

# COMMUNITY ENGAGEMENT POLICY

October 2019

**PREPARED BY:**

Communication and Engagement Unit and  
adopted by Council on 18 November 2019



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SUTHERLAND SHIRE

## 1. INTRODUCTION

Sutherland Shire Council works in collaboration with our community to achieve our shared vision and plan to meet their needs now and into the future. Achieving that shared vision requires a commitment from all in the community to play an active role in working towards our desired outcomes.

Through our Integrated Planning and Reporting framework, Council has made a commitment to empowering the community to participate in decision making by providing meaningful opportunities for our diverse community stakeholders to have their say on the services, plans and policies we develop on their behalf.

Engaging with our community provides numerous benefits including the opportunity to educate and inform community stakeholders on priorities and challenges, improve service delivery outcomes, understand varied points of view, identify shared solutions and build partnerships. It also increases community understanding and support for Council's purpose and goals, improves transparency and accountability, and builds trust within the community.

## 2. PURPOSE

The policy outlines Council's approach to engaging with our community and stakeholders, and provides guidance to Council and its employees in implementing Council led engagement activities.

## 3. APPLICATION

This Policy applies to:

- All Council staff, contract workers, consultants and all people who engage with the community and stakeholders on behalf of Council.
- All Councillors (refer roles & responsibilities)
- All land within the Sutherland Local Government Area (LGA)

The way in which the policy is implemented is informed by the guidelines and other related documents listed in Section 7.

## 4. PRINCIPLES

Council's approach to all community and stakeholder engagement activities is guided by the following set of principles.

**Right to be involved:** We believe our stakeholders have a right to be involved in decisions that affect them and we are genuine, responsive and transparent in seeking valuable input from the community and considering that input when decisions are made.

**Accessible and inclusive:** We are inclusive and accessible to all stakeholder groups, incorporating all ages, abilities, genders and cultural backgrounds. We provide a range of engagement activities to ensure that the broadest possible range of stakeholders have the opportunity to participate.

**Timely:** We respect people's time and provide sufficient timeframes for stakeholders to participate and provide input.

**Tailored:** We use a range of engagement and communication methods that suit the purpose of engagement and the range of stakeholders involved, including subsets of the community that may be difficult to reach.

**Transparent:** We make our decisions in an open and transparent way and provide feedback to our stakeholders to explain our decisions and how their input has influenced the outcome.

**Learning from practice:** We evaluate our engagement activities and are committed to continuous improvement.

In exercising its planning functions, Council is further committed and guided by the principles expressed in section 2.23 of the *Environmental Planning and Assessment Act 1979 (NSW)*, which are detailed in Appendix 2: Community Participation in Planning Functions.

## 5. Standards

### 5.1. Engagement Model

Council's approach to community engagement is built upon the International Association for Public Participation (IAP2) Spectrum – the international standard for best-practice methodology.

The spectrum contains 5 levels of engagement: *Inform, Consult, Involve, Collaborate* and *Empower*, and is designed to assist in identifying the appropriate level of community engagement depending on the goals, timeframes, resources and levels of impact of the decision to be made. The IAP2 spectrum, including definitions of each level are attached at Appendix 1.

The highest level of engagement in the spectrum, *Empower*, represents where final decision making is placed in the hands of the public. While this level of community engagement is important in appropriate circumstances, it has limited application in local government where final decision making rests with the Councillors—who are elected by the community as their representative.

### 5.2. Engagement Standards

In demonstrating its commitment to engaging with the community to inform Council decision making, we will ensure that:

- 1) We will engage with the community and key stakeholders:
  - on strategies, plans, projects and policies that have a direct impact on the community and their quality of life
  - on changes to services or infrastructure
  - in line with statutory requirements
- 2) In planning engagement activities, the level of engagement is determined by the level impact of the decision – the greater the impact, the greater the engagement. When assessing the level of impact of each matter or decision, factors including financial, environmental, reputational, quality of life and alignment to Community Strategic Plan priorities will inform planning for community engagement.
- 3) Ward Councillors are advised and consulted in the planning for all engagement activities in their ward and/or impacting their constituents.

