



## Report to General Manager

Attachments:

1. Meeting Notes – 12 August 2019
2. LP01: Current Appeals and Results – August 2019
3. LP02: Variations to Development Standards
4. LP03: Amended Community Engagement Protocol  
- Incorporating the Community Participation Plan Requirements

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**SUBJECT:** Legal & Planning Committee – 12 August 2019

**AUTHOR:** Melissa Dunlop, Governance Co-ordinator

**ENDORSED BY:** Margaret Palmer, Director Corporate Services

### EXECUTIVE SUMMARY:

A meeting of the Legal & Planning Committee was scheduled for Monday, 12 August 2019 and attended by three (3) Councillors – the Mayor and Councillors Keen and Mutton. Apologies were received from Councillors Baker, Barbour, Beregi, Brodie, Carr and Drummond.

The quorum for Legal & Planning Committee meetings is five (5) Councillors so the meeting was not able to proceed formally. While the Committee proceeded inquorate, the reports are therefore submitted to Council in full for consideration. The report recommendations were supported by those Councillors present and are provided in a consolidated list below for Council's determination.

### FINANCIAL IMPLICATIONS:

Refer to individual reports.

### RECOMMENDATION:

1. **THAT** the Current Appeals and Results report be received. (LP01)
  2. **THAT** the Variations to Development Standards report be received. (LP02)
  3. **THAT** the amended *Community Engagement Protocol* be endorsed to be placed on public exhibition for a minimum of 28 days. (LP03)
  4. **THAT** the proposed amendment to *North Sydney Development Control Plan 2013* to repeal Section 4 to Part A be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol. (LP03)
  5. **THAT** the amended *Community Engagement Policy* be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol. (LP03)
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## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

- Direction: 5. Our Civic Leadership
- Outcome: 5.1 Council leads the strategic direction of North Sydney  
5.2 Council is well governed and customer focused

## **BACKGROUND**

In accordance with Council's Code of Meeting Principles and Practices:

Clause 51.6 - the minutes of a Committee meeting can only be confirmed and adopted by resolution of that Committee, passed at a subsequent meeting of that Committee.

Clause 51.7 - the recommendations arising at Committee meetings are to be submitted to the next available Council meeting for adoption.

As there was no quorum for the 12 August 2019 meeting, the reports were discussed by the Councillors present and are referred to Council for determination.

## **CONSULTATION REQUIREMENTS**

Community engagement is not required.

## **SUSTAINABILITY STATEMENT**

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

## **DETAIL**

While the meeting was inquorate, the Councillors present at the meeting discussed the agenda items and supported all recommendations contained in the reports. The attached Minutes are therefore a record of the inquorate meeting.

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**NORTH SYDNEY COUNCIL****REPORT OF LEGAL AND PLANNING COMMITTEE**

**SUBJECT: PROCEEDINGS OF COMMITTEE AT MEETING HELD IN THE SUPPER ROOM AT THE COUNCIL CHAMBERS, NORTH SYDNEY, ON MONDAY, 12 AUGUST 2019 AT 6.30PM.**

**PRESENT**

Councillor Gibson in the Chair, Councillors Keen and Mutton.

**Staff:** Margaret Palmer, Acting General Manager  
Craig Winn, Solicitor  
Joseph Hill, Director City Strategy  
Stephen Beattie, Manager Development Services  
Marcelo Occhiuzzi, Manager Strategic Planning  
Jenny Gleeson, Manager Integrated Planning and Special Projects  
Melissa Dunlop, Governance Co-ordinator (Minutes)

**Visitors:** Nil

**Apologies** were received from Councillors Baker, Barbour, Beregi, Brodie, Carr and Drummond.

At the commencement of business (6.35pm) Councillors present were:  
Councillor Gibson in the Chair, Councillors Keen and Mutton.

**Declarations of Interest**

Nil.

**11. Lack of Quorum**

With only three Councillors present, it was noted that there is not a quorum for the meeting of 12 August 2019. It was decided by all present that the meeting would proceed inquorate. The Minutes for this meeting will be a record of the meeting, however the matters presented will need to be re-presented in full at the next Council meeting.

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**12. Minutes**

The Minutes of the previous meeting held on 6 May 2019, copies of which had been previously circulated, were noted.

**13. LP01: Current Appeals and Results – August 2019**

Report of Craig Winn, Solicitor

Attached is a list of current appeal and prosecution matters as at 31 July 2019 for Council's information.

As at 31 July 2019, Council has incurred \$14,644.20 on legal fees for the 2019 financial year and recovered legal costs in the amount of \$200.00. The legal budget for 2020 financial year is \$ 1,500,000.00.

**Recommending:**

**1. THAT** the Current Appeals and Results report be received.

*All Councillors present recommend that Council adopt the Officer's recommendations at the next Council meeting on 26 August 2019.*

**14. LP02: Variations to Development Standards**

Report of Stephen Beattie, Manager Development Services

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of C14.6 and SEPP1 variations to development standards.

Essentially, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by Assessment Staff under delegations.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.

A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.

A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.

A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

It is intended to report variations to development standards to Council via the quarterly Legal and Planning Committee meeting. Attached is the tabulated Development Standard variations approved for Q3 and Q4 of the financial year 2018/19.

**Recommending:**

**1. THAT** the Variations to Development Standards report be received.

*All Councillors present recommend that Council adopt the Officer's recommendations at the next Council meeting on 26 August 2019.*

**15. LP03: Amended Community Engagement Protocol - Incorporating the Community Participation Plan Requirements**

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects

Gemma North, Community Engagement Coordinator

Since 2013, North Sydney Council has had in place a *Community Engagement Protocol* (the Protocol). Council staff use the Protocol to prepare a project-specific 'community engagement strategy' for each of its key projects/decisions. It has also been used to implement the North Sydney Community Strategic Plan as required under section 402 of the *Local Government Act, 1993* (LG Act).

The Protocol (Attachment 1) has been reviewed and revised to:

- a) ensure that Council's community engagement framework remains consistent with industry best practice;
- b) integrate the legislative requirement under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for Council to have in place a *Community Participation Plan* (CPP) by 1 December 2019; and
- c) meet pending changes to the *LG Act* with respect to community engagement.

Until now, community engagement relating to statutory planning functions under the *EP&A Act*, have been exempt from Council's Protocol, as these were detailed in Council's development control plan (DCP) or just referred to under the relevant legislative provisions of the *EP&A Act* and its associated *Regulation*.

However, recent amendments to the *EP&A Act* which come into force in July 2018 has required all councils to prepare a CPP for planning related functions. In particular, the intent of the CPP is to make it clearer and easier for community members to understand how they can participate in planning decisions. The CPP must set out how planning authorities will engage with their communities across their statutory planning functions (e.g. development applications, local environmental plans, development control plans etc). Whilst a CPP must meet the minimum requirements set out in Schedule 1 of the *EP&A Act*, planning authorities can go beyond the minimum requirements if they decide it is appropriate.

A CPP can comprise a stand-alone document, or it can be incorporated into the broader community engagement strategies prepared under the provisions of the *LG Act*. It is proposed to incorporate the CPP requirements into Council's existing protocol which will satisfy the community engagement strategy requirements of the *LG Act*. Whichever route Council determines that the CPP requirements are to be addressed, the document must be placed on public exhibition for a minimum of 28 days. Once adopted, it is then to be published on the Department of Planning's *Planning Portal*.

Due to some still yet to be commenced provisions of the *LG Act* and *EP&A Act* and its associated *Regulation*, there is some confusion as to which community engagement provisions will take precedence upon the commencement of a CPP or its equivalent. Council staff have been advised by the State Government that these issues will be addressed prior to the 1 December 2019.

Despite this current conflict, to ensure there is minimal confusion, it is also proposed to amend *North Sydney Development Control Plan 2013* by repealing Section 4 to Part A of the DCP (Attachment 2). The purpose of this is to improve clarity by removing duplicate community engagement requirements in relation to planning matters. For the amendment to take effect, Council is required to publicly exhibit the proposed change to its DCP for a minimum of 28 days. It is proposed to be undertaken concurrently with the public exhibition of the amended Community Engagement Protocol.

Consistent with the amendments made to the *Community Engagement Protocol*, the *Community Engagement Policy* has also been updated (Attachment 3) and it is recommended that it be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.

**Recommending:**

- 1. THAT** the amended *Community Engagement Protocol* be endorsed to be placed on public exhibition for a minimum of 28 days.
- 2. THAT** the proposed amendment to *North Sydney Development Control Plan 2013* to repeal Section 4 to Part A be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.
- 3. THAT** the amended *Community Engagement Policy* be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.

*All Councillors present recommend that Council adopt the Officer's recommendations at the next Council meeting on 26 August 2019.*

The meeting concluded at 6.42pm.

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**CHAIRPERSON**

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**GENERAL MANAGER**

**Report to General Manager**

Attachments:

1. Current Appeal Matters List - LEC
2. Current Appeal Matters List - Others
3. Local Court Matters List

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**SUBJECT:** Current Appeals and Results – August 2019**AUTHOR:** Craig Winn, Solicitor**EXECUTIVE SUMMARY:**

Attached is a list of current appeal and prosecution matters as at 31 July 2019 for Council's information.

As at 31 July 2019, Council has incurred \$14,644.20 on legal fees for the 2019 financial year and recovered legal costs in the amount of \$200.00. The legal budget for 2020 financial year is \$ 1,500,000.00.

**RECOMMENDATION:**

1. **THAT** the report be received.
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Report of Craig Winn, Solicitor

Re: Current Appeals and Results - August 2019

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## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

## **BACKGROUND**

The Current Appeals and Prosecutions list was last reported to the Legal and Planning Committee meeting of 6 May 2019.

## **SUSTAINABILITY STATEMENT**

The sustainability implications were considered and reported during the assessment of each particular application.

## **DETAIL**

The defence of Land and Environment Court appeals and the prosecution of regulatory matters represents a major ongoing expense for Council. The attached list provides a summary of each current appeal(s) and prosecution(s) (including fees incurred) as at 31 July 2019.

**CRAIG WINN**  
**SOLICITOR**

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**CURRENT MATTERS LIST – LAND & ENVIRONMENT COURT**  
As at 31 July 2019

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>80 Arthur Street North Sydney</b> LEC 247263/17 DOA 14/08/17 HDO	Karimbla Properties (No.37) Pty Limited (Meriton)	Class 3 Appeal to change rating categories of land	Sharon Mills	Matter closed.	Fee Estimate: \$150,000 Fees: \$14,776.30	Proceedings discontinued
<b>275 Alfred Street, North Sydney</b> DA59/07(LEC10791/07) LEC 227590/18 DOA 25/07/18 HWL	Benmill Pty Ltd	Class 4 Summons seeking judicial review of previous Class 1 Appeal approval	David Hoy	Listed for hearing on 12 and 13 August 2019.	Fee Estimate: \$70,000 Fees: \$38,750.29 Recommendation: N/A Decision: N/A	Pending
<b>8 Queens Avenue, McMahons Point</b> DA 162/18 LEC 26941/19 DOA 25/01/19 H&W	Marion Nicklin	Class 1 Appeal against refusal of proposed double carport	Michael Doyle	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 9 and 10 September 2019.	Fee Estimate: \$12,000 Fees: \$0 Recommendation: Refusal Decision: Refusal	Pending
<b>3 Amherst Street, Camberay</b> DA 382/14/2 LEC 236368/18 DOA 02/08/18 MF	Brenham Pty Limited	Class 1 Appeal against Council refusal of a secondary fence (height)	Luke Donovan	Judgment and final orders made on 15 July 2019. Appeal upheld. Matter closed.	Fee Estimate: \$25,500 Fees: \$43,208.49 Recommendation: Refusal Decision: Refusal	Appeal upheld Matter closed
<b>18 Illiliwa Street, Cremorne</b> DA 460/16/4 LEC 277470/18 DOA 12/09/18 HDO	Connoisseur Property Holdings Pty Limited	Class 1 Appeal against refusal to modify a consent.	George Yuhanna	Judgment and final orders made on 15 April 2019. Appeal upheld. Matter closed.	Fee Estimate: \$20,000 Fees: \$10,634 Recommendation: Refusal Decision: Refusal	Appeal upheld

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>29 Myrtle Street, North Sydney</b> DA 80/18 LEC 320228/18 DOA 25/10/18 MF	Modog Pty Limited	Class 1 Appeal against the deemed refusal for a proposed 3 lot Torrens title subdivision.	George Youhanna	Proceedings discontinued. Matter closed.	Fee Estimate: \$ 25,000 Fees: \$18,483.85 Recommendation: N/A Decision: N/A	Proceedings discontinued
<b>2A Henry Lawson Avenue, McMahons Point</b> TPO LEC 319938/18 DOA 25/10/18 HDO	East Crescent 3 Pty Ltd	Class 1 Appeal against the deemed refusal of Tree Removal / Pruning Application	Melanie Hamilton/Rob Emerson	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 4 July 2019.	Fee Estimate: \$22,000 Fees: \$16,332.91 Recommendation: N/A Decision: N/A	Pending
<b>30 Glen Street, Milsons Point</b> DA 588/01/2 LEC 325991/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the deemed refusal to modify a consent.	George Youhanna	Proceedings heard on 4,5 and 7 June 2019. Appeal upheld.	Fee Estimate: \$15,000 Fees: \$32,116.07 Recommendation: N/A Decision: N/A	Appeal upheld
<b>30 Glen Street, Milsons Point</b> DA 294/18 LEC 326024/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the deemed refusal for the use of 2 lots for office premises.	George Youhanna	Proceedings heard on 4,5 and 7 June 2019. Appeal upheld.	Fee Estimate: \$15,000 Fees: \$32,116.07 Recommendation: N/A Decision: N/A	Appeal upheld
<b>30 Glen Street, Milsons Point</b> BC 30/18 LEC 326020/18 DOA 26/10/18 SH	The Bunker 2017 Pty Ltd	Class 1 Appeal against the refusal of a Building Certificate for works within the cubic space of Lot 148.	Dane Johnson	Proceedings heard on 4,5 and 7 June 2019. Appeal upheld. Council ordered to issue Building Information Certificate.	Fee Estimate: \$15,000 Fees: \$32,116.07 Recommendation: N/A Decision: N/A	Appeal upheld
<b>25A Reynolds Street, Cremorne</b> DA 199/18 LEC 339285/18 DOA 05/11/18 HWL	Playoust Churcher Architects	Class 1 Appeal against the deemed refusal for the alterations and additions including an additional storey.	Luke Donovan	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 9 and 10 July 2019. The parties are currently negotiating draft conditions of consent.	Fee Estimate: \$22,000 Fees: \$18,132.36 Recommendation: N/A Decision: N/A	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>6 Hayes Street. Neutral Bay</b> DA 299/18 LEC 346804/18 DOA 15/11/18 MF	Platform Project Services	Class 1 Appeal against the deemed refusal in respect of the demolition of existing dwellings and the construction of a four storey residential flat building with basement parking.	Robin Tse	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 12 August 2019.	Fee Estimate: \$ 60,000 Fees: \$75,623.90 Recommendation: N/A Decision: N/A	Pending
<b>58 Aubin Street. Neutral Bay</b> DA 176/18 LEC 351210/18 DOA 15/11/18 H&W	Highbury Group Pty Ltd	Class 1 Appeal against the refusal of the demolition of existing dwellings and the construction of a residential flat building with basement parking.	Luke Donovan	Council served with Class 1 Appeal with matter listed for hearing on 9 and 10 October 2019.	Fee Estimate: \$20,000 Fees: \$8,927.36 Recommendation: Refusal Decision: Refusal	Pending
<b>12 Raymond Road, Neutral Bay</b> DA 266/17 LEC 358115/18 DOA 22/11/18 SH	William and Olivia Northcott	Class 4 Summons seeking judicial review of certain conditions imposed in determining DA 266/17.	Hugh Shouldice	Council served with Class 4 Summons proceedings listed for hearing on 27, 28 and 29 August 2019.	Fee Estimate: \$45,000 Fees: \$26,832.30 Recommendation: Approved Decision: Approved	Pending
<b>7 Penshurst Avenue, Kurraba Point</b> DA 155/18 LEC 363684/18 DOA 30/11/18 HWL	Michael McCarthy	Class 1 Appeal against the refusal of alterations and additions to existing dwelling, including new second floor and roof.	Luke Donovan	Council served with Class 1 Appeal. In principle agreement reached, subject to further negotiations on draft conditions of consent.	Fee Estimate: \$20,000 Fees: \$14,892.90 Recommendation: Refusal Decision: Refusal	Pending
<b>5-7 Doohat Avenue, North Sydney</b> DA 227/18 LEC 377147/18 DOA 10/12/18 HDO	Mackenzie Architects International Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of existing buildings and the construction of a residential flat building with basement parking	Kim Rothe	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 7 August 2019.	Fee Estimate: \$27,500 Fees: \$2,767.90 Recommendation: Refusal Decision: Refusal	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>287 Military Road, Cremorne</b> DA 193/18 LEC 393238/18 DOA 04/01/19 MF	Captive Vision Pty Limited	Class 1 Appeal against the refusal of the replacement of signage with a new digital advertising screen.	Robin Tse	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 4 September 2019.	Fee Estimate: \$ 25,000 Fees: \$10,252.66 Recommendation: Refusal Decision: Refusal	Pending
<b>24 Milner Crescent, Wollstonecraft</b> DA 74/18 LEC 393609/18 DOA 07/01/19 SH	Grafton Property Group Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of existing structures and the construction of a dual occupancy with single garage.	Michael Doyle	Council served with Class 1 Appeal with matter listed for Conciliation Conference on 18 and 19 September 2019.	Fee Estimate: \$20,000 Fees: \$29,047.03 Recommendation: Refusal Decision: Refusal	Pending
<b>28 Brook Street, Crows Nest</b> DA 474/10 LEC 387659/18 DOA 17/12/18 HDO	Jetsking Round Pty Ltd	Class 4 Summons seeking Orders that premises be used only for the purpose of a boarding house and that the current use as tourist and visitor accommodation cease.	Brett Maina	Council served with Class 4 Summons with matter directed to Mediation on 16 April 2019 and 13 June 2019. Enforceable undertaking entered on 13 June 2019. Respondent agrees to use the premises only for the purpose of a boarding house. Matter closed.	Fee Estimate: \$33,000 Fees: \$15,628.60	Matter closed
<b>6 The Boulevard, Cammeray</b> DA 334/18 LEC 39238/19 DOA 12/02/19 H&W	Platino Properties Pty Ltd	Class 1 Appeal against the deemed refusal of the construction of car parking and lobbies for an approved dual occupancy development.	Lara Huckstepp	Council served with Class 1 Appeal with matter listed for hearing on 3 and 4 October 2019.	Fee Estimate: \$15,000 Fees: \$0 Recommendation: N/A Decision: N/A	Pending
<b>63 Carter Street, Cammeray</b> DA 443/18 LEC 94274/19 DOA 02/04/19 MDK	63 Carter St Cammeray Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition of flat buildings and the construction of a residential flat building with 20 apartments.	George Youghanna	Council served with Class 1 Appeal with matter listed for a Conciliation Conference on 28 August 2019 and hearing on 5 and 6 November 2019.	Fee Estimate: \$30,000 Fees: \$6,267.69 Recommendation: N/A Decision: N/A	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>141 Carabella Street, Kirribilli</b> DA 40/18 LEC 102445/19 DOA 05/04/19 H&W	Nicholas Kougellis	Class 1 Appeal against the refusal of alterations and additions including new upper level.	Lisa Kamali	Council served with Class 1 Appeal with matter listed for a section 34 conference on 5 December 2019.	Fee Estimate: \$ 15,000 Fees: \$2,821.50 Recommendation: Approval Decision: Refusal	Pending
<b>55-61 Chandos Street, St Leonards</b> DA 32/19 LEC 100913/19 DOA 05/04/19 MDK	Tasktea Pty Ltd	Class 1 Appeal against the deemed refusal of alterations and additions with including new shop top housing.	Lara Huckstepp	Council served with Class 1 Appeal with matter listed for a section 34 Conference on 25 November 2019.	Fee Estimate: \$10,000 Fees: \$4,380.09 Recommendation: N/A Decision: N/A	Pending
<b>67-69 Chandos Street, St Leonards</b> DA 30/19 LEC 125653/19 DOA 24/04/19 MDK	TWT Development Pty Ltd	Class 1 Appeal against the deemed refusal of the demolition existing structures and the construction of an 11 storey mixed use building containing 22 apartments with parking.	George Youhanna	Council served with Class 1 Appeal with matter listed for a section 34 Conference on 25 November 2019.	Fee Estimate: \$11,000 Fees: \$5,222.80 Recommendation: N/A Decision: N/A	Pending
<b>12A Milson Road, Cremorne Point</b> DA316/15/5 LEC126904/19 DA 24/04/19 MF	Beth Rahman	Class 1 Appeal against the refusal to modify a consent proposing the deletion of conditions	Robin Tse	Council served with Class 1 Appeal with matter listed for a section 34 Conference on 31 July 2019. Agreement reached. Appeal upheld. Matter closed.	Fee Estimate: TBA Fees: \$29,161.28 Recommendation: Refusal Decision: Refusal	Appeal upheld Matter closed
<b>4 Illiliwa Street, Cremorne</b> DA259/18 LEC137229/19 DA 6/05/19 MF	Donald Proctor	Class 1 Appeal against the refusal of alterations and additions including first floor addition.	Alex Richard	Proceedings discontinued. Matter closed.	Fee Estimate: \$35,500 Fees: \$9,486.85 Recommendation: Refusal Decision: Refusal	Proceedings discontinued Matter closed

