

## ITEM 7

## POST EXHIBITION - DRAFT POLICY FOR COUNCIL RELATED DEVELOPMENT AND COMMUNITY PARTICIPATION PLAN AMENDMENTS

The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* commenced on 3 April 2023. The amendment requires Council to prepare a formal Policy for the management of any potential conflicts that may arise in relation to council-related development, a Management Strategy to be published on the NSW Planning Portal with exhibited council-related development applications and a related Register. The minimum exhibition period requirements also necessitate an amendment to Council's Community Participation Plan (CPP). These projects have been progressed as a package.

On 3 April 2023 Council resolved to exhibit a suite of draft documents for community and stakeholder feedback. The purpose of this report is to provide feedback on the outcomes of the public exhibition and recommend that Council adopt the Managing Conflict of Interest for Council Related Development Policy and updated Community Participation Plan. The draft Register and Conflict of Interest Management Statements do not require Council endorsement and will be endorsed through internal processes

## RECOMMENDATION

- 1 The following documents be adopted -
  - a Council Policy: Managing Conflict of Interest for Council Related Development (Attachment 2).
  - b Updated Community Participation Plan (Attachment 3).
- 2 A notice be published on Council's website advising of the adoption of the documents.

## REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

## ATTACHMENTS

- 1 Summary of Submissions
- 2 Council Policy: Managing Conflict of Interest for Council Related Development
- 3 Updated Community Participation Plan

## BACKGROUND

The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* commenced on 3 April 2023. The purpose of the amendment is to ensure the planning system remains transparent and accountable in relation to council-related development. A council-related development application is a development application for which the Council is the consent authority, that is –

- (a) made by or on behalf of the Council, or
- (b) for development of land –
  - (i) of which the Council is an owner, a lessee or a licensee, or
  - (ii) otherwise vested in or under the control of the Council.

Land vested in or under the control of the Council includes public land within the meaning of the *Local Government Act 1993*.

The assessment and determination of development activity is a core function of local councils. However, Councils can also be the developer, landowner or hold a commercial interest in the land they regulate. Where Council has this dual role, an inherent conflict can arise. Identifying these conflicts early and finding ways to address them is crucial to good governance and allows Council to strengthen its relationship with communities and build and enhance trust. The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* requires councils to manage conflicts of interest that may arise in connection with council-related development applications (DAs).

On 3 April 2023, Council resolved to exhibit a suite of draft documents in response to the legislative amendments.

The following suite of draft documents were exhibited between 27 April and 29 May 2023 -

- Draft Council Policy: *Managing Conflict of Interest for Council Related Development*.
- Draft Management Statement: Council-related Development.
- Draft Register of development applications and development consents for council-related development.
- Proposed updates to Council's Community Participation Plan.

## PROPOSAL

### **Draft Council Policy: Managing Conflict of Interest for Council Related Development**

The amendment to the Regulation requires Council to adopt a formal policy for council-related development. The Policy is to -

- a Specify how Council will manage conflicts of interest that may arise in connection with council-related development applications because Council is the consent authority; and
- b Comply with the *Council-related Development Application Conflict of Interest* Guidelines published by the Department.

A draft Council Policy: Managing Conflict of Interest for Council Related Development (Attachment 2) was prepared, based on the "Sample Policy" provided by the Department of Planning & Environment, and exhibited. This Policy aims to manage potential conflicts of interest and meet the legislative requirements of Section 66A *Environmental Planning and Assessment Regulation 2021*. The draft Policy proposes that development applications lodged with Council that are council-related development be referred to the General Manager or delegate for a conflict-of-interest risk assessment.

### **Draft Conflict of Interest Management Statement: Council-related Development**

The amendment to the Regulation requires councils to prepare a conflict of interest management statement to be published on the NSW Planning Portal with exhibited council-related development applications.

A draft *Management Statement: Council related development* was prepared and exhibited, based on a template provided for this purpose by the Department of Planning & Environment. The key proposed strategies for Council to manage potential conflicts of interest are listed in the statement as follows -

- Council-related applications and applications to modify council-related development consents will be referred to the Wollongong Local Planning Panel for determination.
- Council-related development over \$5 million will be referred to the Southern Regional Planning Panel for determination.
- Certification of council-related development must be undertaken in accordance with the requirements of the Conflict-of-Interest Provisions detailed in the *Building and Development Certifiers Act 2018* and the *Building and Development Certifiers Regulation 2020*.

### **Draft Register**

With the commencement of the Regulation, councils are required to keep a register of development applications and consents for council-related developments. The register must list -

- Conflicts of interest that may arise in connection with the application because the council is the consent authority.
- Measures taken by the council to manage the conflicts of interest.

A draft Register of development applications and development consents for council-related developments has been prepared for Council's website, and placed on exhibition.

## Update Council's Community Participation Plan (CPP)

The *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* has introduced a minimum public exhibition period for a council-related development application of 28 days. This update in turn requires Council's CPP *Schedule 1 Minimum Exhibition Times* to be updated.

As outlined in the Council Report dated 3 April 2023, the need for several additional edits to the CPP was identified through a review process. An updated draft CPP was prepared and exhibited.

### Submissions Received

As a result of the public exhibition 3 external submissions were received – one from Neighbourhood Forum 5 (NF5) and two from residents. The NF5 submission supported one of the resident submissions. A summary of community submissions and Council Officer response is included as Attachment 1.

Several Council divisions were consulted, with feedback received from Development Assessment & Certification, Governance & Customer Service, Corporate Strategy, Legal, Communications & Marketing, and Land Use Planning.

### Key Issues Raised in Submissions

Following is a discussion of the key issues raised in the submissions in relation to the suite of documents exhibited, and related Council procedures:

#### 1.1 Notification Procedures for DAs

Submissions were received stating the need for Council to demonstrate a commitment to providing information in a form that is both easily accessible and understood. Some concern was expressed that the traditional method of advertising DAs in the local newspaper should be retained in this regard.

The proposed CPP updates as part of this exhibition reflect the recent *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023*, as well as an amendment to the *Local Government (General) Regulation 2005* removing the requirement for councils to advertise DAs in local newspapers, and instead publish these DAs on Council websites.

This latter amendment was introduced in response to COVID, and in recognition of a changing media landscape characterised by a decline in physical newspaper distribution and readership, closure of some local newspapers, acceptance of council websites as an approved method of publishing notices, and to assist councils to reduce their costs/provide flexibility to determine the best methods to reach their community.