- 4) Engagement activities are designed to maximise opportunities for individual community members and/or stakeholder groups with an interest in the matter or decision to participate and contribute their feedback.
- 5) Engagement activities will seek to ensure a balanced representation relevant to the matter or decision.
- 6) Each engagement activity clearly provides:
  - well defined objective/s
  - supporting information that is factual, accessible and in plain language
  - reasonable timeframes and a range of ways to provide feedback
  - explanation of how the feedback will be used
- 7) Engagement is undertaken at a point in time, as early in the process as reasonably practical to allow for effective community participation and a range of options and solutions to emerge and be considered.
- 8) We will review and analyse the feedback received from stakeholders through engagement activities and presents the findings to Councillors to inform the decision making process.
- 9) We will report to the community on the engagement outcomes and how feedback was considered and/or incorporated into the final decision in a timely manner.
- 10) Engagement will not occur in circumstances that relate to internal operational matters, confidential or commercial in confidence information, or when Council must make emergency or safety related decisions.

### **5.3. Engaging on Planning Functions**

The *Environmental Planning and Assessment Act 1979 (NSW)* stipulates a range of mandatory, minimum requirements for engaging in relation to Council's planning functions.

Engagement and community participation in planning decisions are guided by the principles and standards contained within this policy.

The specific community engagement activities that Council will undertake when exercising its planning functions, including legislative notification requirements, are referenced and maintained in Appendix 2: Community Participation in Planning Functions.

## **6. ROLES & RESPONSIBILITIES**

### **Councillors**

Councillors are the elected representatives of the community and engage in a range of ways to hear the views, concerns and aspirations of their constituents. This includes at community events and meetings, engagement activities, through committee and reference groups, at Council meetings and through individual contact.

Councillors may attend planned engagement activities on specific topics or decisions. At these community engagements the Councillors' role is to listen and discuss community feedback so it can be considered in decision making.

## Council Staff

Council staff are responsible for providing clear and unbiased information to help the community understand a project or decision, the ways they can have their say, and how the feedback received will be reported. Council staff will engage in a respectful and genuine way.

Council staff will use agreed processes and protocols in implementing community engagement activities, as outlined in the Community Engagement Guidelines and in Appendix 2 of this policy.

## 7. LEGISLATIVE COMPLIANCE

In addition to Council's commitment to meaningful engagement to ensure the community is informed and engaged in its future, Council is committed to acting in accordance with its legislative obligations, including:

- *Local Government Act 1993 (NSW)*
- *Environmental Planning and Assessment (EPA) Act 1979 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*

The *Local Government Act 1993 (NSW)* and the *Environmental Planning and Assessment (EPA) Act 1979 (NSW)* are the two most critical pieces of legislation with regards to community engagement.

### ***Local Government Act 1993 (NSW)***

Under [section 402 of the Local Government Act 1993 \(NSW\)](#) Council's must develop and implement a community engagement strategy, based on social justice principles as part of strategic planning process to ensure ongoing collaboration with communities is integral to Council's strategic planning and service delivery.

### ***Environmental Planning and Assessment Act 1979 (NSW)***

The *Environmental Planning and Assessment Act 1979* requires that Councils develop a [Community Participation Plan \(CPP\)](#) which outlines how and when they engage the community across their planning functions. Community participation plans can be incorporated into a Council's Community Engagement Policy and framework.

## 8. RELATED DOUCMENTS & RESOURCES

- Sutherland Shire Community Strategic Plan
- Sutherland Shire Council Delivery Program 2017-2021
- Sutherland Shire Development Control Plan 2015
- Customer Experience Strategy
- Enterprise Content Management Policy
- Privacy Policy
- Public Forum Policy
- Community Engagement Guidelines

## 9. DEFINITIONS

<b>Term</b>	<b>Meaning</b>
Community	People who live, work or visit the Sutherland Shire and are united by at least one common characteristic such as geography, shared interests, impacts, values, experiences or traditions.
Community Engagement	The process of involving the community to provide feedback about the plans, projects and policies that Council develops on behalf of the community and considering that input when decisions are made.
Notification Period	The time period in which a matter is advised to the community/nominated stakeholders prior to a decision or commencement of activity.
Public Exhibition Period	The determined period for which a document (which may include a plan, policy, project or proposal) is publicly available and open for community consideration and feedback.
Stakeholder	Groups and individuals who have an interest in the decisions of Council and are directly impacted by their outcomes but do not necessarily reside or work here.