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>43 Pitt Street, Kirribilli</b> DA284/18 LEC138941/19 DA 07/05/19 HDO	Helen Caroline Miyakawa	Class 1 Appeal against the refusal of alterations and additions to an existing dwelling.	Robin Tse	Council served with Class 1 Appeal with matter listed for a section 34 Conference on 16 August 2019.	Fee Estimate: \$27,500 Fees: \$0 Recommendation: Refusal Decision: Refusal	Pending
<b>21 Shellcove Road, Kurraba Point</b> DA 160/15/3 LEC 153836/19 DOA 17/05/19 HWL	Giselle Joan Chadwick	Class 1 Appeal against the refusal to modify a consent proposing various alterations and additions to an existing dwelling.	George Youghanna	Council served with Class 1 Appeal with matter listed for mention on 1 August 2019, to include Motion hearing to amend the DA.	Fee Estimate: \$15,000 Fees: \$4,784.45 Recommendation: N/A Decision: N/A	Pending
<b>1 Henry Lawson Ave, McMahons Point</b> DA 395/18 LEC 155417/19 DOA 21/05/19 HWL	David Fox	Class 1 appeal against the deemed refusal for the demolition of the existing building and restoration of the existing heritage listed slipway and the construction of a new mixed use building.	David Hoy	Council served with Class 1 Appeal with matter listed for hearing on 29,30 and 31 October 2019.	Fee Estimate: \$15,000 Fees: \$19,288.98 Recommendation: N/A Decision: N/A	Pending
<b>5 Montpelier St, Neutral Bay</b> DA 366/18 LEC 176736/19 DOA 17/06/19 MF	Jame Woodhill	Class 1 appeal against the deemed refusal for the demolition of the existing building and the construction of a new attached dual occupancy.	Robin Tse	Council served with Class 1 Appeal with matter listed for further mention on 9 August 2019.	Fee Estimate: \$25,500 Fees: \$5,468.32 Recommendation: N/A Decision: N/A	Pending
<b>22 Cairo St, Camberay</b> DA 428/18 LEC 198061/19 DOA 27/06/19 MF	Michael Doyle and Sally Mitchell	Class 1 appeal against the refusal for the addition of a dividing wall between front doors of 20 and 22 Cairo St.	Alexander Richard	Council served with Class 1 Appeal with matter listed for consent orders hearing on 30 October 2019.	Fee Estimate: \$40,000 Fees: \$4,893.90 Recommendation: N/A Decision: N/A	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>22-26 Spruson St, Neutral Bay</b> DA 65/19 LEC 229229/19 DOA 31/07/19 HWL	Made Property Group Pty Limited	Class 1 appeal against the deemed refusal of the demolition of existing buildings and construction of a residential flat building.	Luke Donovan	Council served with Class 1 Appeal with matter listed for mention on 21 August 2019.	Fee Estimate: TBA Fees: \$0 Recommendation: N/A Decision: N/A	Pending

**CURRENT MATTERS LIST – OTHER (SUPREME COURT/DISTRICT COURT)**  
As at 31 July 2019

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>Supreme Court of NSW, Court of Appeal 14,16,16A &amp; 16B Thrupp Street, Neutral Bay</b> Supreme Court DA 177/17 (LEC 262685/17) SC 388014/18 DOA 20/12/18 HWL	RebelMH Neutral Bay Pty Limited	Court of Appeal Notice of Appeal against Land & Environment judgment. L&E Proceedings	Luke Donovan	Notice of Appeal filed and matter listed for hearing on 15 and 16 May 2019. Judgment handed down on 6 June 2019. Appeal dismissed. Matter closed.	Fee Estimate: \$45,000 Fees: \$106,744.13	Appeal dismissed costs of \$72,000 awarded in Councils favour



**LOCAL COURT MATTERS LIST**  
As at 31 July 2019

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>221 Miller Street, North Sydney</b> DOA 06/09/18 SG	Richard Crookes Construction Pty Limited	Local Court prosecution in respect of construction work out of hours.	Brad Calleia	Court Attendance Notice issued. Matter listed for hearing on 11 March 2019. Hearing date vacated. Enforceable undertaking agreed. Awaiting Departmental approval.	Fee Estimate: \$20,000 Fees: \$20,781.60	Pending
<b>101-111 Willoughby Road, Crows Nest</b> DOA 04/10/18 SG	Paynter Dixon Constructions Pty Limited	Local Court prosecution in respect of construction works breaching conditions of consent.	Brett Maina	Court Attendance Notice issued. The parties are negotiating an enforceable undertaking.	Fee Estimate: \$17,000 Fees: \$15,097.87	Pending
<b>50 Ridge Street, North Sydney</b> DOA 21/02/19 SG	North Sydney Leagues Club Limited	Local Court prosecution in respect to development without consent	Brad Calleia	Court Attendance Notice issued. Proceedings discontinued. Penalty notice issued. Matter closed.	Fee Estimate: \$5,000 Fees: \$4,933.40	Proceedings discontinued Matter closed
<b>Shop 18, 166-174 Military Road, Neutral Bay</b> DOA: 16/05/19 SG	LN Enterprises (t/as Daily Delicious Bakery)	Local Court prosecution in respect of a food premises.	Gareth Munro	Proceedings heard and determined. Defendant convicted and fined \$21,000 and ordered to pay Councils costs of \$4,400.	Fee Estimate: \$6,000 Fees: \$5,351.70	Convicted and fined Matter closed
<b>563-565 Pacific Highway, St Leonards</b> DOA: 06/02/19 MDK	Pyramid Consulting Pty Ltd	Local Court prosecution in respect to development without consent.	Brett Maina	Court Attendance Notice issued. Matter listed for hearing on 30 July 2019. Judgment reserved.	Fee Estimate: \$8,000 Fees: \$7,940.47	Pending
<b>83 Mount Street, North Sydney</b> DOA: 13/06/19 In house with Council Solicitor	Little Veinna Pty Ltd	Local Court prosecution in respect of a food premises.	Gareth Munro	Proceedings listed for plea or mention on 3 September 2019.	Fee Estimate: TBA Fees: \$0	Pending
<b>Shop 3,83 Mount Street, North Sydney</b> DOA: 18/06/19 In house with Council Solicitor	Thu Ba Pty Ltd	Local Court prosecution in respect of a food premises.	Gareth Munro	Proceedings listed for plea or mention on 8 August 2019.	Fee Estimate: TBA Fees: \$0	Pending

Property DA No. Appeal No. Date of Appeal (DOA)	Applicant/ Other party	Nature of Appeal	Council Officer responsible	Status	Fees Estimate (\$) Fees Billed (\$) Disb. (\$) Officer Recommendation Council decision	Result
<b>Shop 4,48 Alfred Street, Milsons Point</b> DOA: 13/06/19 In house with Council Solicitor	Sushi Ai	Local Court prosecution in respect of a food premises.	Gareth Munro	Proceedings listed for plea or mention on 1 August 2019. Plea entered. Defendant convicted and fined \$9,900 fine, plus costs of \$1,000. Matter closed	Fee Estimate: TBA Fees: \$0	Convicted and fined Matter closed
<b>47A King Street, Wollstonecraft</b> DOA: 07/05/19 SG	SRG Constructions Pty Ltd	Local Court prosecution in respect to pollutions of waters.	Gary Evans	Court Attendance Notice issued. Matter listed for hearing on 5 September 2019.	Fee Estimate: TBA Fees: \$0	Pending
<b>47A King Street, Wollstonecraft</b> DOA: 07/05/19 SG	SRG Constructions Pty Ltd	Local Court prosecution in respect of construction works breaching conditions of consent.	Corey Myers	Court Attendance Notice issued. Matter listed for hearing on 5 September 2019.	Fee Estimate: TBA Fees: \$0	Pending

**Report to General Manager**

Attachments:

1. Q3 and Q4 2018/19 CI 4.6 Variations

**SUBJECT:** Variations to Development Standards**AUTHOR:** Stephen Beattie, Manager Development Services**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CI4.6 and SEPP1 variations to development standards.

Essentially, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by Assessment Staff under delegations.

The Planning Circular provides that to achieve transparency and integrity in the planning framework, the following monitoring and reporting measures must be followed:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

It is intended to report variations to development standards to Council via the quarterly Legal and Planning Committee meeting. Attached is the tabulated Development Standard variations approved for Q3 and Q4 of the financial year 2018/19.

**FINANCIAL IMPLICATIONS:**

Nil.

**RECOMMENDATION:****1. THAT** the Variations to Development Standards report be received.

Report of Stephen Beattie, Manager Development Services  
Re: Variations to Development Standards

(2)

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## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.2 Council is well governed and customer focused

## BACKGROUND

As part of the procedural requirement set out within PS 18-003 a report of the variations to development standards granted under clause 4.6 or State Environmental Planning Policy No 1- *Development Standards* must be reported Quarterly to Council for its information.

## CONSULTATION REQUIREMENTS

Community engagement is not required.

## SUSTAINABILITY STATEMENT

The sustainability implications were considered and reported on during the assessment of each application.

## DETAIL

Planning Circular PS 18-003 sets out certain procedural and reporting requirements for the processing of CL4.6 and SEPP 1 variations to development standards.

Essentially, any variation to a development standard of greater than 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% must be reported to the North Sydney Local Planning Panel for determination. Variations under 10% can be determined by the Assessment Planners under delegations. The 10% threshold is set by the Minister for Planning.

The Planning Circular further provides that in order to ensure transparency and integrity in the planning framework, the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. The register must include by the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted to [developmentstandards@planning.nsw.gov.au](mailto:developmentstandards@planning.nsw.gov.au) within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council at least once each quarter.

Report of Stephen Beattie, Manager Development Services  
Re: Variations to Development Standards

(3)

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The report addresses dot point 4 of the Planning Circular.

It is of note that a number of the variations allowed are technical in nature as they arise from new or altered work on buildings which already exceed the development standards set by the relevant Planning instruments.

It is a general practice that significant variations to development standards which result in greater yield than that envisaged by the planning controls are guided towards the Planning Proposal process.

Attached for Council's information are the variations to Development Standards for Quarter 3 and Quarter 4 of the current financial year. The reports enhanced in detail, as they provide information regarding applications approved under delegation as well as this approved by the North Sydney Local Planning Panel. This standard will prevail into the future.

Development Standard Variations - 1st January 2019 to 31st March 2019													
DA No	Lot	SP/DP	Unit No	Street Name	Suburb	Postcode	Category	NSLEP	Development standard to be varied	Justification of variation	Extent	Authority	Determination Date
16/15	1	709801		21 Shellcove Road	Kurraba Point	2089	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.8 m	Delegated Approval	1/03/2019
448/17	1	966284		43 Lavender Street	Lavender Bay	2060	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.2 m	Delegated Approval	6/03/2019
200/18	C	440743		87 Broughton Street	Kirribilli	2061	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	.5 m	Delegated Approval	11/03/2019
331/18	0	20792		74 Merlin Street	Neutral Bay	2089	Four Level Res Flat Building	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	.46m	NSLPP	6/02/2019
365/18	6	253531		52 Lavender Street	Lavender Bay	2061	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.45 m	NSLPP	6/02/2019
382/18	352	579		12 Premier Street	Neutral Bay	2089	A new three storey dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.2 m	NSLPP	6/02/2019
429/15	1	175818		107A Young Street	Cremorne	2090	Modify Consent	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	.3 m	Delegated Approval	7/03/2019
345/18	0	8270		43 Ellalong Road	Cremorne	2090	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.1 m	Delegated Approval	14/01/2019
284/18	2	228298		43 Pitt Street	Kirribilli	2061	Alterations and additions	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	4.3 m	NSLPP Refused	6/02/2019

## Development Standard Variations - 1st April 2019 to 30th June 2019

DA No	Lot	SP/DP	Address	Suburb	Postcode	Category	NSLEP	Development standard to be varied	Justification of variation	Extent	Authority	Determination Date
56/18	A	443759	28 Princes Street	McMahons Point	2060	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	3.1 m	Delegated Approval	16/05/2019
432/18	12	4895	11 Carter Street	Cammeray	2062	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.5 m	Delegated Approval	4/04/2019
401/18	38	5107	104 Grasmere Road	Cremorne	2090	A new dual occupancy dwelling, parking and strata subdivision	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.3 m	Delegated Refusal	9/05/2019
379/18	1	102482	7-9A Harriette Street	Neutral Bay	2089	Demolition of the existing dwellings and construction of a new RFB	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.43 m	NSLPP Deferred Commencement	5/06/2019
446/18	0	22851	147 Kurraba Road	Kurraba Point	2089	Demolition of the existing buildings, construction of 7 storey RFB	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	2.28 m 5.87 m 9.22 m	NSLPP Refused	1/05/2019
418/18	19	8680	69 Pine Street	Cammeray	2062	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.45 m	Delegated Approval	15/04/2019
87/19	9	4416	147 High Street	North Sydney	2060	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.2m	Delegated Approval	20/06/2019
343/18	26	4150	82 Cremorne Road	Cremorne Point	2090	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.7 m	NSLPP Deferred Commencement	5/06/2019

384/18	25	660969	1 Kareela Road	Cremorne Point	2090	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.8 m	Approved Deferred Commencement	17/06/2019
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366/18	8	11150	5 Montpelier Street	Neutral Bay	2089	A new attached dual occupancy	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.35 m	Deemed Refused	6/06/2019
41/19	1	21845	1/33A Shellcove Road	Kurraba Point	20189	Converting two apartments into one	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.0 m	Delegated Approval	16/04/2019
329/17	1	559329	17 Milson Road	Cremorne Point	2090	Modify front dormer	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	1.3m	Delegated Refused	13/05/2019
421/18	2	706514	100 Carabella Street	Kirribilli	2061	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	2.7 m	NSLPP Approved	3/04/2019
44/19	2	568575	78 Blues Point Road	McMahons Point	2060	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	0.6 m	Delegated Approval	17/06/2019
62/19	38	35042	38/191-195 Walker Street	North Sydney	2060	Alterations and additions to roof terrace	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	24.6 m	NSLPP	11/05/2019
72/19	4	449826	13 Victoria Street	McMahons Point	2060	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height	Building already in breach of standard modifications do not breach further	2.1 m	NSLPP	5/06/2019



457/18	1	558070	17 Walker Street	North Sydney	2060	Alterations and additions to dwelling	NSLEP 2013	Clause 4.3 Building Height Plane	Building already in breach of standard modifications do not breach further	3.18m	NSLPP Refused	1/05/2019
429/18	1	72033	25 West Street	North Sydney	2060	A new two storey semi-detached dwelling	NSLEP 2013	Clause 4.3 Building Height Plane	Building already in breach of standard modifications do not breach further	1.8 m	NSLPP	5/06/2019



## Report to General Manager

Attachments:

1. Amended Community Engagement Protocol
2. Section 4 to Part A - North Sydney Development Control Plan 2013 (Proposed Repeal)
3. Amended Community Engagement Policy

**SUBJECT:** Amended Community Engagement Protocol - incorporating the Community Participation Plan requirements

**AUTHOR:** Jenny Gleeson, Manager Integrated Planning and Special Projects  
Gemma North, Community Engagement Coordinator

**ENDORSED BY:** Joseph Hill, Director City Strategy

## EXECUTIVE SUMMARY:

Since 2013, North Sydney Council has had in place a *Community Engagement Protocol* (the Protocol). Council staff use the Protocol to prepare a project-specific 'community engagement strategy' for each of its key projects/decisions. It has also been used to implement the North Sydney Community Strategic Plan as required under section 402 of the *Local Government Act, 1993* (LG Act).

The Protocol (Attachment 1) has been reviewed and revised to:

- a) ensure that Council's community engagement framework remains consistent with industry best practice;
- b) integrate the legislative requirement under the *Environmental Planning and Assessment Act 1979* (EP&A Act) for Council to have in place a *Community Participation Plan* (CPP) by 1 December 2019; and
- c) meet pending changes to the *LG Act* with respect to community engagement.

Until now, community engagement relating to statutory planning functions under the *EP&A Act*, have been exempt from Council's Protocol, as these were detailed in Council's development control plan (DCP) or just referred to under the relevant legislative provisions of the *EP&A Act* and its associated *Regulation*.

However, recent amendments to the *EP&A Act* which come into force in July 2018 has required all councils to prepare a CPP for planning related functions. In particular, the intent of the CPP is to make it clearer and easier for community members to understand how they can participate in planning decisions. The CPP must set out how planning authorities will engage with their communities across their statutory planning functions (e.g. development applications, local environmental plans, development control plans etc). Whilst a CPP must meet the minimum requirements set out in Schedule 1 of the *EP&A Act*, planning authorities can go beyond the minimum requirements if they decide it is appropriate.

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects, and Gemma North, Community Engagement Coordinator  
Re: Amended Community Engagement Protocol

(2)

A CPP can comprise a stand-alone document, or it can be incorporated into the broader community engagement strategies prepared under the provisions of the *LG Act*. It is proposed to incorporate the CPP requirements into Council's existing protocol which will satisfy the community engagement strategy requirements of the *LG Act*. Whichever route Council determines that the CPP requirements are to be addressed, the document must be placed on public exhibition for a minimum of 28 days. Once adopted, it is then to be published on the Department of Planning's *Planning Portal*.

Due to some still yet to be commenced provisions of the *LG Act* and *EP&A Act* and its associated *Regulation*, there is some confusion as to which community engagement provisions will take precedence upon the commencement of a CPP or its equivalent. Council staff have been advised by the State Government that these issues will be addressed prior to the 1 December 2019.

Despite this current conflict, to ensure there is minimal confusion, it is also proposed to amend *North Sydney Development Control Plan 2013* by repealing Section 4 to Part A of the DCP (Attachment 2). The purpose of this is to improve clarity by removing duplicate community engagement requirements in relation to planning matters. For the amendment to take effect, Council is required to publicly exhibit the proposed change to its DCP for a minimum of 28 days. It is proposed to be undertaken concurrently with the public exhibition of the amended Community Engagement Protocol.

Consistent with the amendments made to the *Community Engagement Protocol*, the *Community Engagement Policy* has also been updated (Attachment 3) and it is recommended that it be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.

#### **FINANCIAL IMPLICATIONS:**

The financial implications relating each specific engagement program are determined on a project by project basis, in line with the engagement budget allocated per project.

#### **RECOMMENDATION:**

- 1. THAT** the amended *Community Engagement Protocol* be endorsed to be placed on public exhibition for a minimum of 28 days.
- 2. THAT** the proposed amendment to *North Sydney Development Control Plan 2013* to repeal Section 4 to Part A be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.
- 3. THAT** the amended *Community Engagement Policy* be endorsed to be placed on public exhibition for a minimum of 28 days, concurrent with the amended Community Engagement Protocol.