An internal review by Council's Communications and Marketing division found that our website is a very important channel for council-related information (90,000 users/month). Furthermore, in Council's 2021 Customer Satisfaction Survey, only 3% of respondents indicated a preference to receive Council information via a local newspaper.

In response to the abovementioned legislation changes and the findings from the internal review Council has, since December 2022, moved to monthly one-page local paper advertisements, which include information on high profile/large scale developments.

It is considered best practice for Council to publish council and related information on its website to reach the broader community, and for the community to use the website as their primary information source for Council related issues. Anyone with limited or no access to a computer, or who is not confident in computer use, can gain assistance from trained Council staff at the customer service centre and libraries.

In addition to notification on the website, surrounding/adjacent land owners and occupants immediately affected and impacted by a DA are directly informed by letter. On larger or more complex projects, a decision may be made to include a wider radius of letter notification.

#### 1.2. Planning Panel Procedures

Two submissions expressed the opinion that Wollongong Local Planning Panel (WLPP) and Regional Planning Panel meetings should be in public, with people able to attend and personally submit comments/suggestions and questions. The submissions additionally requested that the Panels should answer questions from the public who have made submissions.

It is noted that the WLPP procedures are set out in legislation and regulations on matters to be considered at the meeting.

Notification of an upcoming Planning Panel meeting is published to Council's website and letters are sent to those who have made a submission on matters to be considered at the meeting. Submissions from the applicant and objectors are considered at the meeting. An objector is deemed to be a person who has made a written submission in respect of the application.

A verbal submission can be made to the Panel subject to a request being received prior to the panel meeting. Where several persons are making submissions with common interests, the Panel has the discretion to hear a representative of those persons. The Panels are not required to answer questions from objectors, submitters, or proponents.

It is noted that administration of Regional Planning Panel meetings is the responsibility of the NSW Department of Planning and Environment Secretariate.

## 2 Recommended amendments to draft documents

The exhibition provided the opportunity for further input from the wider community, State agencies, relevant Council Divisions and other key stakeholders.

As a result of the exhibition there are no proposed changes to the exhibited draft Council Policy: *Managing Conflict of Interest for Council Related Development*; (Attachment 2) draft Management Statement: Council-related Development; or draft Register of development applications and development consents for council-related development.

The majority of feedback received from the exhibition centred on the proposed updates to the Community Participation Plan (CPP) and included further suggested updates. The following are the key recommended edits/additions to the draft CPP exhibited -

**Table 1: Recommended Edits/Additions to draft CPP**

	Recommended Edits/Additions
Development Applications section	Include "hosting of large events" in definition paragraph.
Planning Proposal section	<p>Include additional information to clarify that there is no formal requirement for preliminary notification and that this is at the discretion of the Land Use Planning Manager, Manager City Strategy or Director Planning and Environment.</p> <p>Include additional information about the role of the Gateway Determination to set timeframes for the exhibition of Planning Proposals, as well as stipulating the agencies to be consulted.</p>
Schedule 2 – Notification Requirements	Inclusion of "Council-related Development" - written notice to adjoining land/written notice to neighbouring properties/notification period 28 days.
Schedule 2 – Notification Requirements	Development description for "Subdivision" to be updated (for clarification) to read "Subdivision of Land*", and reference note to be included <i>*Note: Subdivision of Land does not include a boundary adjustment; a strata subdivision; or a community title subdivision associated with another development that has been approved</i> .
Schedule 3 – Applications where Exhibition is Not Required	<p>Point 25 updated to read: "Strata subdivision of existing approved building(s)"</p> <p>Point 26 updated to read "Minor boundary adjustments".</p>

In addition to the above, references to Council's "Community Engagement Policy" throughout the exhibited draft documents will be updated to "Community Engagement Strategy", should Council resolve to adopt this name change as a result of the post exhibition report for this document.

Attachment 3 contains a copy of the updated Community Participation Plan, recommended for adoption.

## CONSULTATION AND COMMUNICATION

The suite of draft documents was exhibited between 27 April and 29 May 2023.

All active Neighbourhood Forums and the Northern Illawarra Residential Group were advised of the public exhibition. The local newspaper Public Notices page advised of the exhibition dates and how to view the suite of draft documents.

Copies of the suite of documents were made available at -

- All Council libraries.
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong.
- Council's website [www.our.wollongong.nsw.gov.au](http://www.our.wollongong.nsw.gov.au).

Relevant Divisions within Council were also advised of the exhibition including Development Assessment & Compliance, Subdivision, Governance and Risk, Land Use Planning, Communications and Marketing, and Legal.

As a result of the exhibition Council's exhibition web page received 97 views and 13 downloaded at least one document. A total of 3 submissions were received.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong Our Future 2032 Community Strategic Plan Goal 5 "*We have a healthy community in a liveable city*". It specifically delivers on the following –

- 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.

## FINANCIAL IMPLICATIONS

Legislation changes have resulted in the removal of the requirement to advertise Development Applications in the local newspaper, and instead publish notifications to Council websites. This legislation change has been reflected in the updated CPP placed on exhibition. The recommendation from a recent internal review is for the organisation to actively encourage the community (through education) to visit Council's "Public Notices" webpage to make it easy to find information traditionally published in the printed weekly newspaper advertisements. It is anticipated that this change will result in a cost savings in the DA notification process.

## CONCLUSION

On 3 April 2023, Council resolved to exhibit a draft Council Policy: Managing Conflict of Interest for Council Related Development; a draft Management Statement: Council-related Development; a draft Register of development applications and development consents for council-related development; and draft updates to Council's Community Participation Plan. The suite of draft documents was prepared in response to requirements outlined in *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023*.

The Managing Conflict of Interest for Council Related Development Policy and updated Community Participation Plan require adoption via Council resolution. It is recommended that Council resolve to adopt these documents. The draft Register and Conflict of Interest Management Statements do not require Council endorsement and will be endorsed through internal processes.