# APPENDIX 1

## International Association for Public Participation (IAP2) Spectrum of Engagement

IAP2's Public Participation Spectrum (1) <sup>1</sup> is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program, depending on the goals, timeframes, resources and levels of concern in the decision to be made.

		INCREASING IMPACT ON THE DECISION 				
		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 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 the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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<sup>1</sup> [www.iap2.org.au/Tenant/C0000004/00000001/files/IAP2\\_Public\\_Participation\\_Spectrum.pdf](http://www.iap2.org.au/Tenant/C0000004/00000001/files/IAP2_Public_Participation_Spectrum.pdf)

## APPENDIX 2

### Community Participation in Planning Functions

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#### A2.1 Legislative Requirements

The *Environmental Planning and Assessment Act 1979 (NSW)* requires that Councils undertake community participation when exercising their planning functions, guided by the following principles:

A planning authority is to have regard to the following when preparing a community participation plan:

- a) The community has a right to be informed about planning matters that affect it.
- b) Planning authorities should encourage effective and on-going 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 community views to be genuinely considered.
- e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- f) 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.
- 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.

*Environmental Planning and Assessment Act 1979, Pt 2, Division 2.6, section 2.23*

#### A2.2: Community Engagement Commitments in Planning Matters

The following sections sets out Council's minimum engagement requirements in exercising its planning functions, consistent with schedule 1 in the *Environmental Planning and Assessment Act 1979 (NSW)*. All other provisions outlined in the Community Engagement Policy apply.

The requirements in relation to community engagement in planning matters should be considered with reference to the detailed objectives and controls contained within:

- i. Sutherland Shire Local Environmental Plan 2015 (SSLEP2015)
- ii. Sutherland Shire Development Control Plan 2015 (SSDCP2015)

## a) Guidelines for Planning Making

Council can perform the following planning making functions under the *Environmental Planning & Assessment Act 1979 (NSW)*:

- Planning and Plan Making (Part 3 of the Act)
- Contributions Plans (Part 7 of the Act)

Council will consult with the community and keep the community informed of planning matters as outlined below, and consistent with the principles and standards outlined in this Policy.

Consistent with the policy, the level and extent of community engagement will vary depending on the nature of the proposal under consideration and potential impacts of the decision.

The *Environmental Planning and Assessment Act 1979 (NSW)* sets the mandatory exhibition periods for certain types of plan making.

A key technique used to encourage community participation is formal exhibitions. During public exhibition we make available relevant documents that may include a draft of the policy, plan or future development that we are seeking community input on.

The following table refers to the types of minimum notifications in undertaking plan making:

	Direct Notification letter extended to encompass entire block/precinct as appropriate (*)	Newspaper Adverts	Website	Shire Wide Notification delivered via "Our Shire" newsletter	Focus Groups/ Tailored engagement activities
Planning Proposals – Site Specific or Precinct based, affecting development yields or new specific uses	✓	✓	✓		
Planning Proposal – (a) the correction of an obvious error in a local environmental plan, (b) matters that are of a consequential, transitional, machinery or other minor nature, or (c) matters that Council's Chief Executive Officer considers will not have any significant adverse impact on the environment or adjoining land. (d) minor amendment with minimal impact on development outcomes		✓	✓		
Planning Proposal – Major change affecting development yields, outcomes or permissibility across a wide area of the Shire		✓	✓		
Planning Proposal – Comprehensive review of the primary Planning Instrument (LEP)		✓	✓	✓	✓
New Comprehensive Development Control Plan		✓	✓	✓	
Amendment of Development Control Plan – minor amendment a) the correction of an obvious error in a local environmental plan, (b) matters that are of a consequential, transitional, machinery or other minor nature, or (c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land. (d) minor amendment with minimal impact on development outcomes		✓	✓		
Amendment of Development Control Plan – site specific	✓	✓	✓		
Review of Contribution Plan		✓	✓		
New Contribution Plan		✓	✓		

\* as per 2.1.a Guidelines for Development Assessment

## Plan making mandatory exhibition timeframes

Section 2.21(2) of the *EP&A Act* details the types of plan making proposals that must be considered in this plan and Schedule 1 *Community participation requirements* sets a minimum exhibition timeframe for most of these plan making proposals, as follows:

Planning proposals for local environmental plans subject to a Gateway Determination	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required.
Draft development control plans	28 days
Draft contribution plans	28 days
Draft Local Strategic Planning Statements	28 days
Draft community participation plan	28 days

### b) Guidelines for Development Assessment

Section contents:

- 1) Notification of Development Applications
- 2) Notification Letter
- 3) Display of a Notice on the Land
- 4) Notification Requirements for Revised Plans
- 5) Notification of Application for Staged Consent
- 6) Notification of Application to Modify a Consent (under s96 of the Act)
- 7) Notification of Application to Review a Decision (under s82A of the Act)
- 8) Notification of the Determination of a Development Application
- 9) Table - Showing Controls for Uses
- 10) Duration of Development Consent

#### 1. Notification of Development Applications

The Environmental Planning and Assessment Act, 1979 sets the framework for public participation in the consideration of applications requiring development consent. It requires Council to formalise its notification procedures through its DCP. Consequently, Council has adopted public consultation procedures to ensure that the community is consulted where there may be a significant impact on the neighbourhood from development. The method of notification is dependent on the scale of development and degree of environmental impact. Not all development applications require notification or public exhibition.

All development applications received by Council will be published on Council's webpage. The assessment progress of each application can be followed by any member of the community via DA Tracking On-Line.

### 1.1. Objectives

- 1) Enable consultation with the community for types of development not anticipated in a zone so that council can be aware of all the relevant issues and community concerns when determining a development application.
- 2) Identify members of the community who will be notified of a development application being received by Council.
- 3) Identify development that will be publicly exhibited prior to Council assessment of a development application.
- 4) Identify how the community and public authorities will be notified of specific proposals.

### 1.2. Exceptions

- 1) This section does not apply to:
  - a. Designated Development
  - b. Advertised Development , or
  - c. 'Exempt Development' or 'Complying Development', as stated in the *Sutherland Shire Local Environmental Plan 2015*.

Note: Designated development and advertised development will require public exhibition under the requirements of the *Environmental Planning and Assessment Act 1979 (NSW)*.

### 1.3. Controls

- 1) Development applications are to be publicly exhibited as per the notification requirements specified in the **Tables** to this section

Note to subclause 1: Not all development applications require notification or public exhibition

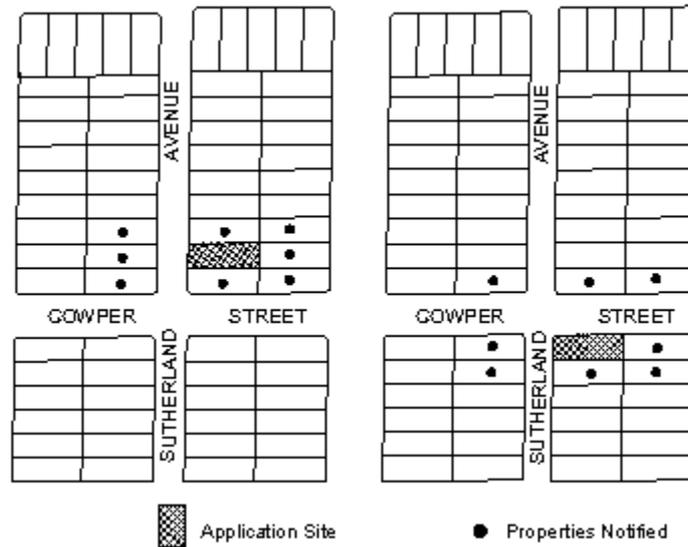
- 2) As specified in the Tables to this section, Development Applications will be publicly exhibited by:
  - a. Notification letter to land owners, and various community organisations; or
  - b. Display of notice on the land; or
  - c. Publication on Council's web page; or
  - d. A combination of the above.

Note to subclause 2: Applications that are insufficient for the purposes of public exhibition and/or notification will be rejected. Refer to the *Sutherland Shire Development Application Guide – A Guide to Lodging a Development Application with Council* for application requirements.

- 3) Notwithstanding the **Tables** to this section, if the proposal is potentially contentious or likely to be of significant interest to the community, Council has the discretion to determine if additional notification requirements apply (i.e. notification letter, display of notice on land, display on website).