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects, and Gemma North, Community Engagement Coordinator  
Re: Amended Community Engagement Protocol

(3)

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## LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.3 Community is informed and consulted

## BACKGROUND

The terms ‘community engagement’ and ‘community or public participation’ are interchangeable. ‘Community engagement’ is used in the *Local Government Act 1993* (LG Act) and ‘community participation’ is used in the *Environmental Planning and Assessment Act 1979* (EP&A Act). These terms are used interchangeably throughout this report.

### Legislative Requirements of the Local Government Act

Community engagement forms a key theme in relation to the purposes of the *LG Act* and its guiding principles for councils<sup>1</sup>.

Despite the *LG Act* identifying the need to engage with the community as a key theme, there is no legislative requirement at present for councils to have in place a document (a guiding strategy or protocol) that details its methodology for engaging the community in all of its decision making processes. However, it is noted that Section 402 (4) of the *LG Act* requires that:

*The council must establish and implement a strategy (its "community engagement strategy"), based on social justice principles, for engagement with the local community when developing the community strategic plan.*

But this requirement is limited to the development of a “community strategy plan” and does not extend to cover other council related functions.

Council has had in place a *Community Engagement Protocol* (the Protocol) since 2013 in line with industry best practice. Council staff use the Protocol to prepare a project-specific ‘engagement strategy’ per project/decision, including the periodic review of the *North Sydney Community Strategic Plan*. Each engagement strategy acts as a ‘statement of intent’ to stakeholders, outlining how Council will conduct community engagement relative to the project/decision type.

In 2016, the *Local Government Amendment (Governance and Planning) Act 2016 No. 38* was gazetted outlining amendments to the *LG Act* to modernise and streamline the legislative framework for local government; moving away from process-focused local governance towards principle-focused governance. These amendments originated from ideas for reform raised during *Destination 2036* facilitated by the former Department of Local Government in 2011.

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<sup>1</sup> Refer to sections 7(d) and 8A(3) of LG Act.

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects, and Gemma North, Community Engagement Coordinator  
 Re: Amended Community Engagement Protocol

(4)

Despite this amendment act having been gazetted in 2016, many of its provisions have yet to be “proclaimed” in order to come into force. Some of the uncommenced amendments relate to community engagement, including:

- Section 402 (3) to (7) is to be omitted and the following inserted instead:

*(3) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.*

- Sections 403 to 406 are to be omitted and the following inserted instead:

*A council must establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purposes of determining its activities (other than routine administrative matters).*

The Department of Planning, Infrastructure and Environment have advised that these uncommenced provisions are proposed to be proclaimed to come into force before 1 December 2019.

## CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council’s Community Engagement Protocol.

## SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

## DETAIL

### 1. Purpose of the Amendment

Council’s *Community Engagement Protocol* has been reviewed and revised to:

- a) ensure that Council’s community engagement framework (methodology) remains consistent with industry best practice;
- b) integrate the legislative requirement under Division 2.6 of the *EP&A Act* for Council to have in place a Community Participation Plan (CPP) by 1 December 2019; and
- c) meet future changes to the *LG Act*, as detailed in the ‘Background’ section of this report, thus minimising the future changes that will be required to the Protocol once the amendments to the Act come into force.

### 2. Proposed amendments to the Community Engagement Protocol

Overall the amendments made to the Protocol are minor, aside from the addition of the CPP requirements contained within Sections 3 and 4 of the Protocol. Council’s methodology remains consistent with the internationally recognised *Public Participation Spectrum* by the International Association for Public Participation (IAP2).

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects, and Gemma North, Community Engagement Coordinator  
Re: Amended Community Engagement Protocol

(5)

In summary, the proposed amendments made to the Protocol (Attachment 1, Note: the amendments are not marked up) include:

- Amending section 1.2 to reflect the existing and proposed changes in the *LG Act* with respect to community engagement;
- Adding section 1.3.1 to directly listing the various sections of the *LG Act*, the *Roads Act 1993* and the *EP&A Act* to which the Protocol applies;
- Amending section 2 ‘Steps to Effective Community Engagement’ to streamline its processes, including:
  - Revising Step 1 to identify stakeholders, previously detailed in the Introduction;
  - Merging of former Steps 2 and 3 (now Step 2), as selection of the ‘level of impact’ and ‘level of engagement’ are integrated and are determined by the nature and complexity of each project; and
  - incorporating the Matrix (formerly an appendix) into Step 3 for easy reference.
- Inclusion of new techniques within the Matrix for techniques selection (Step 3) and corresponding Appendix 4, including videos, deliberative forums and participatory budgeting;
- Step 5 has been updated to include greater emphasis on the importance of evaluation at the completion of a project, to determine ‘lessons learnt’ to better inform future project planning; and
- Incorporation of two new sections (3 and 4) to satisfy the CPP requirements legislated under the *EP&A Act* (further detail in section 2.1 of this report).

## 2.1 Community Participation Plan Requirements

Division 2.6 of the *EP&A Act* requires all councils to prepare a CCP to address community engagement requirements about planning matters, such as development applications, Local Environmental Plans and Development Control Plans. The CPP may either form a stand-alone document or may be incorporated into a community engagement strategy prepared under the *LG Act*. It is proposed to incorporate the CPP requirements into Council’s Protocol which will satisfy the community engagement strategy requirements under the *LG Act*.

The intent of the CPP is to make it easier for the community to understand how to participate in planning matters in NSW. In preparing a CPP, a planning authority (i.e. Council) should:

- actively seek views that are representative of the community;
- implement community engagement methods that are appropriate having regard to the significance and likely impact of the proposed development;
- make its planning decisions in an open and transparent way, by providing the community with reasons for those decisions, including how the community’s views have been considered.

At a minimum, a CPP must:

- a) detail in plain language, how and when a planning authority will undertake community participation when exercising relevant planning functions as specified in Section 2.2.1 (2) of the *EP&A Act*;
- b) have regard to the community participation principles outlined in Section 2.23 (2) of the *EP&A Act*; which are generally consistent with the guiding principles in the Protocol and Council’s Community Engagement Protocol;

Report of Jenny Gleeson, Manager Integrated Planning and Special Projects, and Gemma North, Community Engagement Coordinator  
 Re: Amended Community Engagement Protocol

(6)

- c) detail the minimum mandatory public exhibition timeframes and notification requirements relevant to the planning authority as per Schedule 1 of the *EP&A Act*; and acknowledge the mandatory notification requirements provided in the Regulation; and
- d) be exhibited for a minimum of 28 days before being published on the NSW Planning Portal by 1 December 2019.

The revised Protocol (Attachment 1) satisfies all relevant legislative requirements.

### **3. Amendment of North Sydney Development Control Plan (NSDCP) 2013**

The *EP&A Act* states that a DCP may contain provisions relating to the notification and advertisement of development application matters<sup>2</sup>. Section 4 to Part A of NSDCP 2013 (Attachment 2) currently satisfies these requirements. It is understood that these sections of the *EP&A Act* are to be amended soon to remove these DCP based requirements, due to the introduction of the CPP requirements under the *EP&A Act*.

The adoption of a CPP would effectively supersede the requirement for including engagement practices to be included in a council's DCP, despite the *EP&A Act* still requiring community engagement practices to be undertaken in accordance with a DCP.

To avoid any confusion, it is proposed to amend NSDCP 2013, by repealing Section 4 to Part A of NSDCP 2013. For this change to become effective, the intent of the DCP amendment must be publicly exhibited for a minimum of 28 days in accordance with clause 18 of the *EP&A Regulations*. The proposed amendment is to be publicly exhibited concurrently with the revised Protocol.

### **4. Amendment of North Sydney Community Engagement Policy**

As a result of the proposed changes to the Protocol, several minor amendments are required to Council's *Community Engagement Policy* to ensure a level of consistency. The amended Policy is provided in Attachment 3.

### **5. Recommendations**

To meet the 1 December 2019 deadline, it is recommended that the following inter-related documents be publicly exhibited for 28 days in October 2019 and that a post-exhibition report be considered at the November 2019 Council meeting, for final adoption:

- a) Amended Community Engagement Protocol - Attachment 1
- b) Section of the *North Sydney Development Control Plan 2013* (Section 4 to Part A) - Attachment 2
- c) Amended Community Engagement Policy - Attachment 3

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<sup>2</sup> Refer to Sections 3.43, 4.55 and 4.56 of EP&A Act



# **Amended Community Engagement Protocol**

**(incorporating the Community Participation Plan requirements  
under the EP&A Act 1979)**

Prepared by North Sydney Council



This is the second edition of Council's Community Engagement Protocol and meets the Community Engagement Strategy requirements under the *Local Government Act 1993*.

The Protocol also meets the Community Participation Plan requirements under Division 2.6 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, which sets out how and when Council will engage with its community on planning related matters.

The Protocol supports and complements the role of Councillors in decision making. It also complements several Council policies including:

- *Community Engagement Policy* - it provides guiding principles for staff and consultants who have responsibilities for organising Council's community engagement opportunities.
- *Open Government Policy* - by demonstrating Council's commitment to community consultation and participation with its statutory responsibilities to make decisions which promote good governance.

It is intended that this Protocol will make it easier for the community to understand how to participate in Council's decision-making processes.

For further information, contact Council's Community Engagement Coordinator on phone 9936 8285 or email [yoursay@northsydney.nsw.gov.au](mailto:yoursay@northsydney.nsw.gov.au)

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<https://yoursay.northsydney.nsw.gov.au/Community-Engagement-Framework>

First published August 2013  
Amended draft for public exhibition August 2019

## Table of Contents

Foreword	4
<b>1. Introduction</b>	<b>5</b>
<b>2. Steps to Effective Community Engagement</b>	<b>14</b>
<b>3. Statutory Planning Engagement Requirements</b>	<b>23</b>
<b>4. Statutory Planning Policy Engagement Requirements</b>	<b>30</b>
<b>5. Feedback to Council outside of a formal exhibition period</b>	<b>##</b>
<b>Appendices</b>	<b>24</b>
Appendix 1: Target Group Requirements Checklist (Step 1)	35
Appendix 2: Level of Impact (Step 2)	40
Appendix 3: Level of Engagement (Step 2)	41
Appendix 4: Engagement Techniques (Step 3)	42

## Foreword

North Sydney Council has a long and proud commitment of engaging with the community through consultative decision making. Community engagement is an essential part of local government planning, policy development and service delivery. It demonstrates Council's long-standing commitment to open government and its guiding principles of integrity, accountability, transparency and community participation.

This Protocol is part of Council's *Community Engagement Framework*. The Framework includes the following components:

- **Community Engagement Policy** - provides direction for engagement through its guiding principles for staff and consultants who have responsibilities for organising engagement opportunities;
- **Community Engagement Protocol (this document)**- guides Council staff and consultants on how and when they must engage stakeholders for different situations. Similarly, from a community perspective it sets out in one place, how and when stakeholders can participate different projects and decision types; and
- **Community Engagement Toolkit (internal resource)** - includes staff guidelines and procedures for employing different engagement methods described in the Protocol.

Whilst community engagement practices in relation to land use planning matters, such as development applications, Local Environmental Plans and Development Control Plans, were initially exempt from the first edition of this Protocol, it has been updated to satisfy the recent legislative requirement for all NSW councils to prepare a Community Participation Plan under Division 2.6 of the *Environmental Planning and Assessment Act 1979*.

Implementation of the Protocol will improve information sharing, ensure our engagement methods are inclusive and articulate how community participation will inform or influence decision making by the Council. Ultimately it will positively impact future Council plans, policies and programs/services.

[insert signature]

Ken Gouldthorp  
**General Manager**

## 1. Introduction

Community engagement, also known as community participation, is an everyday part of local government. Councils have legislative requirements to inform the community of issues that potentially affect their way of life. North Sydney Council is committed both in principle and in practice, to engage on matters affecting its local community.

Community engagement provides an increased understanding of the needs and priorities of stakeholders, to ensure that Council projects, policies and programs/services result in better outcomes for all stakeholders.

For Council, the benefits of effective community engagement include, but are not limited to:

- symbolising its commitment to open, transparent and accountable service delivery;
- helping plan and prioritise services and projects that meet customer needs, expectations and make better use of resources;
- identification of issues/problem and knowledge;
- enabling a broad range of views to be expressed and collated, analysed and considered prior to making decisions;
- enhancing involvement in Council's decision making and highlighting the need for the outcomes of these decisions to reflect the board community view; and
- reduced alienation which is brought about when stakeholders feel they are unable to contribute to decision making.

The Protocol identifies the mandatory requirements under various Acts that Council is subject to and is informed by best practice and research. Source material from several councils is acknowledged, including Bathurst Council (NSW), Bayside Council (VIC), Camden Council (NSW), Cumberland Council (NSW), Glenorchy City Council (TAS), Latrobe City Council (VIC), Liverpool City Council (NSW), Maribyrong City Council (VIC), Mosman Council (NSW), Penrith City Council (NSW), Randwick City Council (NSW), along with the State Government resource Community Engagement in the NSW Planning System (2003), the Community Engagement Handbook: a Model Framework for leading practice in Local Government in South Australia (2008) and the International Association of Public Participation (IAP2) - Public Participation Spectrum (2016).

### 1.1 What is Community Engagement?

Throughout the Protocol, the terms community and stakeholders are used interchangeably. As defined by Council's *Community Engagement Policy*:

Community	<ul style="list-style-type: none"> <li>• broadly refers to any specific socially or geographically defined sectors of the North Sydney community that may have an interest in or be affected by the workings of Council. These may include residents, ratepayers/land owners, business owners and operators, workers, visitors (tourists and shoppers), Government agencies, users of Council services and local community groups and associations.</li> </ul>
Engagement	<ul style="list-style-type: none"> <li>• is the process of purposeful and timely information exchange between the Council and the community, where input/feedback is gathered through consultation mechanisms and is taken into consideration in Council's decision making processes.</li> </ul>

Table 1: Community Engagement Definition

## 1.2 Purpose

Community engagement forms a key theme in relation to the purposes of the *Local Government Act 1993* and its guiding principles for councils (refer to sections 7(d) and 8A(3)).

These themes will be reinforced, once the uncommenced provisions of the *Local Government Amendment (Governance and Planning) Act 2016 No 38* have been proclaimed to have commenced. Of note, uncommenced section 402A of the *Local Government Act 1993* will require all councils to prepare a “community engagement strategy” to outline how it engages with its community for all its functions. Council’s Community Engagement Protocol will satisfy this future legislative requirement, whilst underpinning its existing [Open Government Policy](#) and [Community Engagement Policy](#).

Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) requires all councils to prepare a community participation plan to address community engagement requirements about planning matters, such as development applications, Local Environmental Plans and Development Control Plans. This Protocol satisfies this legislative requirement.

Staff and consultants will use the Protocol to prepare a tailored and project-specific ‘engagement strategies’ for each Council project or decision.

Using the Protocol, Council will:

- undertake engagement processes in accordance its guiding principles;
- identify the community engagement requirements for planning matters under the *EP&A Act 1979*;
- prepare an ‘engagement strategy’ for each project/decision - excluding any planning matters under the *EP&A Act 1979*, for which a different set of community engagement practices are required (refer to Section 2 of this Protocol);
- train and support staff (and consultants) to facilitate engagement in line with the Protocol; and
- review and continually improve engagement practices.

Each engagement will require different levels of participation. Whilst some will enjoy a high level of unity between participants, others will arise out of some level of controversy about the issues in focus. Even though the outcome(s) will not always be satisfactory to all parties involved, any engagement will have more chance of achieving the best possible outcomes when it is well organised and conducted. If participants are not satisfied, they may blame the

outcomes on the process. Therefore, the aim is to make sure that the engagement process is well managed.

Council will periodically review the Protocol as per Section 2.24(3) of the *EP&A Act 1979*.

### 1.3 Scope

Council will facilitate community engagement:

- in response to community interest;
- to help identify community needs;
- when required to meet its statutory obligations; and/or
- when it believes that stakeholder input will enhance its decision making.

Council makes decisions on (but not limited to):

- local policy;
- strategies and plans including its suite of Integrated Planning and Reporting (IPR) plans, plans of management and land use planning;
- development applications;
- fees and charges;
- management and use of Council assets including community and road/place naming; and
- areas of Council activity and community interest e.g. services and programs.

The following table acts as a 'trigger' for determining the circumstances by which an engagement process will be undertaken by Council in accordance with this Protocol.

Strategic planning	• Includes strategy development/review for issues affecting particular groups, areas and/or specific impacts during implementation that require ongoing communication.
Policy development	• Includes policy development/review i.e. policies within Council's Policy Manual.
Site specific	• Involves change of use or intensity of particular sites within the North Sydney local government area.
Service planning	• Includes the development/improvement of a service which may concern the entire local government area.
Area improvement	• Includes issues that may affect individuals in a neighbourhood or shopping area.
Legislative requirements	• Refers to all prescribed activities under any relevant Act.

Table 2: Community Engagement Triggers

Staff and consultants are required to meet legislative processes and that these take precedence over this Protocol, however where appropriate the guiding principles outlined in the *Community Engagement Policy* and this Protocol should be applied in conjunction with legislative requirements.

### 1.3.1 Statutory Requirements

The *Local Government Act 1993* sets out rules which councils must follow in adopting various projects/decision. The following table summarises the key projects/decisions<sup>1</sup> under the Act to which this Protocol applies:

<b>Local Government Act 1993</b>		
<b>Project/Decision</b>	<b>Relevant Section</b>	<b>Requirements</b>
Classify or reclassify public land	Section 34	Council must advertise by public notice a proposal to classify or reclassify public land. The exhibition period must be for a minimum of 28 days during which submissions may be made to Council. The notice must include the terms of the proposal and a description of the public land concerned. The notice must specify a period of not less than 28 days.
Plans of management	Section 38 and 40	Council must advertise by public notice a draft/amended plan of management. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must exhibit the plan together with any other matter which it considers appropriate or necessary to better enable the plan and its implications to be understood.
Local policy	Section 160	Council must advertise by public notice (as well as Government Gazette where applicable) the purpose of the proposed/amended policy, make copies available to the public; and allow written submissions.
Ward boundaries	Section 210A	Before altering ward boundaries, Council must consult with the Electoral Commissioner and the Australian Statistician, and publicly exhibit a plan detailing the proposed alteration plan together with any other matter which it considers appropriate or necessary to better enable the plan and its implications to be understood. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must consider all submissions received prior to adopting the alteration post exhibition.
Codes	Section 361	Council must advertise by public notice a draft/amended code, based on the Model Codes. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must consider all submissions received prior to adopting the code post exhibition.
Community Strategic Plan <sup>2</sup>	Section 402	Council must prepare and implement a “community engagement strategy” based on social justice principles (equity, access, participation and rights for engagement), when developing its Community Strategic Plan.

<sup>1</sup> Does not include all matters that require community engagement under the *Local Government Act 1993*.

<sup>2</sup> Subject to future amendment

<b>Local Government Act 1993</b>		
<b>Project/Decision</b>	<b>Relevant Section</b>	<b>Requirements</b>
Community Engagement Strategy <sup>3</sup>	Section 402A	Council must prepare and implement a “community engagement strategy” (i.e. this Protocol), when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).
Presentation of financial reports	Section 418	Council must, as soon as practicable after receiving the auditor’s reports, fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor’s reports, and it give public notice of this date. The date must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor’s reports are received by Council. Note: unless an extension is granted under Section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate. Public notice must include a summary, in the approved form, of the financial reports, and a statement to the effect that any person may, in accordance with Section 420, make submissions (within the time provided by that section and specified in the statement) to Council. Copies of the audited financial reports, together with the auditor’s reports, must be made available for public inspection.
Draft Operational Plan	Section 532	Council must not make a rate or charge until it has given public notice (in accordance with Section 405) of its draft operational plan (and budget) for the year in which the rate or charge is to be made and has considered any matters the draft operational plan (in accordance with that section).
Fees	Section 610F	Council must not determine the amount of a fee until public notice has occurred and any submissions received during the exhibition period have been considered. Notice must include the proposed fee amount (per Section 405) in the draft Operational Plan for the year in which the fee is to be made. However, if, after the date on which the operational plan commences a new service is provided, or the nature or extent of an existing service is changed, or the regulations in accordance with which the fee is determined are amended, Council must give public notice (per Section 705) for at least 28 days. <sup>4</sup>

Table 3: Key projects/decisions requiring engagement under *Local Government Act 1993*

The *Roads Act 1993* sets out rules which relevant road authorities (e.g. NSW Transport - Roads and Maritime Services or Council) must follow in undertaking various functions under this Act. The following table summarises the key projects/decisions under the Act to which this Protocol applies:

<b>Roads Act 1993</b>		
<b>Project/Decision</b>	<b>Relevant Section</b>	<b>Requirements</b>
Closing a public road	Section 33B	Council must advertise by public notice a proposal to close a public road. The exhibition period must be for a minimum

<sup>3</sup> Currently uncommenced amendment

<sup>4</sup> This does not apply to a fee determined by a council for an application made in a filming proposal, if that fee is consistent with a scale or structure of fees set out in an applicable filming protocol.