### Summary of Issues Raised in Community Submissions (3 submissions)

Issue Raised	Council Officer Response
Council role to serve residents – must consult residents and reflect resident wishes.	<p>A key principle of Council's Community Engagement Policy (2021) is -</p> <p>3 <i>"We believe community engagement is important for good governance. We are committed to engaging with you, the community, as a core component of good governance and effective decision making. We value your ideas, views and local knowledge. Your feedback will be used to continuously improve the service we provide".</i></p> <p>The Community Participation Plan (CPP) also states <i>"We recognise that the community has an interest, and a right, to be informed about planning matters and given opportunities to participate in strategic planning for our LGA".</i></p>
Community comprises variety of people with different wishes, abilities and understanding – Council must provide information in a form easily accessible and easily understood – modern technology and other means for those without access to computer or computer literacy.	<p>Agreed – key principles of Council's Community Engagement Policy (2021) are -</p> <p>1 <i>"We aim to be flexible. We will use a range of methods to give you opportunities to share feedback and join the conversation. We encourage feedback from you and all community members who may be affected by, or are interested in, a decision we make on the community's behalf"; and</i></p> <p>2 <i>"We will be inclusive. We live in a diverse community and know it's important everyone's voices are heard. We also recognise the unique and significant contribution made by Aboriginal people to the local community. We will ensure Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse (CALD) backgrounds, children and young people, people with disability, and community members who need support, have appropriate access and opportunities to share their feedback and join the conversation".</i></p> <p>Council endeavours to provide information to the community in an easy to understand and accessible way, using a variety of channels relevant to the message and audience. This can include Council's website, post, email, hard copies in libraries and community centres, workshops, information stalls, newsletters, signage in the public domain, digital advertising, social media and print advertising.</p> <p>Council will be reviewing DA information including notification format and content through the Service Optimisation project scheduled for the 2023/24 financial year.</p>



Issue Raised	Council Officer Response
<p>DAs should wherever possible be advertised in Council's page of the Illawarra Mercury – especially where -</p> <ol style="list-style-type: none"> <li>1 Development is seeking departure from WLEP standards</li> <li>2 Development cost is over \$30 million</li> <li>3 Council has some form of commercial involvement</li> <li>4 Development is so different to the current nature of the area (existing character more important than future desired character, and Council too often ignores current existing character and opinions of existing residents).</li> </ol>	<p>The proposed CPP updates as part of this exhibition reflect the recent <i>Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023</i> and an amendment to the Local Government (General) Regulation 2005 (under section 747B of the Local Government Act 1993) to remove requirements for newspaper advertising, and instead publish DAs on Council websites. This is in recognition of a changing media landscape, characterised by a decline in physical newspaper distribution and readership, and paywalls preventing the public from viewing online news content from newspapers. Council websites are now the principle interfaces between councils and their local communities.</p> <p>In Council's 2021 Customer Satisfaction Survey only 3% of respondents indicated a preference to receive Council information via the local newspapers. Council aims to use the most effective mix of channels to provide information to the community based on cost, accessibility and reach.</p> <p>Best practice is the publishing of council and related information on the website to reach the broader community, and for the community to use the website as their primary information source for Council related issues. Customer service assistance is available to access DA information in person via Council's customer service centre and libraries.</p> <p>In addition to notification on the website, adjacent and adjoining land owners/occupants immediately affected and genuinely impacted by a DA are directly informed by letter. For larger or more complex projects, a decision may be made to include a wider distribution of notification letters (for example across the street, or a 1km radius or wider). The decision is made by the Area Planning or Building team Manager.</p>
<p>These (abovementioned) DAs must have an exhibition time of 4 working weeks to enable residents likely to be impacted by the development to have time to consider the DA and make an informed decision.</p>	<p>Wollongong City Council's CPP applies to all land within the Wollongong Local Government Area (LGA) and sets out mandatory public exhibition requirements for planning matters, as required by the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 (EP&amp;A Act). The minimum public exhibition period for all development applications (DAs) (except for complying development, State significant development and designated development) is 14 days, unless a Council's CPP identifies a different time-period or states that no public exhibition is required (clause 7 of Schedule 1 of the Act). Designated development and nominated integrated development must be</p>

Issue Raised	Council Officer Response
	<p>notified for 30 days. The Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023 now requires DAs for council-related development to be notified for 28 days.</p> <p>Wollongong City Council does recognise that the community has an interest, and a right, to be informed about planning matters and given opportunities to participate in strategic planning for our LGA. Council's development assessment must also balance the need for proper consideration of a proposal with a timely decision on whether it can go ahead.</p>
<p>Advertised Development Applications should reference -</p> <ul style="list-style-type: none"> <li>a Height</li> <li>b FSR</li> <li>c Number of levels above existing ground level</li> <li>d Number of units and details of bedroom numbers, size</li> <li>e Setbacks</li> <li>f Off street parking</li> <li>g Details and extent of any departure from Council's standards</li> <li>h Estimated cost</li> <li>i Map showing properties to be advised of the DA.</li> </ul>	<p>Notified DAs contain (as attachments) all the relevant information necessary to make an assessment. The DA notification letter and the DAs on Council's Exhibition web page include a category "<i>Applicant seeks Departure from Local Environmental Plan Development Standards – Yes/No</i>". Any departures are specified as part of the exhibited material (as attachments), specifically in the "variation statement document" submitted with the application.</p> <p>Notified DAs do not currently contain costing information or a notification map – this is not a requirement of Council's development assessment process.</p>
<p>When a DA is advertised and people submit questions there must be answers to these questions supplied within 7 working days (hopefully before the closing date for submissions)</p>	<p>The CPP currently states -</p> <p><i>"All submissions received within the exhibition period will be considered, and referenced in the Assessing Officer's report. Individual replies to questions raised in submissions are not guaranteed".</i></p>



Issue Raised	Council Officer Response
	<p>While Council Officers are available to assist with understanding DAs and planning documents within reason, a response within 7 working days to issues raised cannot be accommodated in the notification and exhibition process.</p> <p>In making recommendations, consideration is given to the points raised regardless of who the submitter is or the number of submissions. Feedback is also sought from relevant technical officers within Council or externally on issues raised through the notification/exhibition period in finalising recommendations. All those making a submission are notified of the decision.</p>
<p>Wollongong Local Planning Panel and Regional Planning Panel meetings should be in public with people able to attend and personally submit comments/suggestions and questions.</p> <p>The Panels must answer questions from the public who have made submissions.</p>	<p>Panel procedure protocols published by the Minister for Planning ensure that LPPs meet their obligations efficiently and effectively (LPP Direction: Schedule 1 - Operational procedures).</p> <p>Notification of an upcoming planning Panel meeting is published on Council's website and letters are sent to those who have made a submission. Submissions from the applicant and objectors are considered at the meeting. An objector is deemed to be a person who has made a written submission in respect of the application. The Panel shall, upon prior request, hear submissions from persons who identify prior to a meeting that they wish to make a submission to be considered by the Panel. Where there is a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons.</p> <p>The Panels aren't required to answer questions from parties.</p>
<p>Councillors should answer all correspondence from residents (consistent with State ALP headquarters Sydney).</p>	<p>Council's Community Engagement Policy (2021) provides a summary of the role of Councillors in relation to community engagement. As elected representatives, Councillors meet with the community in a range of ways to hear the voices, concerns and aspirations of the community. Community members are able to contact Councillors directly. However, there is no obligation for Councillors to answer all correspondence from residents.</p> <p>Submissions to planning and development matters are made to the delegated Council Officer(s) and Councillors have no role in providing formal responses to such correspondence. The Code of Conduct requires Councillors to refrain from offering support to affected parties prior to the assessment or review process being undertaken. It also prevents Councillors from trying to influence staff in the exercise of their functions.</p>