## 2. Notification Letter

- 1) Where required by the Tables in this section, notification of the receipt of a development application must be forwarded to the following:
  - a. For development requiring notification, persons who own adjoining or neighbouring land to an application site, according to Council's rates and property register, as indicated in Figures 1 and 2.



Figures 1 and 2:

### Notification of Adjoining Landowners

- b. Relevant community organisations which, in Council's opinion, may need to provide input on the proposed development.
- c. Where adjoining land is a lot within the meaning of the *Strata Schemes (Freehold Development) Act 1973*, a letter of notification must be forwarded to the owners' corporation within the strata scheme and to property owners.
- d. Where adjoining land is a lot within the meaning of the *Strata Schemes (Leasehold Development) Act 1986*, a letter of notification must be forwarded to the owners' corporation under the leasehold strata scheme and to property
- e. If, in Council's opinion, there are any other persons or parties likely to be affected by the proposed development, Council may broaden the extent of notification where the enjoyment of the land may be detrimentally affected in relation to, but not limited to:
  - i. The views to and the view from the land
  - ii. Overshadowing
  - iii. Privacy
  - iv. Noise
  - v. The visual quality of the building in relation to the streetscape
  - vi. Existing amenity.

Note: Notwithstanding the Table to this section, it will remain at the discretion of Council as to how to notify an application considered to be of significant community interest. Neighbour notification over the Christmas period will be dealt with on an annual basis by way of a specific resolution of Council.

- 2) The notification letter must provide the following information:
  - a. A description (including the address) of the land to which the development application relates
  - b. A description of the proposed development
  - c. An A4 copy of the site plan and elevations.
  - d. The name of the applicant
  - e. The name of the contact person through which enquiries can be directed
  - f. A statement specifying that the application may be inspected at the Administration Building of Council at any time during normal office hours for a period of 14 days
  - g. The letter must specify that any person may make a submission in writing to Council in relation to the development application and that submission may be made available for the community to view. Where the submission is by way of objection, the grounds of objection must be specified in the submission
  
- 3) The letter must direct the receiver to Council's webpage and specifically to the following information:
  - a. An explanation of the system of development application assessment;
  - b. The types of development permissible in the zone; and
  - c. The location of the Track It On Line service, which enables applicants and the community to track the progress of an application.

### **3. Display of a Notice on the Land**

- 1) The notice must be erected at the applicant's expense by Council on the land to which the development application relates.
- 2) The notice must:
  - a. Be displayed on a signpost or board constructed in a sturdy manner and comprising durable and weatherproof materials.
  - b. Contain lettering which is clear, legible and able to be read from a public road, public place or public reserve.
  - c. Be written under the heading in bold type "**DEVELOPMENT APPLICATION**".
  - d. Contain the following information:
    - i. A statement that the application has been lodged.
    - ii. The name of the applicant.
    - iii. A brief description of the development application.
    - iv. Where the application meets the criteria specified in 1.b.1.2(2), the notice must include:
      - a. A statement specifying that any person may make a submission in writing to Council in relation to the development application. Where the submission is by way of objection, the grounds of objection must be specified in the submission.
      - b. A statement outlining that any submissions are available for viewing by the applicant or any other person with a relevant interest in the application.
    - v. Directions to Council's webpage and specifically to Track It On Line.

### **4. Notification Requirements for Revised Plans**

- 1) Revised plans lodged during the assessment and before Council's or the Court's determination will be publicly exhibited in the same way as the original application, but only where the changes being sought intensify or change the external impact of the development to the extent that neighbours, in the opinion of Council, ought to be given the opportunity to comment.

### **5. Notification of Application for Staged Consent**

- 1) Where an application is received for staged consent, the initial application will be notified as per the requirements for a development application within this section.
- 2) Any applications received or consents issued for the stages following the initial application will not be further notified.