<b>Roads Act 1993</b>		
<b>Project/Decision</b>	<b>Relevant Section</b>	<b>Requirements</b>
		of 28 days during which submissions may be made to Council. The notice must include the terms of the proposal and a description of the public road concerned.
Renaming a public Road	Section 168	Council may not name a public road, or alter the name of a public road, unless it has given the Geographical Names Board at least one month's notice of the proposed name.

Table 4: Key projects/decisions requiring engagement under *Roads Act 1993*

For the purposes of renaming a public road under the *Roads Act 1993*, Council must also comply with its *Road and Place Naming Policy*.

Division 2.6 - *Community Participation* of the *EP&A Act 1979* sets out the community notification and engagement requirements for relevant planning authorities (e.g. council) when considering and determining certain planning matters. In summary, these include requirements relating to, but not limited to:

- Planning instrument functions (e.g. local environment plans and development control plans) under Section 2.21 (2)(a), Part 3;
- Development consent functions (e.g. development applications and modifications or review of applications) under Section 2.21(2)(b), Parts 4 and 5; and
- Contribution plan functions (e.g. local infrastructure contribution plans and planning agreements) under Section 2.21 (2)(e), Part 7.

## 1.4 Guiding Principles

Council's *Community Engagement Policy* contains seven guiding principles. If these principles are incorporated into all projects and decisions the benefits will be invaluable:

<b>Guiding Principle</b>	<b>Description</b>
<b>1. Focus and Commitment</b>	<ul style="list-style-type: none"> <li>• Council will ensure that rationale behind engagement is clearly stated. A 'Statement of Intent' will be developed for all open consultation processes, which scopes the planned consultation and outlines Council's commitment to the process. The 'Statement of Intent' includes information on the purpose, topic, timeframes and resource requirements of the consultation process. Planning the consultation in this way ensures that the proposed approach is relevant to the issue(s) it seeks to address.</li> <li>• Council will consult with affected parties before making decisions. Where decisions have already been made before consulting the community it is imperative that the community is informed of the reasons why the decision was made.</li> </ul>
<b>2. Resourcing</b>	<ul style="list-style-type: none"> <li>• Council will ensure that any proposed project has adequate resourcing, including sufficient staff and financial resources to enable the consultation process to satisfy the relevant pre-determined objectives. Resourcing will be factored into project planning and budget preparation.</li> <li>• The level of community consultation undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue or project (including plan or strategy).</li> </ul>
<b>3. Timing</b>	<ul style="list-style-type: none"> <li>• Council will undertake community engagement at the earliest appropriate stage(s) in the life of a project. The engagement process</li> </ul>

Guiding Principle	Description
	<p>will be timed to ensure that the community is able to help identify issues and provide comment and opinion that contribute to the decision making process; by endeavouring at all times to allow a reasonable period of time for public response during a period of community consultation.</p> <ul style="list-style-type: none"> <li>The <i>Local Government Act 1993</i> requires councils to publicly exhibit certain information for a set period of time; Council's minimum standard is for exhibition of 28 days. Under the Act some project/decisions require an additional 14 days during which submissions can be received from the end of the advertised exhibition period.</li> <li>The <i>EP&amp;A Act 1979</i> requires councils to publicly exhibit planning policies and development applications for a set minimum period of time (refer to Sections 3 and 4 of this Protocol).</li> </ul>
<b>4. Inclusiveness, Accessibility and Diversity</b>	<ul style="list-style-type: none"> <li>All affected and interested parties will be encouraged to participate in engagement opportunities. Council will ensure that the groups or individuals invited to participate in the consultative process are representative of the overall target group, and that communication strategies are designed to reach the broadest appropriate sections of the community and attract the broadest range of community interests. Council will take into account the diversity of the community by being sensitive to the needs of particular individuals or groups to maximise their ability to contribute.</li> </ul>
<b>5. Provision of Information</b>	<ul style="list-style-type: none"> <li>Council will provide sufficient information to participants that is accurate and unbiased, and that will provide opportunities for them to form sound opinions and decisions.</li> <li>Council undertakes to provide information in plain English, without the use of technical terms or jargon; where information is technical in nature, supporting explanatory information will be provided. And where appropriate information will be provided in languages other than English, alternative formats including audio and electronic formats, Braille, large print, pictorial form, Auslan interpretation etc.</li> <li>Council will endeavour to make relevant information available to the community at least two (2) weeks prior to a consultation activity.</li> </ul>
<b>6. Responsiveness and Feedback</b>	<ul style="list-style-type: none"> <li>Council will provide regular updates to participants during the consultation process and at the project's conclusion detailing the outcomes of the consultative process. Responsible staff will at the conclusion of the consultation prepare a report to Council providing rationale for any recommendations made as a result of the consultation.</li> </ul>
<b>7. Evaluation and Continuous Improvement</b>	<ul style="list-style-type: none"> <li>All consultation conducted by and on behalf of Council will include an evaluation component. The outcomes of all consultations will be used to better inform future Council decisions. A summary of all evaluations will be available to the public on request.</li> </ul>

Table 5: Guiding Principles of Engagement

Council's guiding principles align with the community participation plan guiding principles (applicable to councils) as set out in Section 2.23(2) of the *EP&A Act 1979* as follows:

EP&A Act Guiding Principles (Division 2.6)	Consistency with Council's Guiding Principles					
	1	2	3	4	5	6
The community has a right to be informed about planning matters that affect it.	X					

EP&A Act Guiding Principles (Division 2.6)	Consistency with Council's Guiding Principles					
	1	2	3	4	5	6
Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.	X					
Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.					X	
The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.			X			
Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.				X		
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.				X		
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).			X			X
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.	X	X				X

Table 6: EP&amp;A Act Guiding Principles compared to Council's Guiding Principles

## 1.5 Importance of Planning

The choice to engage stakeholders in decision making depends on several factors which need to be considered in the pre-planning process. These factors include, but are not limited to the following:

- legislation;
- opportunities to facilitate understanding through information sharing;
- previous community engagement - in an effort not to over consult and to draw from recent engagement findings;
- democratic right of individuals to be involved in decisions affecting them and to contribute to community building;
- the desirability of incorporating community values, interests and needs into decision making; and
- development of sustainable decisions.<sup>5</sup>

## 1.6 Challenges

Some of the challenges of community engagement, include:

- the inflexibility of legislative requirements;

<sup>5</sup> Adapted from the Community Engagement Handbook: a Model Framework for leading practice in Local Government in South Australia, 2008

- engagement can be open to misinterpretation including some thinking the right to be consulted is the right to have their views heard above others and what is reasonably practicable;
- engagement can have implications for decision making related to stakeholder responses being received without full understanding of the complexity of issues, increased project costs to meet needs, increased timeframes, the danger of heeding to the needs of single interests and increased expectations;
- engaging the hard to reach e.g. elderly, young people, renters, young families;
- hijacking or stacking by well-resourced minority/advocacy groups;
- use of engagement as a mechanism to defer decision making;
- developing the policy agenda proactively rather than reactively; and
- social media and implications for the dissemination of accurate information.

Expectations regarding community engagement should be realistic. It is acknowledged that many stakeholders will have some interest (including knowledge and/or skill) in the issues presented and will be keen to express this. Competing interests may become apparent prior to or during the consultative process. The main aim is not that all interests are satisfied, rather that these interests are acknowledged and addressed.

Whichever method(s) of engagement is employed for each project/decision, the achievement of Council's goals and objectives will depend significantly on Council's ability to effectively communicate with participants.

## 2. Steps to Effective Community Engagement

Some projects/decisions will require more engagement than others. Council has limited resources and time with which to meaningfully engage the community, and therefore it is important that engagement opportunities be maximised in accordance with each project's budget and timeframe.

Resources for community engagement need to be considered based on the:

- the mandatory requirements outlined in various legislation;
- level of influence the community might have on a decision;
- significance of the decision; and
- objectives and outcomes required, including if meeting the objectives requires more than just informing stakeholders.

Allocating insufficient resources for important and complex decisions will mean that Council is deprived of potentially valuable contributions by the community.

Community engagement by Council staff and consultants involves the following five steps:

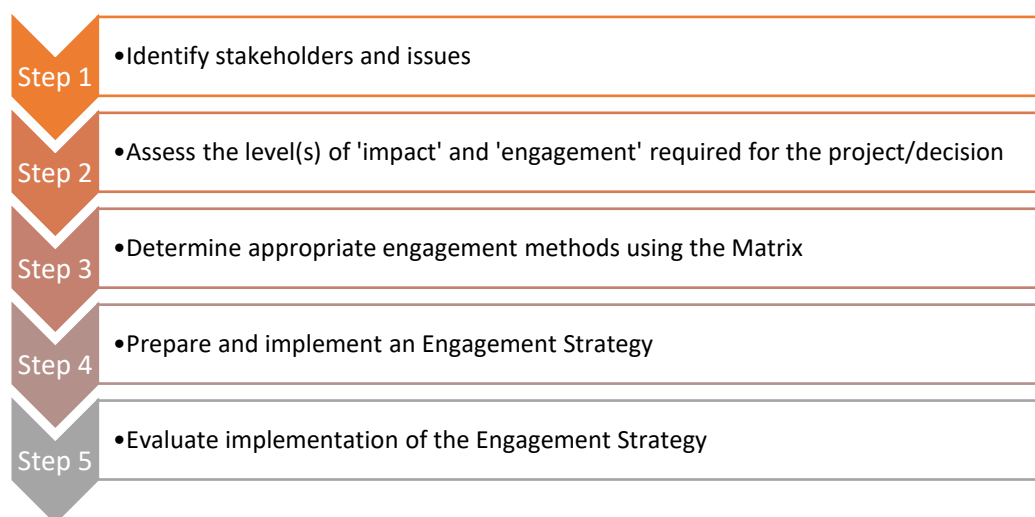


Table 7: 5 Steps of community engagement by Council

It is the individual project coordinator's responsibility to determine the level(s) of impact and engagement required for each project/decision, relative to the project/decision. Choosing just to 'inform' may seem an easy option. However, consulting and/or involving the community at an early stage will enable stakeholders concerns to be addressed and limit the possibility of problems or issues arising at a later stage.

### 2.1 Step 1 - Identify Stakeholders and Issues

#### 2.1.1 Identify Stakeholders

Council seeks to enhance the opportunities for all members of the community to participate in Council's decision making, to achieve better outcomes, at an appropriate level, relative to the project/decision. The first step in preparing a project specific engagement strategy is to identify the affected stakeholders for the project/decision.

The community is not a single entity and should not be treated that way. It is made up of several different stakeholders i.e. sub-groups/sub-communities or target groups. For engagement strategies to be successful it is important that all voices are given the opportunity to be heard.

A stakeholder is defined as an individual or group who has a direct interest in or can directly affect or be affected by the actions of Council with respect to a specific issue. Council needs to engage with a different mix of stakeholders on different issues.

Key individuals include, but are not limited to residents, including ratepayers and tenants; businesses, including property owners/ratepayers and tenants; neighbours; applicant; developers and real estate agents; planning specialist or consultants; government; and members of parliament.

The following table<sup>6</sup> expands on the above definition, by identifying some of the different sub-groups within a community. For information about North Sydney's demographics refer to the [Community Profiles](#) on Council's website.

Service users	• School parents, housing tenants, park users, seniors home residents.
Ethnic and religious groups	• There is a mix of religious beliefs within the North Sydney local government area.
Aged based groups	• Target groups within the North Sydney local government area are outlined in Appendix 1.
People with disability	• Advocacy organisations, carers and service providers as well as individuals.
Geographical communities	• Different neighbourhoods (including Precinct areas) have different needs.
Special interest	• Dog owners, cyclists.
Workplace communities	• Small business owners, medical staff, chambers of commerce.

Table 8: Examples of stakeholder groups

To identify the stakeholder(s) and their issues the following steps are necessary:

- Consider the extent to which the individual, group or other others will be affected or perceive they will be affected by the project/decision.
- List the people and groups that may care about the project/decision and their interests and concerns; and
- Identify stakeholders by their level of interest and perceived distance from the impact(s) of the project/decision.

Some people will be extremely engaged and consistently part of the process, whilst others will comment occasionally or from afar. Some might know the process is going on but will not become actively engaged.

<sup>6</sup> Adapted from Latrobe City Community Engagement Policy and Strategy, 2005, page 29.

## 2.2 Step 2 - Assess the Level(s) of Impact and Engagement

Having decided on the stakeholders and issues, the next step is to determine the level of impact and engagement based on the nature and complexity of the project/decision.

### 2.2.1 Levels of Impact

The four 'levels' of impact are:

Level of Impact	Brief Description
Level 1: High - LGA Wide	High level of impact on the whole/large part of North Sydney LGA
Level 2: High - Local	High level of impact of a local nature, on a local area, specific community or user group
Level 3: Low - LGA Wide	Lower level of impact on the whole/large part of North Sydney LGA
Level 4: Low - Local	Lower level of impact of a local nature on a local area, specific community or user group

Table 9: Levels of impact

The levels of impact assume that any project/decision may have some real or perceived impact on stakeholders. Projects/decisions may not always fit into one impact level or meet all criteria that is summarised above and detailed in Appendix 2. Various levels of engagement may be simultaneously required and/or a project/decision may move between levels of engagement through the project/decision stages/phases. Sometimes situations may require the need to re-think the level of impact. It is essential that the level of impact is re-assessed throughout to ensure the engagement methods selected are appropriate.

Project coordinators should discuss the project/decision with other internal Departments, and relevant external agencies to determine appropriate level(s). Links between this project/decision and other Council projects/decisions need to be considered. The best outcome has stakeholders satisfied with the project/decision and stakeholder views have been considered in the outcome.

There will be projects that may be a Level 3 or Level 4; however, the implications could be linked to a project of Level 1 or Level 2.

For example, Council may commit to building a new 'pocket park', which will impact immediate residences more than the whole LGA i.e. Level 3 or 4. However the project is also linked to the broader implications for Council's Open Space Provision Strategy that is a Level 1 project. It is important to also consider the broader links a project/decision has with other projects throughout Council, including linkages to the North Sydney Community Strategic Plan and/or Delivery Program.

## 2.2.2 Levels of Engagement

Council's community engagement framework involves four 'levels' of engagement<sup>7</sup>, which are outlined in the following table. Community engagement is a fluid process and depending on the project/decision, may need to move between the levels of engagement at various stages. To ensure the appropriate level of engagement specific legislative requirement and Council policies, as relevant, must be considered. Refer to Appendix 3 for more information.

Type	Description	Promise to the Community
<b>Inform</b>	Provide balanced and information to help the community understand issues, problems, alternatives, opportunities and/or solutions.	Council will keep stakeholders informed.
<b>Consult</b>	Obtain community feedback on issues, analysis, alternatives and decisions being considered by Council.	Council will keep stakeholders informed, listen to and acknowledge aspirations, concerns and issues, and provide feedback on how stakeholder input influenced the decision.
<b>Involve</b>	Work directly with communities throughout the process to ensure that the community aspirations, concerns and issues are consistently understood and considered.	Council will work directly with stakeholders to ensure that their aspirations, concerns and issues are directly reflected in the alternatives developed and provide feedback on how stakeholder input influenced the decision.
<b>Collaborate</b>	Partner with communities in each aspect of the decision including the development of alternatives and the identification of a preferred solution.	Council will look to stakeholders for direct advice and innovation in formulating issues, alternatives and solutions and incorporate advice and recommendations into Council decisions to the maximum extent possible.

Table 11: Levels of engagement

The following diagram further explains the 'levels of engagement'.

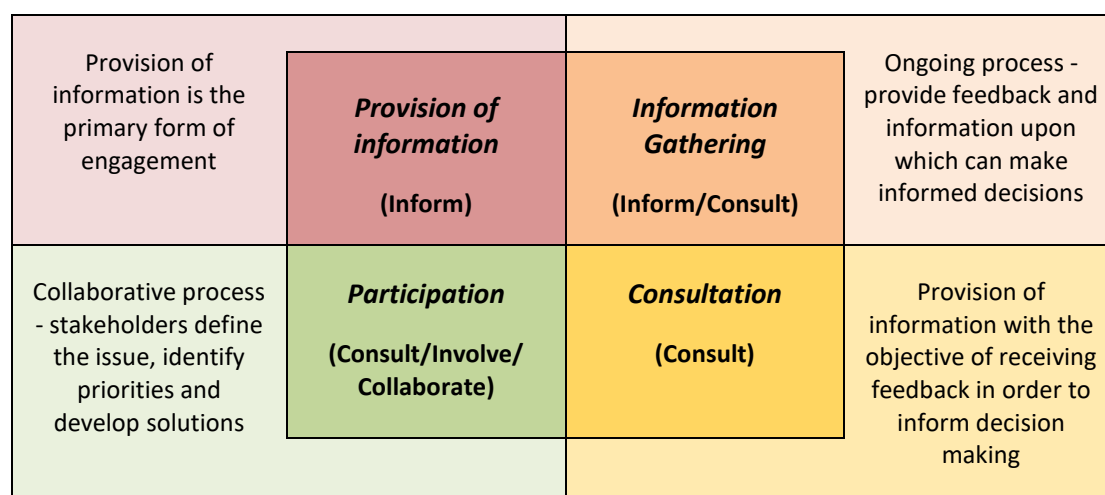


Diagram 1: Levels of Engagement

<sup>7</sup> Adapted from IAP2 <http://www.iap2.org.au/spectrum.pdf>. Whilst the IAP2 Spectrum for Public Participation has been adopted for this framework, within the context of Local Government, the highest level of 'Empower' will rarely be achievable or appropriate and therefore has been excluded.



For many stakeholders, depending on the nature of the issue, 'inform' is often the only level of engagement they require. Therefore, the 'inform' level is very important, and where appropriate project coordinators should aim to provide information in different forms, including non-static information e.g. video to help stakeholders can gain a more informed understanding.

Informing people is an ongoing process that should occur throughout the life of the project. It is important to maintain a dialogue with the community, particularly those who have expressed interest e.g. maintain a 'Keep Informed' mailing list. Keeping stakeholders informed assists to encourage engagement throughout the various project decision stages and increase stakeholder understanding.

As a result of participation there will be many opinions and a diversity of input provided. In many cases there can be a difference of opinion between the community and Council, and between community members themselves. It is important to recognise and communicate that consultation is not necessarily gaining agreement from all parties, although that is ideal. Consultation is a process to gather opinions and ideas. Gathering this information allows exploration of possibilities that may not have been previously identified. In the case where the opinions and ideas are not agreed upon, project coordinators need to clearly explain why ideas were not incorporated into the project/decision.

### **2.3 Step 3 - Determine engagement methods using the Matrix (for Technique Selection)**

Use the Matrix to determine the engagement methods appropriate for the project/decision dependent on the level(s) of impact and engagement. The Matrix identifies what is essential, what is desirable and what may be appropriate methodologies. It is designed to prompt consideration of a range of methods that could be employed dependent upon factors outlined in Diagram 2. Whatever the methods chosen, the engagement process needs to be open, responsive, inclusive, consistent and accountable.