Issue Raised	Council Officer Response
<p>More emphasis should be placed on residents' submissions.</p>	<p>Any person is entitled to may make a submission in support or objection of an application. In relation to DAs, submissions are considered along with other relevant matters as set out in the legislation when finalising recommendations. Council's CPP states that in making recommendations, consideration is given to the points raised regardless of who the submitter is or the number of submissions. No changes are proposed for the CPP in this regard.</p> <p>Council's Community Engagement Policy (2021) additionally defines "community" as <i>"all people and groups who are interested in the future of Wollongong, including visitors. Engagement will be targeted to all those who might be interested in, impacted or benefited by a decision"</i>.</p> <p>All submissions must be made in writing or email and will be received by Council up to the close of business on the closing date. The receipt of all submissions should be acknowledged in writing by Council within 14 days from the date of receipt of the submission. Written notification of the determination of an application to each person who made a submission in relation to that application or who addressed the WLPP/SRPP must be undertaken within 14 days after the notice of determination is issued.</p>
<p>Customer Service Centre – if duty officer cannot supply answer then an officer from the relevant division should come down and speak to the customer for a same day response.</p> <p>Some Council (e.g. Waverley) have planners with added responsibility to assist residents because of increasing complexity of DAs.</p> <p>A summary should be prepared by a Senior Planner where there are lengthy documents (e.g. 50 page Statement of Environmental</p>	<p>Rostered duty officers are available in the Customer Service Centre between 9am and 1pm Monday to Friday to answer planning and development enquiries. Rostered Planning and Building duty officers are available via the Customer Service Centre telephone contact (4227-7111) between 9am and 5pm Monday to Friday to answer enquiries.</p> <p>Project Officers also regularly attend the customer service centre to answer questions on applications and projects, where work commitments permit. Otherwise, the customer will receive a follow up telephone call with a response.</p> <p>Assessment time frames do not allow for the production of summary reports prior to exhibition. In addition to time constraints, it is not appropriate for Council Officers to interpret and summarise complex documents for the public, as this would be inconsistent with due process, transparency and unbiased assessment.</p>

Issue Raised	Council Officer Response
Effects) to assist residents understand the contents.	
<p>Requirement to submit a GIPA should be last resort (turnaround now about 5 weeks).</p> <p>For DAs being considered by WLPP or JRPP, people wishing to make a submission shouldn't have to submit a GIPA to access earlier documents, especially Statement of Environmental Effects.</p>	<p>The WLPP procedures are that full reports will be published on Council's website as they are completed, but not less than 7 days prior to the WLPP meeting. Community members who do not have access to a computer can receive assistance to view these documents through any Council library in the LGA or Council's Customer Service Centre.</p> <p>GIPA is an established method of obtaining information from Council. Other methods include the website (with library staff or customer service assistance available) and the Duty Officer.</p>
<p>All properties in the same street block should be advised of DAs as their properties need to be passed to gain access to the site of the DA.</p>	<p>Generally, the adjacent and adjoining land owners/occupants are notified of an application by letter – not all residents of a street block. For larger or more complex projects, a decision may be made to include a wider distribution of notification letters (for example across the street, or a 1km radius or wider). The decision is made by Area Planning or Building team Manager.</p> <p>DAC Procedures are as follows: The public notification letters must be sent to all property owners and occupants, where in the opinion of Council, the enjoyment of their land may be adversely affected by a development proposal. The determination as to whether neighbouring property owners and occupants are notified of a development proposal will be general accordance with Councils' Community Participation Plan.</p> <p>Broader public notification may be warranted for major or contentious Development Applications, if the nature of the development, the history of the development site or location warrants different consultation. This will be at the discretion of the assessing officer in consultation with the Manager DAC or the relevant Area Manager.</p>

Issue Raised	Council Officer Response
	The written notification directs the recipient to Council's website for further information and to view documentation, and provides the contact number for Council's Customer Service Centre for additional assistance. Applications are also published to Council's website and available for Application Tracking, where DAs can be searched by suburb and street.
<p>Draft Council policies when exhibited must also be in paper form and include a copy of Council's Business Paper.</p> <p>Must be at least 2 community members of any working party to develop a draft policy and at least one must live in the local area likely to be impacted by the draft policy.</p>	<p>The current procedure for the public exhibition of draft Development Control Plans, Planning Proposals, draft Planning Agreements, and Plans of Management is that, in addition to being published on Council's website, a hardcopy of the documentation (including Council's Business Paper) is provided in Council's Customer Service Centre and relevant libraries. None of these involve working parties and it is not intended to change this process to introduce working parties.</p> <p>Governance and Customer Service Policy authors are guided by Council's "Policy Framework" and contact the engagement team to seek their advice as to whether community engagement would be appropriate <b>prior</b> to the development of any draft Policy.</p> <p>Corporate Strategy refer to the requirements from the Local Government Act and Regulation and the Integrated Planning &amp; Reporting (IPR) Handbook and Manual. The requirement for hard copies has been removed. Corporate Strategy also refer to Council's Engagement Strategy for the Community Strategic Plan which is an engagement strategy developed for every new Integrated Planning &amp; Reporting suite and Council's Engagement Policy.</p>
Need to clarify importance of 3 day planning workshop (Dr Mouritz director of Planning) in the early 1990s; and the work and report of Gehl Architects in mid 2010-2019 decade.	Noted.
Need to clarify when WLEP 2009 will be revised – now 15 years old.	Noted.

Issue Raised	Council Officer Response
Like fact that Council has guidelines and timeframes for different projects available for the public to see.	Noted.
CPP – are the changes to some of the policies drawn from the survey the community were invited to participate in within the revised Community engagement Survey? I.e. as to how the public are made aware of DAs – via newspapers, website etc.	The survey informed the preparation of the most recent draft version of the Community Engagement Strategy that has recently come off public exhibition – Council will consider a post exhibition report.  The proposed CPP updates as part of this exhibition reflect the recent <i>Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023</i> and recent legislation removing the requirement for Councils to advertise DAs in newspapers, and instead place notifications on Council websites.
NF5 requested that Council give priority to implementing Levels of Engagement with relevant Neighbourhood Forum representative at Level 4 Collaborative, or if not feasible, then at least Level 3 Involvement.	This request was in response to the exhibition of the draft Community Engagement Strategy.