## **6. Notification of Application to Modify a Consent (under s4.55 of the Act)**

- 1) Where an application is lodged to modify a development application after Council consent has already been given, the notification requirements will vary according to the subsection of the *Environmental Planning and Assessment Act* that applies to the proposed modification, as follows:
  - a. Modification of consent under s4.55(1) (involving minor error, misdescription or miscalculation) does not require notification.
  - b. Modification of consent under s4.55 (1A) (involving minimal environmental impact) does not require notification if, in the opinion of council, all alterations result in minor change to the approved development.
  - c. Modification of consent under s4.55(2) requires notification if the original development application required notification, and in the same manner, except, where in the opinion of council, all alterations result in minor change to the approved development.
  - d. Modification of consent under s4.56 requires notification if the original development application required notification, and in the same way, except where, in the opinion of council, all alterations result in minor change to the approved development. However, each person who made a submission in respect of the initial development application must be notified regardless of the extent of the impacts of the proposed modification.

Note: The notification requirements for modification of development consent for Designated Development, State significant advertised development, or any other advertised development, are set out in the appropriate clauses in the Environmental Planning and Assessment Regulations. This includes all the instances above where consent was granted by the Court.

## **7. Notification of Application to Review a Decision (under Division 8.2 of the Act)**

- 1) Where an applicant requests a review of a determination of a development application, in accordance with section 8.2 of the *Environmental Planning and Assessment Act 1979*, notification will be in accordance with the provisions of this section.

## **8. Notification of the Determination of a Development Application**

- 1) When a submission has been received from a member of the community during the exhibition period of a development application, an acknowledgement receipt of that submission will be forwarded to the sender.
- 2) Where a number of submissions have been made, particularly in the form of an objection, Council may place a notification in a local newspaper (under the provisions of section 4.59 of the *Environmental Planning and Assessment Act 1979* as amended) of the approval of the application.
- 3) Where a submission in the form of a petition is received, the petition should specify the details of the contact person to whom all correspondence must be addressed. A letter sent to that contact person is taken to be a letter to all signatories on that petition. When a petition is received, Council will use its best endeavours to notify the organiser of the petition.
- 4) Upon determination of an application that was not required to be notified, a letter will be forwarded to adjoining property owners advising that a development application has been received and determined. The letter will specify the description of the development application, and whether it has been approved or refused. However, this clause does not apply to the removal of trees.

## 9. Table - Showing Controls for Uses

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>E3 Environmental Management, E4 Environmental Living (SSLEP2015)</b>				
Building alterations and additions	✓			✓
Dwelling Houses	✓			✓
Dual Occupancies	✓	✓		✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint	✓			✓
Demolition			✓	✓
Strata and stratum subdivision			✓	✓
Bed and Breakfast accommodation	✓			✓
Boat sheds	✓			✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Drainage			✓	✓
Elevated structures to enable pedestrian access	✓			✓
Health Consulting Rooms	✓	✓		✓
Inclinators	✓			✓
Place of Public Worship	✓	✓		✓
Recreation areas	✓			✓
Secondary Dwellings	✓	✓		✓
Tree removal				✓
Development ancillary to a dwelling not listed above	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