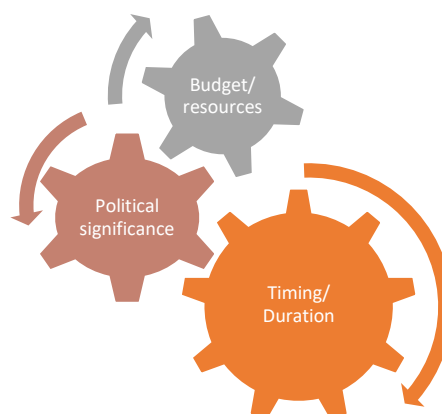


Diagram 2: Factors to consider when determining engagement methods

Judgement is to be used in deciding which methods should be undertaken because each project/decision is unique. What worked well for one project may not be appropriate for a similar project. Therefore, the methodology must be applied in the initial planning stages per project/decision and a project-specific engagement strategy prepared. Contact Council's

Community Engagement Coordinator and/or Manager Integrated Planning and Special Projects for assistance, as required.

Example: If increased traffic volume has meant that a road widening project seems necessary, Council could inform those people affected and invite comment by:

- Advertisement in the local paper, and simultaneously,
- Letters to those most directly affected,
- A public meeting if the issue is contentious, and
- Follow up correspondence, telephone call or public meeting to advise of any decisions.

Level of Impact: High – LGA wide

Level of Engagement: Inform

The Matrix identifies what is essential, what is desirable and what may be appropriate methodologies per project/decision as outlined in the key below:

Key	
<b>E</b>	Essential, this must be done. If cannot deliver this must provide justification as to why.
<b>D</b>	Desirable, must be considered. If cannot deliver this must provide justification as to why.
<b>AA</b>	As appropriate.

The Matrix brings together the ‘engagement method’, ‘level of impact’, ‘level of engagement’ and ‘the level of desirability’ to assist with technique selection.

	Methods	LGA wide/ High Impact	Local/ High Impact	LGA wide/ Low Impact	Local/ Low Impact
1. Inform	Web Page (and YourSay North Sydney)	E	E	E	D
	Advertisement	E	E	E	AA
	Fact Sheet (including translated version where appropriate)	E	E	AA	AA
	Media Release	E	D	E	AA
	Information Display or Kiosk	E	D	E	AA
	North Sydney News (community newsletter)	E	D	E	AA
	e-Newsletter (various subscriptions)	E	D	E	AA
	Social Media (Facebook/Twitter/Instagram/LinkedIn)	E	D	E	AA
	Reference Groups	E	D	D	AA
	Precinct Committees	E	D	AA	AA
	Online Panels	E	D	E	AA
	Existing Groups and Networks (e.g. Chambers of Commerce etc.)	E	D	AA	AA
	Face-to-face contact (e.g. interviews, site meetings/visits)	E	AA	E	D
	Letterbox drop	D	E	AA	D
	Direct letter (personally addressed)	D	E	AA	D

	Methods	LGA wide/ High Impact	Local/ High Impact	LGA wide/ Low Impact	Local/ Low Impact
	Signage	D	D	AA	AA
	Community Ward Forum	D	AA	D	AA
	'On Hold' message	D	AA	AA	AA
	via Rates Notices	D	AA	AA	AA
	Video	AA	AA	AA	AA
	Local and/or metropolitan radio	AA	AA	AA	AA
2. Consult	Public Exhibition i.e. inviting written submissions	E	D	E	AA
	Public Meeting or Information Session	E	D	E	AA
	Public Hearing	E	D	E	AA
	Existing Groups and Networks (e.g. Chambers of Commerce etc.)	E	AA	E	AA
	Focus Group or Workshop	E	AA	D	AA
	Community Ward Forum	D	D	D	D
	Comment Form or Reply Paid Card	D	D	AA	AA
	Reference Groups	D	D	AA	AA
	Precinct Committees (including the Combined Precincts Committee)	D	D	AA	AA
	Online Panels	D	D	D	D
	Survey, Questionnaire or Poll	D	D	D	D
	Deliberative Polling	D	D	D	D
	Face-to-face contact (e.g. interviews, site meetings/visits)	D	AA	D	AA
	Working Party (establish project specific)	AA	AA	AA	AA
	Suggestion Box	AA	AA	AA	AA
	Use Creative/Arts Based strategies	AA	AA	AA	AA
3. Involve	Consult within Council	E	E	E	E
	Focus Group or Workshop	E	E	E	E
	Survey or Questionnaire or Poll	D	D	D	D
	Public Meeting or Information Session	D	AA	D	AA
	Working Party (establish project specific)	D	AA	D	AA
	Face -to-face contact (e.g. interviews, site meetings/visits)	AA	AA	AA	AA

	Methods	LGA wide/ High Impact	Local/ High Impact	LGA wide/ Low Impact	Local/ Low Impact
	Petition (when led by Council)	AA	AA	AA	AA
4. Collaborate	Deliberative Forums	AA	AA	AA	AA
	Participatory budgeting	AA	AA	AA	AA

## 2.4 Step 4 - Prepare and implement an Engagement Strategy

Using the information gained in the previous three (3) steps, an 'Engagement Strategy' must be prepared per project/decision. The Engagement Strategy should outline the methods to be used, the implementation timeframe, who the responsible officer (project coordinator) is and the resources required.

Timeframes for engagement are very important. All communications wherever practicable will be in plain English. If technical terms are required to be used simple explanations will be provided<sup>8</sup>. It is essential that sufficient time is allowed to disseminate information and to allow the community to make a considered response. Council will always endeavour to allow a reasonable period for public response during an engagement period.

Engagement Strategies must be designed to ensure the greatest opportunity for input from all stakeholders. Engagement periods should not start and end during the period of 1 December to 30 January, except for development consent functions, which must not be exhibited between 20 December and 10 January.

The Engagement Strategy must include how and when feedback will be provided to stakeholders, both during the engagement and at the conclusion. Feedback on the following will be provided as a minimum:

- outcome of the process(es);
- changes to the engagement strategy;
- date and content of a Council report (including resolution, as appropriate); and
- any new information.

### 2.4.1 Analyse the Feedback<sup>9</sup>

It is the project coordinator's responsibility to collate all feedback (from all engagement methods used) collected during the engagement period, make interpretations and draw conclusions on which to base recommendations or subsequent action(s). Once all the feedback has been collated at the end of the engagement period it is best not to delay with analysing the responses.

When analysing feedback:

<sup>8</sup> Refer to the *Guiding Principle 5: Provision of Information*, page 11 for more information.

<sup>9</sup> Adapted from Glenorchy City Council's Community Engagement Procedure (2017), page 31

- look for responses that may be invalid e.g. someone filling out more than one survey, responses from a non-stakeholder etc.
- pay attention to trends e.g. what/whose responses are similar/dissimilar?
- what previously unknown information has been provided?
- if both qualitative and quantitative information has been gathered, consider feelings and impact on quality of life, not just statistics.

The personal information of participants must be managed in accordance with Council's [Privacy Management Plan](#). Accurate records of the processed (analysed) and unprocessed (original) responses must be kept in accordance with Council's Records Management Plan. For more information contact Council's Manager Document Management Services.

For guidance or assistance with collating and analysing feedback contact Council's Community Engagement Coordinator and/or Manager Integrated Planning and Special Projects.

#### **2.4.2 Feedback to Stakeholders (closing the loop)<sup>10</sup>**

It is important that the outcome(s) of each engagement are communicated to stakeholders, this is known as 'closing the loop'. Depending on the type of project/decision, providing feedback to participants can occur at multiple stages during an engagement process (e.g. during and after). Providing feedback is one way to build/maintain relationships with the community.

Regardless of whether feedback (status updates or progress reports) has been provided to participants during an engagement period, all stakeholders need to be informed of the final outcome(s).

When providing feedback:

- thank the participants;
- provide information on the process;
- provide information the decision reached, including when and by whom;
- let the participants know their views were considered and/or influenced the decision - if there is a difference between community input and Council's final decision, the reasons must be clearly and unambiguously stated;
- where appropriate, give opportunity for further comments; and
- multiple methods should be use including direct methods e.g. personal email or letter. Appropriate methods to provide feedback are direct letter, email, Enewsletter, web pages, media releases, advertisements and/or a public meeting or information session.

### **2.5 Step 5 - Evaluate**

Evaluation is a key part of Council's project management methodology. The benefits of evaluation include:

- assessment of the engagement process against its desired objectives;
- gather input for future projects/decisions; and
- continuous improvement of Council's engagement practices.

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<sup>10</sup> Adapted from Glenorchy City Council's Community Engagement Procedure (2017), page 33

Evaluation should be undertaken throughout the lifecycle of the project/decision, including after the final decision has been made.

### **2.5.1 How we evaluate**

Evaluation should focus on both the process and outcome(s). Evaluation is about learning what worked well, what didn't work well and what can be done better next time.

Evaluation should include the views of participants, especially whether the engagement process achieved its objectives, and whether the methods used were suitable. It is also recommended that the project coordinator debrief with colleagues and other staff that participated in the project who can provide additional insight.

The following criteria should be taken in consideration when designing an evaluation:

- what was successful and unsuccessful (i.e. opportunities for improvement)?
- what will measure success (i.e. appropriate techniques)?
- how will Council gather data (i.e. what tools are readily available)?
- what does the collected data mean and how will it be used?

If holding a public meeting or similar consider using an evaluation form (hard copy or online option) to obtain feedback from participants about the engagement process.

### **2.5.2 What we evaluate**

Evaluation should be undertaken in two parts:

- 1) the process and methods used to engage, including available statistics e.g. web page views, social media reach, number of submitters, visited information kiosks, participated in workshops and other engagement activities; and
- 2) the engagement outcome(s) including.

For further information and guidance refer to the Community Engagement Toolkit (staff guidelines).

### 3. Statutory Planning Engagement Requirements

#### 3.1 Purpose of this Section

Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) requires all councils to prepare a community participation plan to address community engagement requirements with regards to planning matters, such as development applications, Local Environmental Plans and Development Control Plans.

This section has been prepared to satisfy the community participation plan requirements by outlining Council's policy in relation to community engagement with respect to applications for development made under Parts 4 and 5 of the *EP&A Act 1979*.

#### 3.2 Objectives

The objectives of this section are to:

- a) encourage wider public understanding of the development application process;
- b) enable community engagement in the consideration of development applications;
- c) provide a reasonable time for the community to view applications and make comments, which does not interfere with the Council's obligation to determine applications within the required timeframe;
- d) provide a process for the community to make submissions;
- e) ensure notification of property owners and occupants who may be affected by a development application even though they do not own adjoining land;
- f) detail the process to be carried out in advertising and notification; and
- g) define the circumstances when advertising and notification are not required.

#### 3.3 When does this section apply?

This section applies to the following types of applications:

- a) development applications for development consent lodged under the *EP&A Act 1979*;
- b) amendments to development applications, submitted before an application is finally determined;
- c) applications to modify a development consent pursuant to Sections 4.55 and 4.56 of the *EP&A Act 1979*; and
- d) applications to review a determination pursuant to Sections 8.2, 8.3, 8.4 and 8.5 of the *EP&A Act 1979*.

This section does not apply to the following:

- a) Development applications which are exempted by this Protocol (refer to section 3.4.1) as permitted under clause 7(b) to Schedule 1 the *EP&A Act*.
- b) Exempt Development or Complying Development as defined by Section 1.6 and Division 4.5 respectively of the *EP&A Act 1979*;
- c) Applications for the removal or pruning of trees that require a Tree Management Permit from Council.

### 3.4 Instances an application be notified

Clause 7(b) to Schedule 1 of the *EP&A Act 1979* enables councils to identify instances when an application does not require advertising/notification. The following subsections outline the instances when notification will be given.

#### 3.4.1 Development Applications

Notification of development applications under Part 4 of the *EP&A Act 1979* will not be undertaken where the proposed development involves:

- a) alterations and additions to existing buildings where the proposed works will not change the height, external shape or façade of the building; or
- b) a change of use, except a change of use to a food and drink premises in the Neighbourhood Business (B1), Commercial Core (B3), Mixed Use (B4) or Light Industrial (IN2) zones where, in the opinion of Council, there will be no adverse impact on the neighbourhood; or
- c) the intensification of an existing use, including a change to the hours of operation of a commercial premises, except to a food and drink premises in the Neighbourhood Business (B1), Commercial Core (B3), Mixed Use (B4) or Light Industrial (IN2) zones where, in the opinion of Council, there will be no adverse impact on the neighbourhood; or
- d) proposals which have no material impact on adjoining properties (i.e. a window on one side of a building which has no impact on properties on the opposite side of the property); or
- e) strata subdivision or company title subdivision which are unaffected by the provisions of *SEPP (Affordable Rental Housing) 2009*; or
- f) the removal, lopping, topping or pruning of a tree, in accordance with Part B: Section 16 - *Tree and Vegetation Management to North Sydney Development Control Plan 2013* and no other development is involved; or
- g) capital works proposed by Council on Council land, where prior public consultation consistent with section 3.4.1 to this Protocol has occurred. Any submissions received during this pre-submission notification must be submitted with the development application and considered in accordance with section 3.8 to this Protocol.

All other development applications will be notified in accordance with this Protocol.

#### 3.4.2 Modifications to Development Consents granted by Council

Applications to modify a development consent under Section 4.55 of the *EP&A Act 1979* will not be notified if:

- a) the proposed modification does not change the height or external shape or facade of the proposal as shown on the original application; or
- b) Council is satisfied that the proposed modification or amendment has no or only minimal impact on the environment; or
- c) Council is satisfied that the proposed modification or amendment does not substantially change the originally approved development; or
- d) Council is satisfied that no disadvantage will be caused to any owners/occupiers of adjoining or neighbouring land or who has made a submission relating to the original application or previously approved modifications; or



- e) if Council is of the opinion that the proposed modification is of a minor nature or of minimal environmental impact, the requirement for notifying the application by means of a newspaper advertisement or site notice may be waived.

All other applications for modification of consent will be notified in accordance with this Protocol.

### **3.4.3 Modifications of Development Consents granted by the Court**

Where an application is made to modify a development consent granted by the Land and Environment Court under Section 4.56 of the *EP&A Act 1979*, Council will notify:

- a) those persons who made submissions in response to the original development application, by sending written notice to the last address known to Council;
- b) any other owners/occupies of adjoining or neighbouring land that in the Council's opinion may be adversely affected by the proposed modifications.

All other applications will not be notified in accordance with this Protocol.

### **3.4.4 Reviews of Determination**

If an application is made to review a determination pursuant to Sections 8.2, 8.3, 8.4 and 8.5. of the *EP&A Act 1979*, Council will notify:

- a) those persons who made submissions in response to the original development application; and
- b) in the event of amended plans being lodged with the request for review, any other owner/occupier of adjoining or neighbouring land that in the Council's opinion may be adversely affected by the amended application;

All other applications for a review of a determination will not be notified in accordance with this Protocol.

### **3.5 Advertisement and Notification Prior to Determination**

Applications which are required to be notified as identified under this Protocol will be advertised/notified by one or more of the following means:

- a) In accordance with the *EP&A Act 1979*, which may include placing an advertisement in a local newspaper (or other appropriate newspaper);
- b) forwarding of a letter to property owners/occupiers in accordance with the provisions set out in this Protocol; and
- c) placing a notice on the site (where there are multiple street frontages, a notice will be placed on each frontage).

In determining who is to be notified of the proposed modification of development consent or review of a determination, if Council is satisfied that the development the subject of the modification or review, is of a minor nature, or of minimal environmental impact, the requirement for newspaper advertisement/site notice may be waived.

### 3.5.1 Who will be notified?

Unless otherwise exempted by the *EP&A Act 1979* or this Protocol, a notice of an application will be sent to:

- a) All persons who, according to Council's property records, own or occupy land adjoining the land to which the application relates;
- b) An extended notification area, including owners and occupiers of neighbouring land who, in the opinion of Council, may be adversely affected by the application;
- c) Any relevant Precinct Committees; and
- d) Where an application applies to land near the boundary of an adjoining LGA (in particular, Lane Cove, Mosman and Willoughby Councils) and there may be an impact on property owners or occupants in that adjoining LGA, the adjoining Council.

For the purposes of this section:

- a) If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land;
- b) Council may also direct that:
  - (i) an application be advertised or notified to any person or group of persons whom it considers may have an interest in the matter; and
  - (ii) the application be available for inspection and submissions for such additional periods as it considers appropriate.
- c) Relevant Precinct Committee means:
  - (i) one of Council's voluntary Precinct Committees which is active at the time that the application was lodged; and
  - (ii) the Precinct Committee which presides over Precinct within which the application is located, and any other Precinct Committee(s) Council deems necessary.
- d) In determining which neighbouring land may be adversely affected, Council will consider:
  - (i) the likely impacts of the development on both the natural and built environment of the neighbourhood; and
  - (ii) the social and economic impacts on the neighbourhood.

### 3.5.2 Content of notification letter, advertisement and site notices

All advertisements, notification letters and site notices will include the following information:

- a) a description of the land (including the street address and/or legal description) on which the development is proposed to be carried out;
- b) the name of the applicant and the name of the consent authority;
- c) a description of the proposed development;
- d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's business hours;
- e) a statement that any person during the period specified may make a written submission in relation to the development application to the consent authority; and
- f) the specified period.

Where the application involves erecting a building the notification letter will include an A4 size plan containing details of the proposed development.

### 3.5.3 Minimum Exhibition Timeframes

Section 2.22 and Division 2 to Schedule 1 of the *EP&A Act 1979* details the types of applications that must be included in a community participation plan (i.e. this Protocol) and sets the minimum exhibition timeframe for these applications. Council will always exhibit an application for the minimum timeframe as set out in Table 12.

Application Type	Timeframe
<b>Local Development</b> Application for development consent (including development applications, modification applications, review of determination)**	14 days*
<b>Designated Development</b> Application for development consent for designated development	28 days*
<b>Environmental Impact Statement Development</b> Applications that require the submission of an Environmental Impact Statement under Division 5.1 of the <i>EP&amp;A Act 1979</i>	28 days*

Table 12: Minimum exhibition timeframes for developments

\*replicates minimum timeframe under the *EP&A Act 1979*

\*\*At the discretion of the Manager Development Services, a development application for a major development that is considered likely to generate significant public interest based on its nature and or scale may be advertised for an extended timeframe of 21 days.

For the purposes of clarification, the number of days stated within Table 12, refer to calendar days (refer to section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday).

The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition in accordance with clause 16 to Schedule 1 of the *EP&A Act 1979*. Extended notification periods may be required as prescribed by the *EP&A Regulations 2000*.

In accordance with clause 17 to Schedule 1 of the *EP&A Act 1979*, if a particular matter has different exhibition or notification periods applicable, the longer period applies.

### 3.6 Advertisement and Notification requirements for Amended Plans

An applicant may amend an application at any time before the consent authority has made its final determination.

If, in Council's opinion, the amendments are considered likely to have a greater adverse effect on or a different adverse effect on adjoining or neighbouring land, then Council will renotify any owner/occupier of adjoining or neighbouring land that in the Council's opinion may be adversely affected by the amended application.

Where the amendments, in the Council's opinion, do not increase or lessen the adverse effect on adjoining or neighbouring land, Council may choose not to renotify or readvertise the application.

Where the amendments arise from a Council-sponsored mediation, and it is considered that those amendments reflect the outcome of the mediation and do not otherwise increase the application's environmental impact, the amendments will not be notified or advertised.

Where the amendments involve the removal, lopping, topping or pruning a tree, the application will not be renotified or readvertised, but only where that application is required by a tree preservation order and no other development is involved.

### **3.7 Inspection of Applications and Lodgement of Submissions**

Details of a development application may be viewed on Council's on-line DA tracking system. Applications may also be inspected at Council's Chambers during normal business hours during the exhibition period.

In accordance with Clause 14 to Schedule 1 of the *EP&A Act 1979*, an application that is required to be publicly exhibited, is not to be determined until after the minimum period of public exhibition has transpired. If the application is placed on public exhibition for a longer specified period, the application is not to be determined until after that longer specified period has transpired.

In accordance with Clause 15 to Schedule 1 to the *EP&A Act 1979*, submissions with respect of an application may be made during the minimum period of its public exhibition. If the application is placed on public exhibition for a longer specified period, submissions may be made during that longer specified period.