## MANAGING CONFLICT OF INTEREST FOR COUNCIL RELATED DEVELOPMENT Draft COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY GOVERNANCE]

### PURPOSE

This Policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development and meet the legislative requirements of Section 66A Environmental Planning and Assessment Regulation 2021.

### POLICY INTENT

The main objectives of this policy are to:

1. Manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development;
2. Avoid any occasion for suspicion of improper conduct in the exercise of development assessment functions for council-related development;
3. Outline the process for identifying and managing potential conflicts of interest; and
4. Comply with the Council-related Development Application Conflict of Interest Guidelines published by the Department of Planning.

### WOLLONGONG 2032 OBJECTIVES

This policy aligns with Goal 5 of our Community Strategic Plan, “*We have a healthy community in a liveable city*” and in particular the objective that suburbs and places are liveable and safe. This policy relates to Community Strategic Plan 5.2 Urban areas are created and maintained to provide a healthy and safe living environment for our community.

### SCOPE

This Policy applies to council-related development.

### POLICY

Councils are development regulators. However, they also can be the developer, landowner or hold a commercial interest in the land they regulate. Where councils have this dual role, an inherent conflict can arise. Identifying these conflicts early and finding ways to address them is crucial to good governance and allows council to strengthen its relationship with communities and build and enhance trust. Council is committed to ensuring that all involved are confident in an impartial, professional, fair and transparent development assessment process.

For the purposes of this policy, there is a conflict of interest or a perceived conflict of interest for development applications for which the land owner, applicant or applicant’s consultant (who may represent the applicant and/or have prepared the Statement of Environmental Effects, architectural plans or other development application documentation) is:

- a) the Council;
- b) a councillor;
- c) a member of Council staff who is principally involved in the exercise of Council’s functions under the EP&A Act 1979;



## MANAGING CONFLICT OF INTEREST FOR COUNCIL RELATED DEVELOPMENT

## DRAFT COUNCIL POLICY

- d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth);
- e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in b) to d)

but not development for the following purposes:

- internal alterations and additions to any building that is not a heritage item;
- advertising signage;
- maintenance and restoration of a heritage item; or
- minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

### 1. Management controls and strategies

1.1 The following management controls are to be applied to:

- A. The assessment and determination of an application for council-related development.
  - Council-related applications and approvals to modify development consents will be referred to the Wollongong Local Planning Panel for determination, as required by Schedule 2 of the Local Planning Panel Directions – Council is not the consent authority.
  - Council-related development over \$5million will be referred to the Southern Regional Planning Panel for determination – Council is not the consent authority.
  - Certification of Council-related development must be undertaken in accordance with the requirements of the Conflict-of-Interest Provisions detailed in the Building and Development Certifiers Act 2018 and the Building and Development Certifiers Regulation 2020.
- B. The regulation and enforcement of approved council-related development.

Dependent on the regulation and enforcement activity required, may be undertaken by:

- (i) a private certifier, where appointed to be the Principal Certifier (within their area of responsibility/authority), or
- (ii) Council, under delegation for building and subdivision work where Council is nominated as the Principal Certifier or required to by the Act. or
- (iii) Council staff under delegation in accordance with Council's compliance policy ensuring separation of regulation/enforcement activities and project management or
- (iv) engagement of an independent third party.

1.2 The management strategy for the following kinds of development is that no management controls need to be applied:

- a) commercial fit outs and minor changes to the building façade
- b) internal alterations or additions to buildings that are not a heritage item
- c) advertising signage
- d) minor building structures projecting from a building over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)

## MANAGING CONFLICT OF INTEREST FOR COUNCIL RELATED DEVELOPMENT

## DRAFT COUNCIL POLICY

e) development where Council only receives a small fee for the use of the land.

### **2. Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls.**

2.1 Development applications lodged with the Council that are council-related development are to be referred to the General Manager or delegate for a conflict-of-interest risk assessment.

2.2 The General Manager or delegate is to:

- a) assess whether the application is one in which a potential conflict of interest exists,
- b) identify the phase(s) of the development process at which the identified conflict of interest arises,
- c) assess the level of risk involved at each phase of the development process,
- d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) Note: The General Manager or delegate could determine that no management controls are necessary in the circumstances.
- e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

### **LEGISLATIVE REQUIREMENTS**

The following legislation is related to this Policy:

- o Environmental Planning and Assessment Act 1979
- o Environmental Planning and Assessment Regulation 2021
- o Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2022
- o Local Government Act 1993
- o State Environmental Planning Policy (Planning Systems) 2021)
- o Roads Act 1993

### **REVIEW**

This Policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

### **REPORTING**

There are no reporting requirements under this Policy.

### **ROLES AND RESPONSIBILITIES**

Following are the roles responsible for implementation of actions under this policy:

#### **Councillors**

The Councillors shall provide leadership in adhering to the requirements of this Policy.

#### **Executive**

The Executive shall lead staff (either directly or through delegated authority) in their understanding of and compliance with this Policy and related documents.

## MANAGING CONFLICT OF INTEREST FOR COUNCIL RELATED DEVELOPMENT

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### Manager Development Assessment & Certification

The Manager Development Assessment shall:

- provide guidance to Councillors, Executive and other Council staff as to the content and implementation of this Policy;
- ensure the timely review of this Policy; and
- assist in investigations of alleged non-compliance with this Policy.

### Managers

Managers shall provide guidance to Council staff within their respective Divisions as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

### Council staff

Development Assessment and Certification staff shall read, understand, and comply with this Policy.

### RELATED STRATEGIES, POLICIES AND PROCEDURES

The following documents are related to this Policy:

- Community Participation Plan
- Community Engagement Council Policy
- Code of Conduct Councillors
- Code of Conduct Staff
- DAC Procedures Manual

### DEFINITIONS

A word or expression used in this policy has the same meaning as it has in the Environmental Planning and Assessment Act 1979 (the Act), and any instruments made under the Act, unless it is otherwise defined in this policy.