### Note:

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>R2 Low Density Residential, R3 Medium Density Residential (SSLEP2015)</b>				
Development ancillary to a dwelling	✓			✓
All single dwelling houses	✓			✓
Dual Occupancies, Secondary Dwelling and Multi Dwelling Development	✓	✓		✓
Building alterations and additions	✓			✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint	✓			✓
Demolition			✓	✓
Strata and stratum subdivision			✓	✓
Drainage			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Bed and Breakfast accommodation	✓			✓
Recreation areas	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>R4 High Density Residential (SSLEP2015)</b>				
Dwelling houses, dual occupancies, secondary dwellings	✓	✓		✓
Multi Dwelling Housing	✓	✓		✓
Residential flat buildings	✓	✓		✓
Tree removal				✓
Attached Dwellings	✓			✓
Bed and Breakfast accommodation	✓			✓
Boarding Houses	✓	✓		✓
Community Facilities	✓	✓		✓
Group Homes	✓	✓		✓
Health Consulting Rooms	✓	✓		✓
Hostels	✓	✓		✓
Neighbourhood Shops	✓	✓		✓
Place of Public Worship	✓	✓		✓
Recreation Areas	✓			✓
Respite Day Care Centres	✓	✓		✓
Seniors Housing	✓	✓		✓
Shop Top Housing	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B1 Neighbourhood Centre (SSLEP2015)</b>				
Commercial Premises proposing hours before 6am or after 10pm and/ or located adjacent to residential land	✓	✓		✓
Signage			✓	✓
Ancillary development			✓	✓
Awning			✓	✓
Strata and stratum subdivision			✓	✓
Commercial premises – where the hours of operation are between 6am and 10pm			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Building identification signs;				✓
Dual Occupancies	✓	✓		✓
Dwelling houses	✓			✓
Home Business	✓			✓
Information and Education facilities	✓			✓
Places of Public Worship	✓	✓		✓
Public administration building				✓
Recreation Area				✓
Recreation facilities (indoor)	✓	✓		✓
Secondary dwellings	✓	✓		✓
Vehicle sales or hire premises	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B2 Local Centre, B3 Commercial Core, B4 Mixed Use (SSLEP2015)</b>				
Buildings more than 2 storeys	✓	✓		✓
Buildings 2 storeys or less	✓			✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Uses proposing hours before 6am or after 10pm	✓	✓		✓
Signage			✓	✓
Ancillary development & minor works			✓	✓
Strata and stratum subdivision			✓	✓
Awning			✓	✓
Use as commercial premises, convenience store, food shop, restaurant, shop -	✓			✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Housing for seniors or people with a disability – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Warehouse or distribution centres	✓			✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>B5 Business Development B6 Enterprise Corridor, B7 Business Corridor, IN1 General Industrial, IN2 Light Industrial, IN3 Heavy Industrial (SSLEP2015)</b>				
Signage			✓	✓
Ancillary development (except signage and minor works)			✓	✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Strata and stratum subdivision			✓	✓
Uses proposing hours between 6am and 10pm			✓	✓
Uses proposing hours before 6am or after 10pm	✓	✓		✓
Uses located adjacent to residential land	✓	✓		✓
Internal alterations and additions, Including Child care, Place of public worship			✓	✓
Industry and warehouses that are greater than 3000m <sup>2</sup>	✓	✓		✓
Industry and warehouses that are not greater than 3000m <sup>2</sup>	✓			✓
Awnings			✓	✓
Food shop – not adjoining/ adjacent to residential land			✓	✓
Convenience store – not adjoining/ adjacent to residential land			✓	✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Light industries	✓			✓
Heavy industries	✓			✓
Neighbourhood shops				✓
Sex Services premises	✓	✓		✓
<b>All other development requiring development consent</b>			✓	✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>IN4 Working Waterfront (SSLEP2015)</b>				
Signage			✓	✓
Ancillary development			✓	✓
Development that would otherwise be either Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Strata and stratum subdivision			✓	✓
Change of use			✓	✓
Awnings			✓	✓
Convenience store			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Boat building and repair facilities	✓	✓		✓
Boat launching ramps	✓			✓
Building identification signs				✓
Charter and tourism boating facilities	✓	✓		✓
Environmental facilities				✓
Environmental protection works				✓
Flood mitigation works				✓
Food and drink premises	✓			✓
Industrial training facilities	✓			✓
Jetties				✓
Light industries	✓			✓
Marinas	✓	✓		✓
Neighbourhood shops				✓
Passenger transport facilities	✓	✓		✓
Research stations				✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>SP1 Special Activities, SP2 Infrastructure (SSLEP2015)</b>				
Advertising (except where inconsistent with SEPP65 or Infrastructure SEPP)			✓	✓
Ancillary development			✓	✓
Drainage			✓	✓
Subdivision	✓			✓
Development that would otherwise be Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Demolition			✓	✓
Works to enable cycle and pedestrian access	✓	✓		✓
Childcare centres – other than ancillary or minor works	✓	✓		✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Roads	✓			✓
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to Development for that purpose – SP1, SP2	✓	✓		✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>SP3 Tourist (SSLEP2015)</b>				
Ancillary development, including home activities	✓			✓
Building alterations and additions	✓			✓
Drainage			✓	✓
Development that would otherwise be Exempt or Complying Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Demolition			✓	✓
Tree removal				✓
Boarding houses	✓	✓		✓
Child care centres	✓	✓		✓
Community facilities	✓	✓		✓
Hostels	✓	✓		✓
Multi dwelling housing	✓	✓		✓
Neighbourhood shops	✓	✓		✓
Places of public worship	✓	✓		✓
Recreation areas	✓			✓
Residential flat buildings	✓	✓		✓
Respite day care centres	✓	✓		✓
Seniors housing	✓	✓		✓
Shop top housing	✓	✓		✓
Tourist and visitor accommodation	✓	✓		✓
<b>All other development requiring development consent</b>	✓			✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>RE1 Public Recreation (SSLEP2015)</b>				
Development that would otherwise be Exempt Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Buildings associated with landscape or gardening and vehicular access to these buildings			✓	✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Tree removal				✓
Community facilities	✓	✓		✓
Environmental facilities				✓
Food and drink premises	✓	✓		✓
Helipads	✓	✓		✓
Information and education facilities	✓			✓
Kiosks	✓	✓		✓
Passenger transport facilities	✓			✓
Recreation areas	✓			✓
Recreation facilities (indoor)	✓	✓		✓
Recreation facilities (outdoor)	✓	✓		✓
Roads				✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