Late submissions may be received by the Council, prior to the application being determined. However, not all late submissions will be considered in the assessment of the application. Consideration of late submissions outside of the minimum public exhibition period will be at the discretion of Council and will consider timing of those late submissions and extent of the issues raised.

### **3.8 Consideration of Submissions during the Exhibition Period**

Section 2.23(g) of the *EP&A Act 1979* requires that all planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions, including how the community's views have been taken into account.

Council will consider all submissions on their individual merits and all submissions will be summarised in the relevant development assessment report.

It should be noted that Council is not bound by any submission and its assessment of an application will involve considering the merits of the application together with all submissions.

### **3.9 Notification of Determinations**

In accordance with Clause 20 in Schedule 1 of the *EP&A Act, 1979*, Council will give notice of the determination of applications for development consent, modifications of development consents or reviews of a determination, which have been determined under delegated authority or by the North Sydney Local Planning Panel, to include (directly or by reference to another document) the following mandatory notification requirements:

- a) the decision;
- b) the date of the decision;
- c) the reasons for the decision (having regard to any statutory requirements applying to decision); and
- d) how community views were taken into account in making the decision.

After determining a development application, an application to modify a development consent or an application to review a determination, Council will:

- publish a notice of its decision in one or more of the following locations:
  - as required under the *EP&A Act 1979*, which may include notification within a local newspaper or other appropriate newspaper;
  - on Council's website; and
  - on the Department of Planning's web-based Planning Portal;
- notify all persons who made a submission in response to an application.

After determining an application for modification of consent granted by the Land and Environment Court, Council will send notice of its determination to each person who made a submission in respect of the application for modification.

Council will not publish notification of its determination of any application for a Tree Management Permit to remove lop, top, or prune a tree, where such an application only referred to works to a tree/s.

## 4. Strategic Planning Policy Engagement Requirements

### 4.1 Purpose of this Section

Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) requires all councils to prepare a community participation plan to address community engagement requirements with regards to planning matters, such as development applications, Local Environmental Plans and Development Control Plans.

This section outlines Council's policy concerning advertising and notification of strategic planning policies made under Parts 2, 3 and 7 of the *EP&A Act 1979* (and other non-statutory base planning policies).

### 4.2 Objectives

The objectives of this section are to:

- a) ensure the community is adequately informed about planning matters that affect them;
- b) encourage wider public understanding of strategic planning processes;
- c) encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in developing strategic planning directions;
- d) ensure community participation is inclusive and that the views representative of the wider community are captured;
- e) ensure planning decisions are made in an open and transparent way;
- f) ensure community participation methods are appropriate having regard to the significance and the likely impact of strategic planning policies;
- g) enable community engagement and participation in the consideration of strategic planning policies;
- h) provide a reasonable time for the community to view draft strategic planning policies and make comments, which does not interfere with the Council's obligation to determine such matters within required timeframes;
- i) provide a process for the community to make submissions;
- j) detail the process to be carried out in advertising and notification; and
- k) define the circumstances when advertising and notification are not required.

### 4.3 Statutory Strategic Planning Policies

This subsection specifically applies to the following types of statutory strategic planning policies:

- a) Community Participation Plans prepared under Division 2.6 of the *EP&A Act 1979* (i.e. this Protocol);
- b) Local Strategic Planning Statements prepared under section 3.9 of the *EP&A Act 1979*;
- c) Local environmental plans prepared under Division 3.4 of the *EP&A Act 1979*;
- d) Development control plans prepared under Division 3.6 of the *EP&A Act 1979*;
- e) Voluntary planning agreements prepared under Subdivision 2 to Division 7.1 of the *EP&A Act 1979*; and
- f) Local infrastructure contributions plans prepared under Subdivision 3 to Division 7.1 of the *EP&A Act 1979*.

#### 4.3.1 Advertisement and Notification

Statutory strategic planning policies will be advertised/notified by one or more of the following means:

- a) in accordance with the *EP&A Act 1979*, which may include placing an advertisement in a local newspaper (or other appropriate newspapers);
- b) published on Council's website; and
- c) forwarding a letter to relevant stakeholders in accordance with the provisions set out in this Protocol;

Unless otherwise exempted by the *EP&A Act 1979* or this Protocol, a notice of a statutory strategic planning policy will be sent to:

- a) All persons who, according to Council's property records, own or occupy land that the strategic planning policy affects;
- b) An extended notification area, including property owners and occupiers of neighbouring land which, in the opinion of Council, may be adversely affected by the strategic planning policy;
- c) Relevant professional bodies and government authorities, which in the opinion of Council, may be affected by the strategic planning policy;
- d) All active Precinct Committees; and
- e) Where a strategic planning policy applies to land near the boundary of an adjoining LGA (in particular, Lane Cove, Mosman and Willoughby Councils) and there may be an impact on residents in that adjoining LGA, the adjoining Council.

For the purposes of this section:

- a) If land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land;
- b) Council may also direct that:
  - (i) an application be advertised or notified to any person or group of persons whom it considers may have an interest in the matter; and
  - (ii) the application be available for inspection and submissions for such additional periods as it considers appropriate.
- c) A Precinct Committee means a voluntary, individual Precinct Committees operating under the North Sydney Community Precinct System, which is active at the time that the strategic planning policy was adopted by Council for notification purposes.
- d) In determining which neighbouring land may be adversely affected, Council will consider:
  - (i) the likely impacts of the development on both the natural and built environment of the neighbourhood; and
  - (ii) the social and economic impacts on the neighbourhood.

Where a strategic planning policy applies to the entire LGA, and it is proposed to make a relatively minor amendment to that policy, Council will not notify all property owners/occupiers within the LGA as they may become cost prohibitive in relation to the overall costs of the policy amendment. In these instances, the extent of notification will be considered on a case by case basis.

### 4.3.3 Content of notification letter and advertisement

All advertisements and notification letters will include the following information:

- a) a description of the land (including the street address and/or legal description) to which the policy applies;
- b) the name of the consent authority;
- c) a brief description of the proposed policy;
- d) a statement that the policy and documents accompanying that policy may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's business hours;
- e) a statement that any person during the period specified may make a written submission in relation to the policy to the consent authority; and
- f) the specified period.

### 4.3.4 Exhibition Timeframes

Schedule 1 of the *EP&A Act 1979* sets out mandatory minimum exhibition timeframes for specific types of strategic planning policies. Council will always exhibit these specified strategic planning policies for the minimum timeframe as set out in Table 13.

Strategic Policy Type	Timeframe
Draft Community Participation Plan (i.e. this Protocol)	28 days*
Draft Local Strategic Planning Statements	28 days*
Draft Local Environmental Plans (i.e. Planning Proposals)	28 days; or the period specified in the Gateway Determination, if the Gateway Determination specifies a different period of public exhibition for the proposal; or no exhibition, if the Gateway Determination specifies that no public exhibition is required because of the minor nature of the proposal*
Draft development control plans	28 days*
Draft voluntary planning agreements	28 days*
Draft local infrastructure contribution plans	28 days*

Table 13: Minimum exhibition timeframes for strategic planning policies

\* replicates minimum timeframe under the EP&A Act

For the purposes of clarification, the number of days stated within Table 13 refer to calendar days - refer to section 36(2) of the *Interpretation Act 1987* for the applicable rule where an exhibition period includes a weekend or public holiday.

Where one (1) of the above planning policies is to be publicly exhibited concurrently with another planning policy and they have two (2) different exhibition period timeframes, the longer timeframe will apply.

## 4.4 Non-Statutory Strategic Planning Policies

This subsection specifically applies to any types of strategic planning policies not covered by Section 4.3 to this Protocol.



Due to the absence of any statutory community engagement requirements for non-statutory strategic planning policies (including timeframes), each policy will require the preparation of a project specific engagement strategy in accordance with Section 2 of this Protocol.

At a minimum, the types of advertisements and notifications and the content of such advertisements and notices will be the same as that for statutory strategic planning policies as outlined in Section 4.3 to this Protocol.

Despite the absence of any formal requirement to notify/advertise these non-statutory strategic planning policies, Council will endeavour to notify/advertise these policies, where Council considers it to be appropriate and for a time specified by Council based upon the scope and likely impacts on the community. Council will endeavour to notify/advertise such policies for a period of 28 days in line with a project-specific engagement strategy as prepared under this Protocol (refer to Section 2). However, there may be some occasions where a government priority or administrative requirement demands immediate action on strategic planning policies that prevents the implementation of community engagement processes consistent with this Protocol.

## **5. Feedback to Council outside of a formal exhibition periods**

There are many ways to provide feedback to Council or raise questions outside of a formal exhibition period/engagement.

Contact us:

- write to Council electronically using our contact us page or email [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au)
- write to PO Box 12, North Sydney NSW 2059
- phone 9936 8100
- contact the project coordinator or planner/assessing officer per project/proposal - their details are usually provided on related correspondence/notices as well as Council's website
- visit Council's Customer Service Centre during opening hours - 9am to 5pm Monday to Friday
- Contact the Mayor or Ward Councillors

**APPENDIX 1: Target Group Requirements Checklist (Step 1)<sup>11</sup>**

Target group listed in alphabetical order.

<b>ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE (ATSI)</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>According the 2011 Census, 120 Aboriginal people (70 males, 50 females) and 13 Torres Strait Islanders (6 male, 7 female) live in the North Sydney local government area. They all speak English at home.</li> <li>Engagement is most effective when councils understand the particular issues that affect Aboriginal people and Torres Strait Islander people and demonstrate genuine empathy.</li> </ul>	<ul style="list-style-type: none"> <li>Correct terminology is important as using the wrong terminology can cause offense.</li> <li>For further guidance refer to the Council's <i>Aboriginal and Torres Strait Islander Cultural Protocol Guidelines 2014</i> or <i>Engaging with local Aboriginal Communities: A Resource Kit for NSW Local Government 2007</i>, prepared by the Division of Local Government and Local Government NSW.</li> </ul>	<ul style="list-style-type: none"> <li>It is important to get permission before starting work on any Council project that directly and significantly impacts on Aboriginal communities.</li> <li>Getting permission involves forming partnerships with local Aboriginal organisations. They can advise on the correct protocol for gaining consent.</li> <li>Refer to Council's 'Principles of Co-operation' agreement with the Metropolitan Local Aboriginal Land Council.</li> <li>Be aware of laws which protect the rights of Aboriginal and Torres Strait Islander people.</li> <li>Be aware and respectful of communication differences.</li> <li>Use plain language wherever possible. Avoid the use of acronyms and jargon.</li> <li>Consideration should be given to arranging a Welcome to Country or Acknowledgement of Land at significant or large-scale community events, ceremonies or meetings.</li> </ul>
<b>BUSINESSES</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>Includes a range of business sizes (from small, medium to large) across a range of industries including technology, financial, property management, food and beverage etc.</li> </ul>	<ul style="list-style-type: none"> <li>Consider providing information through Chamber of Commerce.</li> <li>Increasing interest in information sharing via social media.</li> </ul>	<ul style="list-style-type: none"> <li>Preference for electronic information (online or web-based) consultation as well as face-to-face methods that enable networking and professional development.</li> </ul>

<sup>11</sup> Adapted from Maribyrnong City Council's Community Engagement Framework, 2000

<ul style="list-style-type: none"> <li>Workers/employees of businesses operating in North Sydney are stakeholders also.</li> </ul>		
<b>CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES (CALD)</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>Language- interpreter/ translation needs. Consideration should be given to people not being literate in their own language</li> <li>Need to be sensitive to cultural and religious understandings, requirements/taboos etc.</li> </ul>	<ul style="list-style-type: none"> <li>Interpreters should always be provided</li> <li>Translations should be provided</li> <li>Videos are often a useful medium</li> <li>Utilise ethnic press, and ethnic radio. Ethnic radio is often a good way of communicating with ethnic people.</li> <li>Utilising key ethnic community people/leaders.</li> <li>Attending existing ethnic groups / networks, where appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Interpreters should always be provided.</li> <li>Consider using ethnic services/key community contact people to provide expert advice; access to the Community and to assist in running the consultation process.</li> <li>Utilising key community contact people may provide a greater insight into the community being consulted and may assist in gaining credibility.</li> <li>Consider holding separate information/consultation sessions with different ethnic groups or at venues where ethnic groups already attend.</li> </ul>
<b>FAMILIES (including single parent families and carers with children)</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>Child care needs.</li> <li>Timing is important for working parent(s).</li> </ul>	<ul style="list-style-type: none"> <li>Consider providing information through schools, maternal child health, child care services, libraries, shopping centres, community health centres, and other community spaces/venues.</li> </ul>	<ul style="list-style-type: none"> <li>Provide child care to enable parent(s)/ carers to attend, where appropriate.</li> <li>Consultations should be child friendly i.e. provide toys/child activity space.</li> <li>Children can be incorporated into consultations through community art/library and development activities. Schools, kindergartens/child care centres may also be utilised; incorporated as part of their activity program.</li> <li>Meetings in general should be at night to enable attendance of working parent(s). Preferably after 7pm to enable parent(s) to</li> </ul>

		have dinner and their children prior to attending.
<b>OLDER PEOPLE</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>• Frailty</li> <li>• Disabilities</li> <li>• Varying degrees have failing eyesight</li> <li>• Many are housebound</li> <li>• Often do not like to go out to meetings at night.</li> <li>• Often do not drive or else require assisted transport.</li> <li>• Cultural and Linguistically Diverse (CALD) - older people prefer verbal information as they are not always literate in their own language.</li> </ul>	<ul style="list-style-type: none"> <li>• Written material needs to be in plain, large print (font 18) on sandy coloured paper.</li> <li>• Information needs to be short and simple.</li> <li>• The use of translation and interpreters.</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration should be given to utilising support services and direct care workers to assist older people to participate in surveys, interviews, group sessions etc.</li> <li>• Older people often have language difficulties and disabilities it is better to hold group sessions or to use direct one-on-one assistance from support workers or people from their own ethnic/language group.</li> <li>• A more structured approach is better. When surveys or interview questions are used, they should be simple, short and clear.</li> <li>• Adequate time needs to be allowed as communication could take longer.</li> <li>• Hearing loops and portable microphones should be available.</li> <li>• Assisted transport should be provided where possible.</li> <li>• Availability of respite care for carers</li> <li>• Venue should be accessible to people with a disability and preferably be on the ground floor.</li> </ul>
<b>OTHER</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>• Transport often an issue for a number of groups.</li> </ul>		<ul style="list-style-type: none"> <li>• Provide transport where possible for large scale consultations.<sup>12</sup></li> </ul>

<sup>12</sup> Transport may be required by older people, people with disabilities, youth, families with young children, people on low incomes, and others that have no access to transport.

<ul style="list-style-type: none"> <li>• Consultations need to be free/low cost (including parking) to enable attendance.</li> <li>• The cost of transport to attend needs to be considered.</li> <li>• Providing refreshments is often good.</li> <li>• May required incentive to attend/participate.</li> </ul>		<ul style="list-style-type: none"> <li>• Consultations should be held in locations with ready access to public transport.</li> <li>• Consider providing food and beverages.</li> </ul>
<b>PEOPLE WITH DISABILITY AND THEIR CARERS</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>• Range of disabilities which require different forms of assistance to enable participation.</li> </ul>	<ul style="list-style-type: none"> <li>• Written material needs to be in plain large print (font 14) on sandy coloured paper to be short and simple</li> <li>• Take into account special assistance required for disability i.e. Braille, sign language, audio cassettes, an advocate etc.</li> <li>• Use appropriate symbols in all advertising/promotional material.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide aides to enable participation e.g. advocates, attendant care/home carer, person to provide sign language etc.</li> <li>• Communication may take longer.</li> <li>• Consider gaining assistance from specialist disability agencies and from workers who work with people with disabilities.</li> <li>• Assisted Transport needs to be provided.</li> <li>• Venues must have accessible access and toilets.</li> <li>• Respite Care should be provided to enable carers to attend.</li> <li>• Provide resources that enable people with disabilities the opportunity to participate e.g. phone ins, e-mail etc.</li> <li>• Consider venue set up suitable for guide dogs.</li> </ul>
<b>YOUNG PEOPLE (12 to 24 years)</b>		
<b>Group (and identified issue areas)</b>	<b>Information Requirement</b>	<b>Consultation Requirement</b>
<ul style="list-style-type: none"> <li>• Youth will often not attend usual consultation forums or partake in structured consultation approaches.</li> <li>• Need to go to where youth hang out.</li> <li>• May require transport to attend consultations.</li> <li>• May required incentive to attend/participate.</li> </ul>	<ul style="list-style-type: none"> <li>• Information is best provided through venues/spaces where youth hang out or through youth workers or other people that youth trust</li> <li>• Where written material is used should be catchy, bright with popular features such as computer-generated animation.</li> </ul>	<ul style="list-style-type: none"> <li>• Use less structured approaches e.g. take consultation to them/conduct in venues/spaces they frequent.</li> <li>• Venues and consultations should be relaxed and informal.</li> <li>• Art and community development activities are often highly effective.</li> </ul>

<p>Parent/carer consent required for young people under 18 years of age.</p>	<ul style="list-style-type: none"> <li>• Information needs to be short, simple, using language which is catchy.</li> <li>• Do not assume that young people will read information /public notices in newspapers.</li> <li>• Make up posters/flyers and distribute through schools, youth services and railway stations etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider utilising youth workers to assist with the process. Can often assist with accessing or gathering young people for consultation purposes.</li> <li>• Schools are often happy to participate and to include such activities within their curriculum.</li> <li>• Remember not all youth attend schools.</li> <li>• Transport will often need to be provided e.g. bus.</li> </ul>
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**APPENDIX 2: Level of Impact (Step 2)**

	LGA Wide Impact	Local Impact
<b>High Level Impact</b>	<p><b>Level 1:</b> The proposal will have a real or perceived impact across the whole LGA or several different parts of the city; or on a number of different population groups across North Sydney. It has the potential for one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Creating community controversy and/or conflict</li> <li>b) High level of community interest</li> <li>c) Impacting on Sydney regional or State strategies and directions.</li> </ul> <p><b>Examples:</b> Community Strategic Plan, Delivery Program, Local Environment Plan, Development Control Plan, city-wide strategies and plans e.g. parking, heritage, introduction of new community focus activity in response to major community issue, removal of facility or service e.g. library services, provision of a regional facility e.g. skate park, indoor sports centre, key changes to LGA wide services e.g. waste management; and changes to or impact on natural bushland (where the natural values could be affected).</p>	<p><b>Level 2:</b> The proposal will have a real or perceived impact on a particular locality or suburb, or on a number of different parts of North Sydney; or on a particular population group. It has the potential to create community controversy at a local level and/or there is existing or potential high level of the community or sectional interest.</p> <p><b>Examples:</b> Masterplans for major parks and sporting fields, addition or loss of a local service or facility e.g. removal or relocation of a local playground, change to or loss of a valued activity or program e.g. local youth activity; upgrades to major parks or open space, local street works or road closure, increase or removal of car parking in local shopping centre; and development of capital works proposals for local projects.</p>
<b>Low Level Impact</b>	<p><b>Level 3:</b> Recurrent large-scale programs and activities which impact across North Sydney but which have a low potential for dispute or require relatively minor behaviour changes by residents/stakeholders. Low risk of controversy or conflict.</p> <p><b>Examples:</b> Capital works program overall, change of location or hours of operation of a LGA wide service, changes to current major community focus activities e.g. NAIDOC, Youth Week or Seniors Week, road sealing or footpath upgrade programs, changes to Customer Service processes e.g. payment of rates or office hours, most changes to fees and charges (unless contentious), provision of community wide event, review of community needs e.g. Customer Satisfaction Survey or recreation needs assessment.</p>	<p><b>Level 4:</b> Small change or improvement to services or facility at a local level. Low risk of controversy.</p> <p><b>Examples:</b> Naming of a local facility, local events/celebrations, amendments to Masterplans, upgrades to neighbourhood parks and playgrounds, local street or streetscape upgrade, specific events for local groups or special groups, local traffic proposals, change to local activity program e.g. timing of venue/location.</p>



