations and additions to a community facility in or adjoining land zoned residential or C4 Environmental Living zone
- New or major alterations and additions to a health services facility in or adjoining land zoned residential or C4 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
- All other boarding houses
- Advertising signs greater than 20m² in area or higher than 8 metres.

Figure 5: Notification areas for Category C



Category D

No notice 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 C4 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.

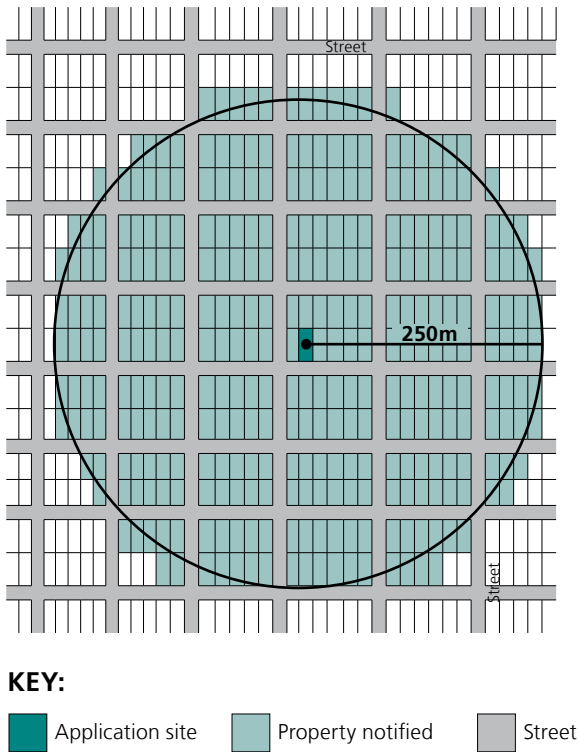
Category E

Development types of high community interest requiring 28-day exhibition period

We notify all properties within a 250 metre radius of the application site for applications in this category.

- New or major alterations and additions to a childcare centre (other than Category B)
- All DAs over 35m (including concept DAs)
- Designated development
- Integrated development
- Development consent for category 1 remediation work under State Environmental Planning Policy No 55 — Remediation of Land
- Regionally significant development as defined under the State Environmental Planning Policy (Planning Systems) 2021.

Figure 6: Notification areas for Category E



Category F

Council-related development applications

Council-related development applications will be required to be notified for 28 days, with the notification method in line with the table below.

Table 5. Application type and notification method

Application type	Notification method
Equivalent application types listed in Categories A-C, and E-F above	Letter to notification zone as outlined in Categories A-C and E-F and other standard notification practices
Equivalent application types listed in Category D, excluding Exempt or Complying development	No direct letter notification to adjoining owners and occupants, or other standard notification practices, except for placement on the Council’s Public Notices section of the Council’s website and ePlanning Portal (DA tracker on Willoughby Council’s website).

Notification procedures

General letter and email notification procedures

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

- Property owners and occupiers within the applicable notification category and area, with the exception of notifications targeted at industrial and commercial land-use zones in which case notifications are sent to owners only
- 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.

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

- Relevant Progress Associations, societies or other community organisations whose comments, in the authorised officer's opinion, would assist the assessment of an application
- Ward Councillors of the ward in which the application site is located.

Exhibition letters and emails contain:

- 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.

Website notification

When a development application (DA) from either Categories A, B, C, D E or F is received, it is also published in:

- The Public Notices section of the Council's website: <https://www.willoughby.nsw.gov.au/Council/News-and-media/Public-Notices>
- Council's ePlanning Portal: <https://eplanning.willoughby.nsw.gov.au>

Site sign notification

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
- The application number and address
- The applicant name
- The notification period
- The Council website address where details about the application can be easily found, including via a unique QR code
- Contact details of the relevant Council officer.

A photograph and a statutory declaration must be submitted to Council within two days of the notification period ending to advise that the sign is in place.

A site sign is required for all development applications in Categories A-C and E-F, and for Council-related development applications (Category F) which require neighbour notification.

PlanningAlerts

The PlanningAlerts website (www.planningalerts.org.au) is maintained by an organisation which is independent to the Council and allows subscribers to receive notifications of DAs which are located at and around a designated address.

If the Council is aware that the PlanningAlerts website is able to collect and notify new applications from our ePlanning Portal, then the Council will publicise the PlanningAlerts website, by providing a link on the Council website. This will allow our community members to be notified, by email, of new development applications in their local area.

It should be noted, however, that the Council does not endorse or support the lodgement of submissions through this website. This is because the website's submission process does not follow the Council's protocols for collecting a minimum amount of information from submitters (including street addresses), which means the Council cannot provide letter notifications to these submitters.

Christmas period

For all development applications, 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 www.willoughby.nsw.gov.au.

Determination notification

Letter and email notification

All submitters are notified, by letter, of the decision on the application, with the exception of the following (if they submit) who are notified by email:

- Relevant Progress Associations, societies or other community organisations
- Ward Councillors of the ward in which the application site is located

Website notification

On the Public Notices section of our website, we provide information on:

- 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.

In relation to approvals, this notice includes:

- the decision
- the date of the decision
- A 'Determination Summary' which provides the reasons for the decision (with regard to any statutory requirements).



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