If a development application falls into more than one type of development category, the more intensive form of notification will take place.

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>RE2 Private Recreation (SSLEP2015)</b>				
Development that would otherwise be Exempt Development except that a development application is required because the proposal is located in an area of environmental constraint			✓	✓
Buildings associated with landscape or gardening and vehicular access to these buildings			✓	✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Ancillary or minor works			✓	✓
Tree removal				✓
Animal boarding or training establishments	✓	✓		✓
Car parks	✓	✓		✓
Entertainment facilities	✓	✓		✓
Environmental facilities				✓
Hotel/Motel	✓	✓		✓
Marinas	✓	✓		✓
Registered clubs	✓	✓		✓
Restaurants or cafes	✓	✓		✓
Small bar	✓	✓		✓
Water recreation structures	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>W1 Natural Waterways, W2 Recreational Waterways (SSLEP2015)</b>				
Beach and foreshore protection works	✓			✓
Demolition			✓	✓
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items.	✓	✓		✓
Aquaculture				✓
Boat launching ramps	✓	✓		✓
Boat sheds	✓	✓		✓
Charter tourism boating facilities	✓	✓		✓
Environmental facilities	✓	✓		✓
Environmental protection works	✓			✓
Flood mitigation works				✓
Kiosks	✓	✓		✓
Marinas	✓	✓		✓
Mooring Pens	✓	✓		✓
Passenger transport facilities	✓	✓		✓
Recreation facilities (outdoor)	✓	✓		✓
Water recreation structures	✓	✓		✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

Type of Development	Notification letter	Display of notice	Post determination letter	Display on website
<b>E1 National Parks and Nature Reserves, E2 Environmental Conservation (SSLEP2015)</b>				
Demolition or partial demolition, or alterations or additions to an item of environmental heritage, including archaeological items (except development specified under other legislation).	✓	✓		✓
Tree removal				✓
Aquaculture				✓
Environmental facilities	✓			✓
Environmental protection works				✓
Flood mitigation works				✓
Information and education facilities	✓			✓
Roads				✓
<b>All other development requiring development consent</b>	✓	✓		✓

**Note:**

*If a development application falls into more than one type of development category, the more intensive form of notification will take place.*

## 10. Duration of Development Consent

Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, allows Council to determine the length of time before a development consent will lapse. This section explains Council's policy for the duration of development consents.

### 10.1. Objectives

- 1) The objectives of the duration of the time period for the lapsing of development consents are to:
  - a. achieve greater certainty in the development process
  - b. quantify and comprehend the cumulative impacts of a development
  - c. reduce the likelihood in a change in ownership of neighbouring properties to the site, subject to the development consent
  - d. reduce the occurrence of dormant sites around the Shire.

### 10.2. Duration of Development Consent

- 1) In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, all development consents shall lapse five years after the date from which it operates, where the estimated cost of development is up to \$500,000, or three years from the date from which it operates, where the estimated cost of development is greater than \$500,000, unless there are special circumstances and the consent authority imposes a period less than this as a trial period due to such special circumstances.
- 2) In accordance with the provisions of Section 4.53 of the *Environmental Planning and Assessment Act, 1979*, where a period of less than five years has been imposed due to special circumstances, Council may consent to an extension of a period of consent, for a period of one year, subject to receipt of an application in writing seeking such an extension more than one month before the date of the consent lapsing.
- 3) In any application for a one year extension, Council will consider whether planning controls have significantly changed in the interim and/or the characteristics of the local area have changed since consent was issued.

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