<b>Application</b>	means an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW) to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate.
<b>Council</b>	means Wollongong City Council.
<b>Council-related development</b>	means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority. This definition excludes applications in relation to public roads. This Policy may apply to certain State Significant or Regionally Significant Developments which are defined under the Act. The Act specifies how these applications are to be determined.
<b>Development process</b>	means application, assessment, determination, and enforcement
<b>The Act</b>	means the Environmental Planning and Assessment Act 1979.
<b>WLPP</b>	means the Wollongong Local Planning Panel, or such other local planning panel as is constituted for all or part of the Wollongong local government area from time to time.

MANAGING CONFLICT OF INTEREST FOR  
COUNCIL RELATED DEVELOPMENT

DRAFT COUNCIL  
POLICY

APPROVAL AND REVIEW	
Responsible Division	Development Assessment and Certification
Date adopted by Council	[To be inserted by Corporate Governance]
Date/s of previous adoptions	[List previous adoption dates]
Date of next review	[Not more than two years from last adoption]



# COMMUNITY PARTICIPATION PLAN



~~2019~~ 2023



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<a href="#">1</a>	<a href="#">31/07/23</a>		<a href="#">Council-related development application amendments</a>



## INTRODUCTION

The Community Participation Plan (CPP) outlines how Council will inform and engage with the community about planning and development matters. The CPP also provides information on how you, as the community, can participate in planning matters.

Council's [Community Engagement Policy](#) covers other matters not directly related to planning.

The CPP applies to all land within the Wollongong Local Government Area (LGA) and sets out public exhibition requirements for planning matters, as required by the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 (EP&A Act).

This plan replaces the Wollongong Development Control Plan 2009 – Appendix 1 Public Notification and Advertising Procedures.

The CPP provides notification and engagement requirements for all planning matters, including;

- Development Application (DA) determinations
- Preparation of strategic plans
- Planning proposals
- Other relevant planning policies
- Decisions made by the Local Planning Panel (LPP).

The CPP reflects our community engagement objectives which we use to guide our notification strategies when inviting you to participate in local planning.

We will review this Plan, periodically.

## WHAT IS COMMUNITY ENGAGEMENT?

Community engagement is how we reach out and encourage you, our community, to talk with us about plans, projects and policies that may affect you. It is about asking and listening to the community to help us make decisions. We recognise that the community has an interest, and a right, to be informed about planning matters and given opportunities to participate in strategic planning for our LGA.

Community Engagement is important, it:

- Informs decision making
- Builds relationships and trust
- Strengthens community
- Builds a sense of belonging, and
- Keeps the community informed.

Our commitment to community engagement is detailed in the [Community Engagement Policy](#). This policy can be found on our website.

We are committed to the following principles for community engagement:

1. We aim to be flexible
2. We will be inclusive
3. We believe community engagement is important for good governance
4. We aim to effectively plan each engagement
5. We will give you feedback.

## Public Exhibition

Public exhibition is when we put documents and information on public display, for people to learn about and comment on. There are mandatory and non-mandatory consultation and exhibition requirements for planning matters which we must follow. Mandatory requirements for community participation are set out ~~by Section in Division~~ 2.6 of the EP&A Act and the Environmental Planning & Assessment (EP&A) Regulation 2021~~99~~<sup>00</sup>. This includes the minimum exhibition periods, the way public notification should happen and the requirement to provide reasons for planning decisions made, such as for development assessments. If a particular matter has a different exhibition or notification period that applies under the EP&A Act, the longer period applies.

## Exhibition Types

If a planning matter needs to be exhibited, we may do any, or all, of the following:

- make documents publicly available
- decide an appropriate exhibition timeframe (where non-mandatory)
- give written notice to individual land owners / occupiers
- advertise the exhibition notice and advise how submissions can be made
- use social media
- hold an information session or workshop.

## Plan Making and Strategic Planning

Council manages how most land in our LGA is used, protected, or developed. This includes where new roads or buildings should go, or how many houses can be built in a certain area. We have development controls to make sure buildings and public areas are safe, well designed, and meet planning rules set by the State Government. Development also includes activities like holding a big event, running a business or demolishing a building.

When we prepare new policies, such as Local Strategic Planning Statements, Planning Proposals, [Local Environmental Plans](#) (LEPs), [Development Control Plans](#) (DCPs), Community Participation Plans (CPPs) and [Development Contributions Plans](#), we will seek comments from the community. We will also consult with the community, in line with the EP&A Act, when we seek to amend a policy, or rezone a parcel of land. We want to hear your views, ~~and~~ involve you in creating shared visions, and finding solutions to ~~issues questions~~ affecting our community.

## Development Applications

A Development Application (DA) is a formal request for consent to carry out a proposed development, such as erecting a building, subdividing land, ~~or~~ changing the [permitted use of land](#), ~~or hosting large events~~. DAs have different classifications and these determine the length of the notification period. This ranges from no exhibition or short exhibition periods for minor proposals ~~through to and~~ longer exhibition periods for more complex DAs.

The length of time a DA is notified, if required, is shown in **Schedule 2** at the end of this policy. If a DA needs to be notified or advertised, the applicant will be charged a notification fee, in line with the [adopted fees and charges](#).

**Schedule 3** lists DA types which don't require notification because they propose minor development. Development not mentioned in the schedules will only be notified if the responsible Assessing Officer, or Area Manager, decides this should happen.

There are [types of development](#), such as Exempt and Complying, which may not need to be notified. They are assessed under various state policies and not always by Council. Further information is available on ~~the Council's~~ [website](#) ~~and the NSW Department of Planning website~~.

If you are unsure if a DA should be notified, please call us on 4227 7111.

### Our Commitment

We are committed to listening to community support, or concerns, that may arise from DAs and other planning matters.

All involved can be confident of an impartial, fair, and transparent assessment process.

### Before Lodgement

Before you lodge a DA or Planning Proposal, we highly recommend that you discuss your draft proposal with adjacent landowners, and neighbours who may be interested. This allows any potential issues to be discussed early in the process and may allow some matters to be resolved before lodgement.

Complex and larger proposals, which have the potential to be controversial, should be raised with those in the community who may be affected, before the proposal is lodged with Council to be assessed. This can include:

- Local Community Groups
- Chambers of Commerce
- Neighbourhood Forums.

## KEEPING YOU INFORMED

### How you will be notified of a proposal

Council will write to you if you or your property is likely to be affected by a DA, or new policy. This includes land owners, occupants, neighbours, businesses and the general public. This is so everyone has a chance to raise any concerns, provide support, make a comment or provide useful information - before a planning decision is made.