**APPENDIX 3: Level of Engagement (Step 3)**

Level of Engagement	Objective/Goal	Promise to the Public	Actions	Example Techniques
<b>Inform</b>	To provide balanced and information to help the community understand issues, problems, alternatives, opportunities and/or solutions.	Council will keep stakeholders informed.	<ul style="list-style-type: none"> <li>Advise the community of a situation or proposal</li> <li>Inform on a decision or direction</li> <li>Provide advice on an issue</li> <li>No response required from the public</li> </ul>	Fact sheets, websites, advertisements, social media
<b>Consult</b>	To obtain community feedback on issues, analysis, alternatives and decisions being considered by Council.	Council will keep stakeholders informed, listen to and acknowledge aspirations, concerns and issues, and provide feedback on how stakeholder input influenced the decision.	<ul style="list-style-type: none"> <li>Research to identify appropriate stakeholders, individuals and/or groups and their needs or issues</li> <li>Seek comment on proposal, action or issue</li> <li>Seek feedback on service or facility</li> <li>Request response, but limited opportunity for dialogue</li> <li>Take account of consultation feedback in decisions making</li> </ul>	Public comment (written submissions), focus groups, surveys, public meetings
<b>Involve</b>	To work directly with communities throughout the process to ensure that the community aspirations, concerns and issues are consistently understood and considered.	Council will work directly with stakeholders to ensure that their aspirations, concerns and issues are directly reflected in the alternatives developed and provide feedback on how your stakeholder input influenced the decision.	<ul style="list-style-type: none"> <li>Involve the whole community or identified segments of the community in discussion or debate.</li> <li>Assist the development of informed input through briefing and information dissemination</li> <li>Use participatory approach in meetings and forums.</li> <li>Involve the community at different stages of the planning process</li> </ul>	Workshops, deliberative polling
<b>Collaborate</b>	To partner with communities in each aspect of the decision including the development of alternatives and the identification of a preferred solution.	Council will look to stakeholders for direct advice and innovation in formulating issues, alternatives and solutions and incorporate advice and recommendations into Council decisions to the maximum extent possible.	<ul style="list-style-type: none"> <li>Establish partnerships for involvement in decision making</li> <li>Use participatory approach in meetings and forums.</li> <li>Establish mechanisms for ongoing involvement</li> <li>Develop ways of keeping the community informed</li> <li>Allocate clear responsibilities for achieving outcomes</li> </ul>	Citizen advisory committees, consensus-building, participatory decision-making

**APPENDIX 4: Level of Engagement (Step 3)**

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
Advertisement	<ul style="list-style-type: none"> <li>Allows for relatively limited amount of information (size restrictions may apply).</li> <li>Stand-alone adverts appearing outside of the Corporate Advertisement can be effective in attracting attention, however may be more expensive.</li> <li>Include in North Shore Times when the project/decision affects residents/businesses in the area serviced by this paper.</li> <li>Consider other publications in addition to the local papers e.g. special interest publications.</li> </ul>	✓			
Creative/Arts Based Strategies	<ul style="list-style-type: none"> <li>Useful for engaging children and young people who express themselves in visual, tactile and physical ways.</li> <li>Can be resource intensive depending on the length of the engagement.</li> <li>May require experienced facilitator, however could be administered in-house.</li> </ul>		✓		
Deliberative Forums	<ul style="list-style-type: none"> <li>Facilitated, democratic conversations to explore opinions and arrive at some decision(s)</li> <li>Random selection of participants to position people with different opinions and authority in evaluative dialogue.</li> </ul>				✓
Deliberative Polling	<ul style="list-style-type: none"> <li>Requires experienced facilitator.</li> <li>Resource intensive. Can take several days.</li> <li>Exposure to different backgrounds, arguments and views.</li> <li>Useful for telling decision makers what the public would think if they had more time and information.</li> </ul>		✓		
Direct Letter	<ul style="list-style-type: none"> <li>Confidence in knowing (potentially) affected stakeholders are informed.</li> </ul>	✓			
Displays or Kiosk	<ul style="list-style-type: none"> <li>Can reach a large number of people providing it is held in a suitable location i.e. high traffic appropriate to target audience.</li> <li>Computer technology can be used to make interactive and to gather comments.</li> </ul>	✓	✓		

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
	<ul style="list-style-type: none"> <li>Information needs to be kept up to date.</li> <li>Equipment or materials may “disappear”.</li> </ul>				
Existing Groups and Networks	<ul style="list-style-type: none"> <li>Understand who the likely audience is to be.</li> <li>Opportunity to get on their agenda.</li> <li>Provides opportunity for in-depth information exchange in non-threatening forum.</li> <li>May be too selective and can leave out important groups.</li> </ul>	✓	✓		
Fact Sheet	<ul style="list-style-type: none"> <li>Can cater for people with language, literacy and disability needs.</li> <li>Be sure to explain public’s role and how public comments will be considered.</li> <li>Design is important - it needs to get noticed. Make visually interesting.</li> <li>‘KISS’ - keep it short and simple.</li> <li>Q&amp;A format works well.</li> </ul>	✓			
Focus Group	<ul style="list-style-type: none"> <li>Brings together small groups of people to discuss topics on which information is required.</li> <li>Works best for select target audience.</li> <li>Useful for exploring issues and gaining in depth feedback, especially for topics which are vague/ imprecise/tenuous and where facilitated discussion is required.</li> <li>Particularly useful for exploring issues before broader consultation takes place.</li> <li>Relatively expensive if conducted in focus group testing facility/by external agent.</li> <li>May require payment to participants, depending of commitment duration.</li> <li>Less formal and intimidating then Public Meetings.</li> <li>If used as only engagement method, may not be representative of the wider community.</li> </ul>		✓	✓	
Interviews	<ul style="list-style-type: none"> <li>Provides opportunity to obtain feedback from all stakeholders.</li> <li>Provides opportunity for in-depth information exchange in non-threatening forum.</li> <li>Scheduling multiple interviews can be time consuming.</li> </ul>	✓	✓	✓	

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
Letterbox Drop i.e. flyers	<ul style="list-style-type: none"> <li>Provides community-side distribution of information; however, no guarantee that intended recipients receives if distributed by a third party.</li> </ul>	✓			
Media Release	<ul style="list-style-type: none"> <li>Press release language is often used directly in articles.</li> <li>Free promotion if picked up.</li> <li>Low media response rate.</li> <li>Frequent poor placement of press release within newspaper.</li> </ul>	✓			
Newsletter (includes e-newsletter subscriptions and North Sydney News)	<ul style="list-style-type: none"> <li>Inexpensive way to directly reach stakeholders (if article/information included within existing publication).</li> <li>Hope recipients will pass on messages to others since electronic-based mail is much easier to share than hard copies.</li> <li>Subscriptions can be difficult to maintain current e-mail address as these tend to change more frequently than postal addresses.</li> </ul>	✓			
'On hold' message	<ul style="list-style-type: none"> <li>Effective method by which to 'inform'. Council experiences a high volume of incoming calls.</li> <li>Useful for issues of high volume. Can be used to record and distribute specific information or for responding to straightforward questions.</li> <li>Provides quick, accurate information around common issues of concern.</li> <li>Cost effective promotion method.</li> </ul>	✓			
Online Panels	<ul style="list-style-type: none"> <li>Pilot program commenced in 2013 (Voicebox). Panel members subscribe to one or more 'panels' of interest i.e. each panel has a theme. Can access readily accessible group of stakeholders interested in a particular theme.</li> <li>Can consult/involve stakeholders at a time and place convenient to them.</li> <li>Cannot be relied upon as sole method as membership levels may vary and member demographic data not known (re validity).</li> </ul>	✓	✓		

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
Participatory budgeting	<ul style="list-style-type: none"> <li>Democratic process in which community members decide how to spend part of a public budget. Allows participants to identify, discuss, and prioritise public spending projects</li> </ul>				✓
Petition	<ul style="list-style-type: none"> <li>Effective for demonstrating large volume support for or against a proposal.</li> <li>Refer to Council's <i>Information Sheet: Making a Written Submission to Council</i> for instruction as to the acceptable format required for Council to receipt petitions as submissions (for consult level)</li> </ul>		✓	✓	
Poll	<ul style="list-style-type: none"> <li>Good for asking quick, direct questions. Responses limited to one or other answer e.g. yes or no.</li> <li>Can be relatively inexpensive and quick to set up if web-based.</li> <li>Lacks ability to provide in-depth information/feedback to participants.</li> <li>Opportunity to include questions as part of a Community Poll occurs with each Local Government Election.</li> </ul>		✓		
Precinct Committees	<ul style="list-style-type: none"> <li>Established mechanism. Precinct Committees have strong local knowledge.</li> <li>Good for planning/consultation on a regional and/or specific geographical area.</li> <li>Some Precinct areas are inactive. Some Precinct Committees are more active/well attended than others. Can be dominated by a few individuals.</li> <li>Participants may not be representative. Statistical analysis of Precinct meeting attendance has shown that around 0.24% of the North Sydney population participated in Precinct Committees (2012).<sup>13</sup></li> <li>If Precinct meetings are frequently used as a setting for Council activities in public consultation, this may stifle opportunities for Precinct members to set their own agendas in regard to issues of importance to them.</li> </ul>	✓	✓		
Public Exhibition	<ul style="list-style-type: none"> <li>Enables detailed written submission and responses to documents.</li> <li>Effective way of ensuring that stakeholders feel that they have been able to see and comment on the final document/proposal - providing the exhibition period has well promoted.</li> </ul>		✓		

<sup>13</sup> For more information refer to related Council report: [http://www.northsydney.nsw.gov.au/files/a2c93d5f-60b4-4d51-93b9-a17300a813b0/G04\\_Community\\_Engagement\\_Programs\\_and\\_Practices\\_Review\\_-\\_Recommendations.pdf](http://www.northsydney.nsw.gov.au/files/a2c93d5f-60b4-4d51-93b9-a17300a813b0/G04_Community_Engagement_Programs_and_Practices_Review_-_Recommendations.pdf)

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
	<ul style="list-style-type: none"> <li>Minimum 28-day period. The minimum period should not include 1 December to 30 January.</li> <li>Large volumes of data available in exhibition documents can be off putting. However, provision of large volumes of data (supporting documentation) may of interest to specific target audiences.</li> </ul>				
Public Hearing	<ul style="list-style-type: none"> <li>May be required by sponsor and/or legal requirement.</li> <li>Provides opportunity for public to speak without rebuttal.</li> <li>Does not foster constructive dialogue.</li> <li>Can perpetuate an “us vs. them” feeling.</li> <li>Can be “hijacked” or dominated by individuals and or groups.</li> </ul>		✓		
Public Meeting or Information Session	<ul style="list-style-type: none"> <li>Forum for information exchange/discussion and to obtain participant views; including feedback on how individuals and the community are responding to the information.</li> <li>Enables transparency and ability to immediately address any misconceptions and concerns.</li> <li>Format/timing can limit the depth of discussion.</li> <li>Provides potential access for many people to be engaged at the one time.</li> <li>An independent/external facilitator may be required to avoid perceptions of bias.</li> <li>Facilitator needs to establish an open and neutral environment for all views to be shared.</li> <li>Some people find public meetings intimidating.</li> <li>Meetings can escalate out of control when emotions are high.</li> <li>Participants may not be representative. Can be “hijacked” or dominated by individuals and or groups.</li> <li>Can have low turnout. Relies on participants electing to attend.<sup>14</sup></li> <li>Consider whether appropriate to hold the same meeting twice, at different times/days.</li> <li>Accessibility - participants need to be able to get to the meeting. Access to free/low cost parking and or public transport is preferable.</li> <li>Adequate notice period required; participants need time to arrange childcare etc. Consider providing free childcare.</li> </ul>	✓	✓	✓	

<sup>14</sup> Effort needs to be made to attract people to meeting and to ensure they consider it worth returning; an indicator of this is whether local community meetings are well attended.

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
	<ul style="list-style-type: none"> <li>For high impact/LGA wide issues - consider access to information in alternate formats e.g. use Auslan interpreters for people who are deaf or hearing impaired, Braille, audio tape or access to language interpreters.</li> </ul>				
Rates Notice	<ul style="list-style-type: none"> <li>Flyers etc can included in the quarterly rates notice mail out - only those who pay by installments receive the notice quarterly; if paid in full only receive annual notice. Contact Council's Manager Revenue Services regarding rate notices printing deadlines and indicative distribution timing.</li> <li>Cost involved.</li> </ul>	✓			
Reference Groups (Council appointed special interest groups)	<ul style="list-style-type: none"> <li>Ready audience formed around a common theme.</li> <li>Useful for ongoing advice and comment on planning and policy formulation.</li> <li>Useful way of checking views before going out to a wider audience. Method by which can quickly gauge stakeholder attitudes to Council positions and current trends.</li> <li>Limit to the number of members able to be on the Group, as such cannot represent everyone.</li> <li>Can be dominated by a few individuals.</li> </ul>	✓	✓		
Reply Paid Card	<ul style="list-style-type: none"> <li>Encourages response as no cost involved to participant.</li> <li>Doubles as promotional flyer.</li> <li>Relatively inexpensive with potential to hear back from many people. Collation and analysis need to be considered when planning the questions.</li> <li>Artwork must be approved by Australia Post. Design and approval turn-around time needs to be taken into consideration.</li> </ul>		✓		
Signage	<ul style="list-style-type: none"> <li>A4 or A3 size posters work well.</li> <li>Simple, eye catching/visually appealing formats work well.</li> <li>Can include a QR code (or similar) which is smart phone enabled direct to web page.</li> <li>Permission required to display posters and/or erect banners on both Council and private property.</li> <li>Contact Council's Community Information Officer regarding display in Council's noticeboards.</li> </ul>	✓			

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
Site Meeting/Visit (tours or field trips)	<ul style="list-style-type: none"> <li>Familiarisation of site/environment in which proposal will exist/operate. Allows discussion and conceptualisation in situ.</li> <li>Format often limits the depth of discussion.</li> <li>Facilitator/chair needs to establish an open and neutral environment for all views to be shared.</li> <li>Can escalate out of control because emotions are high.</li> <li>Can have low turnout. Relies on participants electing to attend.</li> <li>Participants not be representative. Can be “hijacked” or dominated by individuals and or groups.</li> <li>Accessibility - participants need to be able to get to the meeting. Access to free/low cost parking and or public transport is preferable.</li> </ul>	✓	✓	✓	
Social Media	<ul style="list-style-type: none"> <li>Increasingly popular medium. Used by a diverse (including age) range of stakeholders, including businesses.</li> <li>Effective for informing/promoting engagement opportunities via 140 characters or less (Twitter).</li> <li>Recipients can forward on engagement opportunities to their ‘friends’ and ‘followers’.</li> <li>Cost effective promotion method.</li> <li>Can invite negative comments accessible in the public domain. Moderation required.</li> </ul>	✓			
Submissions	<ul style="list-style-type: none"> <li>Submitter can provide a detailed response and/or to highlight issues that may not have been previously considered.</li> <li>Submissions are self-elect. Risk is nil or low level of response.</li> <li>Group submissions hold no more weight than an individual submission.</li> <li>Can be a limiting method if not employed in conjunction with other methods.</li> <li>Refer to Council’s <i>Information Sheet: Making a Written Submission to Council</i> for instruction as to the acceptable format required for Council to receipt written submissions.</li> </ul>		✓		
Suggestion Box	<ul style="list-style-type: none"> <li>On-site box can be used to capture additional participant feedback, particularly appealing to those who do not wish to speak up in a group setting.</li> <li>Random suggestions may not assist tackling specific issues/proposals. Often submissions received are requests for service as opposed to feedback/input.</li> </ul>		✓		



Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
	<ul style="list-style-type: none"> <li>Online format also possible.</li> </ul>				
Survey/ Questionnaire (hard copy, online, phone and face-to-face)	<ul style="list-style-type: none"> <li>Need to be well structured to gain useable data.</li> <li>Useful for quantifiable data.</li> <li>Before consulting determine if need statistically valid results.</li> <li>Requires skills to compile data i.e. analyse unless online tools are readily available.</li> <li>Can obtain feedback/input from many people.</li> <li>Can target demographics or geographic sample.</li> <li>Difficult to use of qualitative or for in-depth information.</li> <li>Can be difficult to complete for people with literacy or language difficulties.</li> <li>For high impact/LGA wide projects/issues soft and hard copy surveys should be available in range of languages.</li> <li>May need incentive for people to complete soft/hard copy surveys/questionnaires.</li> </ul>		✓	✓	
Video	<ul style="list-style-type: none"> <li>Can be used to educate, share ideas, capture history, future visioning</li> <li>Can be used on multiple online platforms e.g. Council website, YouTube, Facebook, Instagram</li> <li>Video viewers can 'share' video content via social media</li> <li>Particularly useful to increase 'click through rates'</li> <li>The number of videos 'views' can be tracked for an understanding of project awareness</li> <li>Can be viewed on mobile devices or desktop</li> </ul>		✓		
Working Party	<ul style="list-style-type: none"> <li>Brings together small groups of people to discuss topics on which information is required.</li> <li>Useful for exploring issues and gaining in depth feedback, especially for topics which are vague/ imprecise/tenuous and where facilitated discussion is required.</li> <li>Particularly useful for exploring issues before broader consultation takes place.</li> <li>Effective for internal consultation and development of proposal/corporate documents.</li> </ul>		✓	✓	
Ward Forum	<ul style="list-style-type: none"> <li>Open to the public. Forums target residents and ratepayers in each Ward.</li> </ul>	✓			

Method	Comments	Level of Engagement			
		Inform	Consult	Involve	Collaborate
	<ul style="list-style-type: none"> <li>Council staff provide an overview of key projects underway and inform of changes per local area/each Ward</li> <li>Provide attendees the opportunity to meet the Mayor and Councillors, General Manager and Council staff.</li> </ul>				
Web page	<ul style="list-style-type: none"> <li>Information is readily accessible to those with Internet access. Note: can exclude those without ready Internet access and/or who prefer other communication methods.</li> <li>Put critical information at the top of the page.</li> <li>Can provide additional information, e.g. pages and linkages, to what can fit in an advert, fact sheet, poster etc.</li> <li>Large files or graphics can take a long time to download.</li> </ul>	✓			
Workshop	<ul style="list-style-type: none"> <li>Fosters small group or one-to-one communication.</li> <li>Fosters public ownership of solving problems and ideas development.</li> <li>Builds credibility.</li> <li>Several small group facilitators/scribes may be necessary.</li> <li>Hostile participants may resist the perceived “divide and conquer” strategy of breaking into small groups.</li> </ul>		✓	✓	



**North Sydney Development Control Plan 2013****Notification of Applications**

## SECTION 4 NOTIFICATION OF APPLICATIONS

### 4.1 INTRODUCTION

North Sydney Council is committed to community involvement in the assessment of proposed new development. This section outlines Council's policy concerning notification.

### 4.2 OBJECTIVES

The objectives of this section are to:

- (a) encourage wider public understanding of the development application process;
- (b) enable public participation in the consideration of development applications;
- (c) provide a reasonable time for the public to view applications and make comments, which does not interfere with the Council's obligation to determine applications within the required timeframe;
- (d) provide a process for property owners and residents to make submissions;
- (e) ensure notification of landholders who may be affected by a development application even though they do not own adjoining land;
- (f) detail the process to be carried out in advertising and notification; and
- (g) define the circumstances when advertising and notification are not required.

### 4.3 WHEN DOES THIS SECTION APPLY?

This Section of the DCP applies to the following forms of applications:

- (a) Development applications for development consent lodged under the Environmental Planning and Assessment Act 1979 ([EP&A Act 1979](#));
- (b) Amendments to development applications, submitted before an application is finally determined;
- (c) Applications to modify a development consent pursuant to s.96 of the [EP&A Act 1979](#); and
- (d) Applications to review a determination pursuant to s.82A of the [EP&A Act 1979](#).

This Section does not apply to the following:

- (a) Exempt or Complying Development as defined by s.76A(5) and s.76(2) respectively of the [EP&A Act 1979](#);
- (b) Applications for the removal or pruning of trees that require a Tree Management Permit from Council.

### 4.4 ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

Development applications will be advertised / notified by one or more of the following means:

- (a) Placing an advertisement in a local newspaper (or other appropriate newspaper);
- (b) Forwarding of a letter to property owners/residents who in the opinion of the Council may be adversely affected by the proposed development; and
- (c) Placing a notice on the site (where there are multiple street frontages, a notice will be placed on each frontage).



## North Sydney Development Control Plan 2013

### Notification of Applications

Notification of amended plans, modifications to approved consents, and reviews of determinations are dealt with in Section 4.5 to this Part.

#### 4.4.1 Who will be notified?

Unless otherwise exempted by the [EP&A Act 1979](#) or this DCP, notice of an application will be sent to:

- (a) all persons who, according to Council's property records, own or occupy land immediately adjoining that part of the application site affected by the proposed development;
- (b) owners and occupiers of any neighbouring land which, in the opinion of Council, may be adversely affected by the application, except as specified in cl.5.2 of the [EP&A Regulations 2000](#); and
- (c) the relevant Precinct Committees.

For the purpose of this section:

- (a) if land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.
- (b) Council may also direct that:
  - (i) an application be advertised or notified to any person or group of persons whom it considers may have an interest in the matter; and
  - (ii) the application be available for inspection and submissions for such additional periods as it considers appropriate.
- (c) the relevant Precinct Committees mean:
  - (i) all Precinct Committees if the application is required to be determined by the Minister for Planning;
  - (ii) all Precinct Committees if the application is required to be determined by a Joint Regional Planning Panel; and
  - (iii) those Precinct Committees which preside over the Precinct within which the development application is located and any adjacent Precinct(s) Council deems necessary.

#### 4.4.2 Cost of advertising and submissions

Applicants are required to pay a fee to Council to cover the cost of advertising and notification of the original application, subsequent amendments to an application prior to determination and any modification. This payment is due at the time of lodgement of the development application.

#### 4.4.3 Matters considered in forming the opinion that enjoyment of land may be adversely affected

In determining which neighbouring land may be adversely affected Council will consider:

- (a) the likely impacts of the development on both the natural and built environment of the neighbourhood; and
- (b) the social and economic impacts on the neighbourhood.

**North Sydney Development Control Plan 2013****Notification of Applications****4.4.4 Content of notification letter, advertisement and site notices**

All advertisements, notification letters and site notices will include the following information:

- (a) a description of the land (including the street address and legal description) on which the development is proposed to be carried out;
- (b) the name of the applicant and the name of the consent authority;
- (c) a description of the proposed development;
- (d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's business hours;
- (e) a statement that any person during the period specified may make a written submission in relation to the development application to the consent authority; and
- (f) the specified period.

Where the application involves erecting a building the notification letter will include an A4 size plan showing the height and external configuration and façade of the building in relation to the site.

**4.4.5 Period for inspection of applications and lodgement of submissions**

Applications may be inspected at Council's Chambers during normal business hours. Submissions made in response to a notified application must be made within the specified notification period which is typically a period of not less than 14 days and not more than 28 days. Extended notification periods may be given where applications are notified over the Christmas holiday period or require extended periods as prescribed by the [EP&A Regulations 2000](#).

Council will not make a determination on the application before the notification period has expired. Late submissions may be received by the Council, prior to the application being determined. However, not all late submissions will be considered in the assessment of the application as indicated in Section 4.4.7 to this Part of the DCP.

**4.4.6 Advice to applicants regarding submissions**

A summary of all submissions made in response to a development application may be provided to an applicant, at their request.

It is Council policy to enable applicants to read in full all submissions received by Council in response to the notification of the application. However, the names and addresses of persons who specifically request that their names be withheld will not be made available.

**4.4.7 Consideration of submissions**

Council will consider all submissions on their individual merits.

All submissions will be summarised in the development assessment report supplied to Council for its consideration of the application. The report will include names and addresses of those who made the submissions.

Submissions that are received by Council after an assessment report has been signed by the Manager for Development Services for determination by Councillors will be considered in accordance with Council's Code of Meeting Practices and Principles. The process for addressing Council meetings is provided on Council's website [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au) or by contacting Council's Customer Service Centre on 9936 8100.



## North Sydney Development Control Plan 2013

### Notification of Applications

It should be noted that Council is not bound by any submission and its assessment of an application will involve considering the merits of the application together with all submissions.

#### 4.4.8 Other notifications

Where a development is proposed near the boundary of an adjoining LGA (in particular, Lane Cove, Mosman and Willoughby Councils) and there may be an impact on residents in that area, the adjoining Council will be advised of the proposal in writing and offered the opportunity to comment.

In some instances the *Foreshores and Waterways Planning and Development Advisory Committee* will be notified of certain development applications involving work on or adjacent to the foreshore in accordance with the provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The Roads and Traffic Authority (RTA) will be notified of all development applications for developments which exceed the traffic generating thresholds pursuant to cl.104 of SEPP (Infrastructure) 2007.

When an application is for Integrated Development (refer to s.91 of the [EP&A Act 1979](#)), notification will be given in accordance with the provisions of the in force at the time.

#### 4.4.9 When notification is not necessary?

No notification will be given for applications which involve:

- (a) alterations and additions to existing buildings where the proposed works will not change the height, external shape or façade of the building;
- (b) a change of use, except a change of use to a food and drink premises in the Neighbourhood Business (B1), Commercial Core (B3), Mixed Use (B4) or Light Industrial (IN2) zones where, in the opinion of Council, there will be no adverse impact on the neighbourhood;
- (c) the intensification of an existing use, including a change to the hours of operation of a commercial premises, except to a food and drink premises in the Neighbourhood Business (B1), Commercial Core (B3), Mixed Use (B4) or Light Industrial (IN2) zones where, in the opinion of Council, there will be no adverse impact on the neighbourhood;
- (d) proposals which have no material impact on adjoining properties (i.e. a window on one side of a building which has no impact on properties on the opposite side of the property);
- (e) strata subdivision or company title subdivision which are unaffected by the provisions of SEPP (Affordable Rental Housing) 2009.
- (f) the removal, lopping, topping or pruning of a tree, in accordance with Part B: Section 16 – *Tree and Vegetation Management* to this DCP and no other development is involved.
- (g) capital works proposed by North Sydney Council on Council land, where prior public consultation consistent with Section 4.4.1 to this Part of the DCP has occurred. Any submissions received during this pre-submission notification must be submitted with the development application and considered in accordance with Section 4.4.7 to this Part of the DCP.

**North Sydney Development Control Plan 2013****Notification of Applications****4.5 AMENDED PLANS**

An applicant may amend an application at any time before Council has made its final determination.

If, in Council's opinion, the amendments are considered likely to have a greater adverse effect on or a different adverse effect on adjoining or neighbouring land, then Council will renotify:

- those persons who made submissions on the original application; or
- any other persons who own adjoining or neighbouring land and in the Council's opinion may be adversely affected by the amended application.

Where the amendments, in the Council's opinion, do not increase or lessen the adverse effect on adjoining or neighbouring land, Council may choose not to renotify or readvertise the application.

Where the amendments arise from a Council-sponsored mediation, and it is considered that those amendments reflect the outcome of the mediation and do not otherwise increase the application's environmental impact, the amendments will not be notified or advertised.

Where the amendments involve the removal, lopping, topping or pruning a tree, the application will not be renotified or readvertised, but only where that application is required by a tree preservation order and no other development is involved.

**4.5.1 Modification of consents granted by Council**

All applications to modify a development consent pursuant to s.96 of the [EP&A Act 1979](#) will be advertised unless:

- (a) the proposed modification does not change the height or external shape or facade of the proposal as shown on the original application; or
- (b) Council is satisfied that the proposed modification or amendment has no or only minimal impact on the environment; or
- (c) Council is satisfied that the proposed modification or amendment does not substantially change the originally approved development; or
- (d) Council is satisfied that no disadvantage will be caused to any person who owns adjoining or neighbouring land or who has made a submission relating to the original application or previously approved modifications.
- (e) If Council is of the opinion that the proposed modification is of a minor nature or of minimal environmental impact, the requirement for notifying the application by means of a newspaper advertisement or site notice may be waived.

**4.5.2 Modification of consents granted by the Court**

If an application is made to modify a development consent granted by the Land and Environment Court (L&EC), Council will notify:

- (a) those persons who made submissions in response to the original development application, by sending written notice to the last address known to Council;
- (b) any other persons who own adjoining or neighbouring land and in the Council's opinion may be adversely affected by the proposed modifications;

If Council is of the opinion that the proposed modification is of a minor nature or of minimal environmental impact, the requirement for notifying the application by means of a newspaper advertisement or site notice may be waived.

After determining an application for modification of consent granted by the Court, Council will send notice of its determination to each person who made a submission in respect of the application for modification.





## North Sydney Development Control Plan 2013

### Notification of Applications

#### 4.5.3 Reviews of Determination

If an application is made to review a determination pursuant to s.82A of the [EP&A Act 1979](#), Council will notify:

- (a) those persons who made submissions in response to the original development application; and
- (b) in the event of amended plans being lodged with the request for review, any other persons who own adjoining or neighbouring land and in the Council's opinion may be adversely affected by the amended application;

If Council is of the opinion that the proposed modification is of a minor nature or of minimal environmental impact, the requirement for notifying the application by means of a newspaper advertisement or site notice may be waived.

in determining who is to be notified of the proposed modification, if Council is satisfied that the modification is of a minor nature, or of minimal environmental impact, the requirement for newspaper advertisement/site notice may be waived.

This notification will give details of the likely timing and processing of the matter, but will not allow a formal time for submissions.

#### 4.6 NOTIFICATION OF COUNCIL DETERMINATIONS

After determining a development application, an application to modify a development consent or an application to review a determination, Council will publish a notice of its decision in a local newspaper (or other appropriate newspaper).

Council will also notify all persons who made a submission in response to an application. These notices will include a statement that a copy of any report relating to the assessment of the relevant application prepared for Council or any of its committees will be provided to anyone who made a submission on the application except for reports which are deemed by Council to be confidential in accordance with the [Local Government Act 1993](#). In addition, copies of Council decisions can be found at the North Sydney Council's website ([www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au)).

Council will not publish notification of its determination of any application for a Tree Management Permit to remove lop, top, or prune a tree, where such an application only referred to works to a tree/s.



# **AMENDED COMMUNITY ENGAGEMENT POLICY**

D5-15

Page 1 of 6

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**Policy Owner:** Director City Strategy

**Category:** 5. Our Civic Leadership

## **1. STATEMENT OF INTENT**

- 1.1 North Sydney Council is committed, both in principle and in practice, to engaging on matters affecting the North Sydney community. Council will engage the community when issues involving decision making or policy formulation are deemed, by Council officers or the elected Council, to be of specific interest to the community, and/or arise that may have a significant immediate or *long-term* impact on the local community.
- 1.2 Council is required under the *Local Government Act 1993* to inform the community of particular issues that potentially affect their way of life.
- 1.3 The objectives of this Policy are *to*:
  - a) ~~To~~ provide an understanding and communication of the principles of effective community engagement by establishing standards in the planning and practice of engagement;
  - b) ~~To~~ ensure that Council maintains the highest possible standards in accordance with its *Open Government Policy* by providing opportunities to participate in decision making on issues of interest to the community; and
  - c) ~~To~~ strengthen Council's mandate when dealing with other organisations such as Federal and State Governments, and private sector organisations.

## **2. ELIGIBILITY**

This Policy applies to all Councillors and employees of Council, and external consultants employed as representatives of Council, who organise and/or convene community engagement activities in any form, including the Development Application approval process.

## **3. DEFINITIONS**

- 3.1 Community - broadly refers to any specific socially or geographically defined sectors of the North Sydney community that may have an interest in or be affected by the workings of Council. These may include:
  - a) Residents and ratepayers/land owners

## COMMUNITY ENGAGEMENT POLICY

Page 2 of 6

- b) Business owners and operators
- c) People who work in the local government area
- d) Visitors (including tourists and shoppers)
- e) Government agencies
- f) Users of Council services
- g) Local community groups and associations (including sporting, church and charity groups)

3.2 Engagement - is the process of purposeful and timely information exchange between the Council and the community, where input/feedback is gathered through consultation mechanisms and is taken into consideration in Council's decision-making processes.

## 4. PROVISIONS

This Policy is linked to implementing Council's vision, mission and core values ~~as outlined in the Community Strategic Plan~~. The following provisions outline the elements of good engagement that must be observed by Councillors, employees and consultants when engaging the community.

### 4.1 Basis for Community Engagement

Community Engagement will be undertaken by Council where significant policy development or change is proposed, ~~or~~ where decisions of potential interest to or impact upon the community are to be made *and/or where such is mandated by State Government legislation*.

### 4.2 Guiding Principles

4.2.1 Focus and Commitment - Council will ensure that rationale behind engagement is clearly stated. A 'Statement of Intent' will be developed for all open consultation processes, ~~that~~ *which* scopes the planned consultation and outlines Council's commitment to the process and consider sustainability issues related to the project. The 'Statement of Intent' includes information on the purpose, topic, timeframes and resource requirements of the consultation process.

Council will ~~confer with the community as appropriate~~ *engage with affected parties* before making decisions. Where decisions have already been made before consulting the community it is imperative that the community is informed of the reasons why the decision was made.

4.2.2 Resourcing - Council will ensure that any proposed project has adequate resourcing, including sufficient staff and financial resources to enable the engagement process to satisfy the relevant predetermined objectives. Resourcing will be factored into project planning and budget preparation.

## COMMUNITY ENGAGEMENT POLICY

Page 3 of 6

The level of community engagement undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue or project (including plan or strategy).

- 4.2.3 Timing - Council will undertake community engagement at the appropriate stage in the life of a project. The engagement process will be timed to ensure that the community is able to help identify issues and provide comment and opinion that contribute to the decision-making process; by endeavouring to allow a reasonable period of time for public response during a period of consultation.

The *Local Government Act 1993* requires ~~C~~councils to publicly exhibit certain types of plans and policies for a set period of time, generally a minimum standard for exhibition is 28 days. Other types of documents may be exhibited for less than 28 days, in accordance with the appropriate level of community involvement required.

*The EP&A Act 1979 requires councils to public exhibit planning policies and development applications for a set minimum period of time. Generally planning policies will be exhibited for a minimum of 28 days<sup>1</sup>. Development application exhibition periods range from 14 to 28 days depending on the application type.*

- 4.2.4 Inclusiveness, Accessibility and Diversity - all affected and interested parties will be encouraged to participate in engagement opportunities. Council will endeavour to ensure that the groups or individuals invited to participate in the consultative process are representative of the overall target group, and that communication strategies are designed to reach the appropriate sections of the community and attract *the broadest a* range of community interests. Council will take into account the diversity of the community by being sensitive to the needs of particular individuals or groups to maximise their ability to contribute.
- 4.2.5 Provision of Information - Council will provide appropriate information to participants that *is accurate and unbiased, and that* will provide opportunities for them to form sound opinions and decisions. ~~Council will aim to make relevant information available to the community at least two weeks prior to a consultation date.~~

Council undertakes to provide information in plain English, without the use of technical terms or jargon; where information is technical in nature, supporting explanatory information will be provided. Where appropriate, information will be provided in languages other than English or

<sup>1</sup> *Some planning policies may have their notification requirements reduced to 14 days or none at the discretion of any State Government approval under the EP&A Act 1979*

**COMMUNITY ENGAGEMENT POLICY**

Page 4 of 6

alternative formats including audio and electronic formats.

4.2.6 Responsiveness and Feedback - Council will provide regular updates to participants during the engagement process and at the project's conclusion detailing the outcomes of the engagement process, where possible and appropriate. Responsible staff will at the conclusion of the engagement process prepare a report to Council providing rationale for any recommendations made as a result of the engagement outcomes.

4.2.7 Evaluation and Continuous Improvement - All engagement activities conducted by and on behalf of Council will include an evaluation component, where possible and appropriate. Outcomes will be used to better inform future Council decisions. Evaluation summaries will be available on request.

#### 4.3 Community Engagement Protocol/~~Guidelines~~

The *Community Engagement Protocol*/~~Guidelines~~ associated with this Policy provide Councillors, staff and contractors with a framework on when and how they should engage the community.

*The Community Engagement Protocol also meets the Community Participation Plan requirements under Division 2.6 of the Environmental Planning and Assessment Act 1979.*

## 5. RESPONSIBILITY/ACCOUNTABILITY

5.1 The Elected Council is responsible for:

- a) Ensuring that, wherever possible, matters of potential significance or controversial impact on the local community, have been preceded by appropriate community engagement on the relevant issues;
- b) Supporting and encouraging community engagement appropriate to the needs of the project and/or issue, including attending and/or participating in activities where appropriate; and
- c) Approving adequate funding and/or resources to support community engagement activities.

5.2 Senior Management (MANEX) are responsible for:

- a) Ensuring that this Policy is ~~properly~~ implemented and applied ~~in~~ by all Divisions of Council, by ensuring engagement activities are conducted using appropriate processes, methods and resources; and
- b) Determining community engagement needs are considered for all major projects and key issues.

## COMMUNITY ENGAGEMENT POLICY

Page 5 of 6

5.3 Directors/Department Managers/Supervisors are responsible for:

- a) Overseeing all projects within their Divisions/Departments, and determining whether community engagement, in any form, may be necessary for or beneficial to, its completion or presentation to Council, based on the provisions of this Policy and *Community Engagement Protocol/Guidelines*;
- b) Supporting staff/contractors to organise community engagement activities in accordance with the provisions of this Policy and *Community Engagement Protocol/Guidelines*;
- c) Ensuring each engagement ~~activity~~ is included in the Councillors' Diary ~~and/or promoted via the Councillor Bulletin Consultation Calender~~; and that the timing does not conflict with other key Council activities; and
- d) Maintaining an appropriate level of involvement in the engagement process.

5.4 Project Coordinators/Contractors are responsible for:

- a) Using the *Community Engagement Protocol/Guidelines* to prepare a project plan, including communication and evaluation method(s);
- b) Liaising with the Community Engagement Coordinator to identify and plan appropriate methods/techniques, timing and target group(s) according to predetermined objectives and other relevant factors;
- c) Referring to the consultation database to reduce duplication of resources or processes and avoid over consultation;
- d) Maintaining an appropriate level of community involvement in the decision making process depending on the engagement needs and other constraints that may apply;
- e) Ensuring adequate feedback is provided to all participants and where appropriate, to the wider North Sydney community; and
- f) ~~To eEvaluate project processes and outcomes, and to prepare summary information for inclusion in the consultation database.~~

5.5 The North Sydney community has a role in supporting the principles of community engagement and open government. The community is encouraged to actively participate in engagement activities and contribute to Council's decision-making processes.

5.6 Council's (Internal) Community Engagement Working Group, led by the Integrated Planning and Special Projects Department, made up of representatives from across all Council Divisions will assist in the implementing the guiding principles within the Policy. This Group is also responsible acting as 'Champions' supporting staff in using the *Community Engagement Protocol*.

**COMMUNITY ENGAGEMENT POLICY**

Page 6 of 6

5.7 Council's Community Engagement Coordinator is responsible for:

- a) Providing ongoing support and advice to staff/contractors in planning and undertaking methods of engagement, by assisting with the preparation of project plans;
- b) ~~Coordinating the Consultation Calendar and Register and~~ Liaising with the Communications & Events Department staff to ensure that all engagement activities are adequately promoted to the community;
- ~~c) Maintaining and updating the consultation database;~~
- d) Ensuring Council's Community Engagement Protocol/~~Guidelines~~ are regularly reviewed and meet best practice standards in local government; and
- e) Identifying training needs and development opportunities for staff in engagement processes and methodologies; working with the Workforce Planning Department to organise and deliver appropriate training.

**6. RELATED POLICIES/DOCUMENTS/LEGISLATION**

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Conduct - Contractors, their Staff and Business Associates
- Community Engagement Protocol
- Development Control Plan
- Disability Discrimination Policy (staff policy)
- Open Government Policy
- Organisational Sustainability Policy
- Precinct System Policy
- *Privacy Management Plan*
- *Records Management Plan*
- Written Submission Guidelines: Information Sheet

The Policy should be read in conjunction with the following documents/legislation:

- Local Government Act 1993
- *Environmental Planning and Assessment Act 1979*

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	###	###	###	###