If you think you should have been notified about a planning matter, but did not receive a letter, please call us on 4227 7111 and let us know.

### 1. Development Applications

If a complete DA is lodged, notification normally happens within a few days. If more information is required from the applicant, notification will be delayed until this information is received.

Generally, written notification of an application will be sent to adjoining property owners and occupants. Some notifications may extend to include those within the immediate locality.

For major or potentially contentious applications, the notification area may be extended, depending upon the nature and potential environmental impacts associated with the proposal.

If a design changes greatly during the assessment period, or additional supporting information is supplied, a DA may need to be re-notified. The decision to re-notify will be made by the responsible Assessing Officer and Area Manager.

Some proposals require the DA, letters or emails to be shared with a public authority, (e.g. government departments and statutory authorities like the NSW Rural Fire Service) where approval is required, or where we require specialist advice.

Council will keep you informed as follows:

- Where a DA may affect property owners of land outside Wollongong City LGA, Council will write to the neighbouring Council to alert them to the proposal.
- Where the DA has an associated **Planning Agreement**, the Draft Planning Agreement will be reported to Council for endorsement and exhibited for a minimum period of 28 days.
- If a DA is subject to an appeal in the NSW **Local Environment Court**, and you sent in a submission, you will be notified of the appeal where it has been listed for conciliation or hearing.
- If a DA is subject to a **Review of Determination** (via [Division Section 8.2](#) of the EP&A Act) we will notify the application in the same way as the original application.

### Christmas period.

We will not start the exhibition of any DAs between 20 December and 10 January (inclusive); the next year, and these days are not counted within an exhibition period which has already started. Following this, any DAs that are required to be exhibited, will be exhibited for at least 14 calendar days, or longer if required by Schedule 1.

## 2. Planning Proposals

A planning proposal is a request to change how land is zoned, development standards applying to the land or permitted uses so certain types of development can go ahead. Once lodged and accepted, preliminary consultation may be undertaken depending on the complexity of the proposal. Note, there is no formal requirement for preliminary consultation, and it is at the discretion of the Land Use Planning Manager, Manager City Strategy or Director Planning and Environment how consultation occurs, its timeframe and extent of notification. When we prepare or assess a Planning Proposal, the public will be notified as soon as possible, to measure community interest. For minor proposals, the Planning Proposals are may not be exhibited once until we receive Should Council resolve to progress a proposal, timeframes for the exhibition will be set out in the Gateway Determination issued by from the Department of Planning, Industry and Environment, (see Schedule 1). The Gateway Determination also stipulates the state agencies to be consulted, advising the minimum level of consultation needed. Council will prepare an exhibition web page for each Planning Proposal request. The exhibition of new or amended Planning Proposals will not start, or finish, during school holidays.

We recommend discussing a planning proposal with adjacent landowners before submitting it to Council. This allows any potential issues to be discussed early on in the process, and may allow some matters to be resolved before it is considered by Council.

A report on feedback received in submissions will be considered by Council, after exhibition. If you made a submission, Council will let you know the report dates and what decisions have been made. You may also have the opportunity to address Councillors at Council meetings, through a Public Access Forum. Further information is available on Council's website on the Public Access Forum and guidelines for attendance. You can also view meetings as they occur via live stream, or view uploaded recordings of the meetings of Council on our website.

Public hearings may be held for some Planning Proposals, such as the reclassification of community land to operational land. Where the Planning Proposal has an associated Planning Agreement, the Draft Planning Agreement will be reported to Council for endorsement and exhibited for a minimum period of 28 days.

If there are significant changes to a Planning Proposal before it is adopted, and you were originally notified or made a submission, we will notify you of those changes. Minor changes are unlikely to be re-notified. Specific detail on [The Gateway Process](#) and the making of Local Environmental Plans can be found on the [Department of Planning, Industry and Environment's](#) website and in Council's [Planning Proposal Policy](#).

### **Christmas period.**

We will not start the exhibition of any Planning Proposals between 20 December and 10 January (inclusive) the next year and these days are not counted within an exhibition period which has already started.

## **3. Planning Policies**

Planning policies are prepared by Council to inform and guide development decisions within the LGA, such as Development Control Plans. We update them regularly and will generally invite the community to comment on new policies, or changes to existing policies, before they are put into place.

We will tailor community engagement strategies in the lead up to notification and exhibition, to target those who may be interested or impacted. Methods may include reviewing documents and providing comment, community surveys and workshops, or we may ask you to visit [Council's website](#).

When Council makes or amends a Planning Policy, the public will generally be notified when the draft policy is ready for public exhibition. The exhibition timeframe depends on the type of document prepared or updated, as well as the level of community interest. **Schedule 1** lists the minimum mandatory timeframes for the various planning functions. When we prepare some policies, we may seek community input before the policy is drafted, so that the community has an opportunity to help inform the plan.

Following exhibition of a draft policy, we will review all submissions received and the draft policy will be updated to include any relevant or necessary changes.

When a new, or amended, Planning Policy is to be adopted, Council's website will be updated with the relevant details.

### **School Holidays**

The exhibition of a new or amended Planning Policy will not start, or finish, during school holidays.

## **WHERE YOU CAN VIEW PROPOSALS**

If you receive a notification letter, it will explain how you can view the relevant documents.

For everyone else, you can find information about proposals that are open for comment via the following:

- The [View an Application](#) page on our website
- Council's online [community engagement site](#)
- Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong, between 9am and 5pm weekdays
- For some DAs, information may be available in your nearest [library](#) branch. Your local library branch information is available on Council's website.

- [Current LEP Proposals](#) on The Department of Planning ~~Industry~~ and Environment [Planning Portal](#) website
- [Council's Public Notices webpage](#) ~~Newspaper (Integrated and Designated development only)~~
- **Planning Alerts** - Email alerts of planning applications near you: [www.planningalerts.org.au](http://www.planningalerts.org.au).

## HOW YOU CAN PARTICIPATE

### Submissions – Join the Conversation

Anyone with an interest in a planning matter is welcome to make a submission. If you're objecting or supporting, you need to give a clear reason why, e.g. how the proposed development may impact on you, or your property. We also encourage people to share positive suggestions or recommendations to improve the final outcome. Submissions must be received by close of business on the last day of the notification period and include the following information:

- (a) Addressed to the GENERAL MANAGER;
- (b) Application Number and location, or policy name;
- (c) Address of the property; subject of the application;
- (d) Your address or email address; (so we can inform you of the outcome);
- (e) Date of submission;
- (f) State the reasons for support or objection expressed in the submission. You may include maps and photos;
- (g) Solutions or suggestions for possible changes that could provide a better outcome; and &
- (h) ~~Reply postal address and dD~~ daytime contact telephone number.

### Extensions

In certain circumstances, the relevant Area Manager may approve an extension to the closing date for submissions. Extensions will generally only occur for major applications and when it is considered reasonable. This may allow people who are interested in the proposal the opportunity to thoroughly review it and any accompanying specialist report(s), before making a submission. Such extensions will appear on the relevant website.

### Privacy

Submissions are public documents, and other people can view them on request, so make sure you read our [privacy statement](#) before you comment.

You are required to tell us if you have made a reportable [political donation or gift](#). It is an offence not to make this information known under the EP&A Act. It is also an offence to make an incorrect disclosure statement. Under the Local Government Act 1993, submissions must be made available for public inspection and will not remain confidential.

If you wish to keep personal details within your submission private, a statutory declaration must be completed along with a request to keep the information private. These requests are considered and determined in accordance with the Privacy and Personal Information Protection Act 1998.

All submissions received within the notification period will be considered when the notification period finishes. Comments on social media will not be treated as submissions.

Submit your feedback, in writing, in the following ways:

- Personal delivery: Council's Customer Service Centre, Ground Floor Administration Building, 41 Burelli Street Wollongong, between 9am and 5pm weekdays;
- Post: Locked Bag 8821, Wollongong DC, NSW 2500
- Email: [council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au)



- Online: A submission may be made for each exhibited application directly via the online [Application tracking](#) page ~~for DAs.~~
- Online: A submission may be made for exhibited Planning Proposals, Planning Agreements and Council Policies via the online [ourwollongong community engagement](#) page.

If you need assistance to provide feedback in a different format please contact 4227 7111, or visit our Customer Service Centre at 41 Burelli Street Wollongong.

## HOW WE WILL RESPOND

When we receive your submission, we will write to you within 7 days confirming that it has been received. If there are numerous names on the submission, or it is a petition, we will send the reply to the head signatory. This letter will not respond to any issues raised in the submission.

If your submission is made online or by email and submitted to Council's email address [council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au), you will receive an automated response to let you know we have received it.

If a proposal is amended while it is being considered, any person who has provided feedback on the application may be contacted about the amendments. The decision to do this is made by the Assessing Officer/Area Manager. Minor changes are generally not re-notified.

All submissions received within the exhibition period will be considered, and referenced in the Assessing Officer's report. If a submission is received after the closing date, it may not be possible to consider it in the assessment. Individual replies to questions raised in submissions are not guaranteed.

## HOW TO VIEW DECISIONS

All [Development Determinations and Assessment Reports](#) are available on Council's website. If you were notified about a DA, or you wrote a submission, you will be contacted to let you know what decision was made. We will also tell you where you can review the reasons for the decision, and how submissions were taken into account.

Decisions made by the [Wollongong Local Planning Panel](#) and the [Southern Regional Planning Panel](#) are available on their respective webpages. If you made a submission, or addressed the panel, you will be notified of the decision. You can also view the decision, assessment report and panel commentary on the respective web pages.

Planning proposals can be tracked on The Department of Planning, ~~Industry~~ and Environment's [online tracking system](#). ~~Planning Portal.~~

When a new or amended Planning Policy is to be adopted, Council's website will be updated with the relevant details.

## SCHEDULE 1- MINIMUM EXHIBITION TIMES

Plan or Application Type	Minimum Community Participation Requirement
Draft Community Participation Plans	28 days
Draft Local Strategic Planning Statements	28 days
Planning Proposals for Local Environmental Plans subject to a Gateway Determination	<p>28 days or:</p> <p>(a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or</p> <p>(b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.</p> <p><u>NB Gateway Determination specifies duration and extent of public exhibition according to Category of Planning Proposal:</u></p> <p><u>Category Basic: 10 working days</u></p> <p><u>Category Standard: 20 working days</u></p> <p><u>Category Complex: 30 working days</u></p> <p><u>Category Principal: 20 working days</u></p>
Draft Development Control Plans and amendments	28 days
Draft Development Contribution Plans and amendments	28 days
Development Consent (other than for Complying Development Certificate, for Designated Development or for State Significant Development)	<p>14 days or:</p> <p>(a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or</p> <p>(b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.</p>
<u>Development Consent for council-related development</u>	<u>28 days</u>
Designated Development	30 days
Modification of Development Consent - that is required to be publicly exhibited by the EP&A Regulations	14 days or:

	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
Development Consent for Nominated Integrated Development and Threatened Species Development	30 days
Development Consent for Integrated Development	14 days
Environmental Impact Statement obtained under Section 5.1	28 days
Review of Determination	14 days

## SCHEDULE 2 - NOTIFICATION REQUIREMENTS

- ✓ Notification / Consultation required (starting on the day provided in the notification letter)
- x Notification / Consultation not required
- Area Development Manager decides whether to notify

Development Description	Written Notice to Adjoining Land	Written Notice to Neighbouring Properties	Notification Period
Designated Development	✓	✓	30 Days
Development involving an exception to a development standard	✓	✓	14 Days
Nominated Integrated Development	✓	✓	30 Days
Integrated Development	✓	✓	14 Days
<u>Development Consent for council-related development</u>	<u>✓</u>	<u>✓</u>	<u>28 Days</u>
Advertising Structures / Signs	✓	✓	14 Days
Agriculture	✓	●	14 Days
Amusement Centres	✓	✓	14 Days
Ancillary structures less than 0.9m from side and rear property boundaries.	✓	●	14 Days
Animal Boarding or Training Establishment	✓	✓	14 Days
Any application associated with/or without a Building Certificate seeking to legitimise illegal works	✓	●	14 Days
Any structures encroaching on building alignment (front, rear or secondary for corner allotments)	✓	●	14 Days
Attached Dwellings	✓	●	14 Days
Boarding Houses	✓	●	14 Days
Boat Building and Repair Facilities	✓	●	14 Days

Development Description	Written Notice to Adjoining Land	Written Notice to Neighbouring Properties	Notification Period
Boat Launching Ramps	✓	●	14 Days
Boat Sheds	✓	●	14 Days
Brothels (Sex Services Premises)	✓	✓	14 Days
Business Premises	✓	●	14 Days
Camping Grounds	✓	✓	14 Days
Caravan Parks	✓	✓	14 Days
Car Parks	✓	✓	14 Days
Cemeteries	✓	✓	14 Days
Centre-based Child Care Facilities	✓	✓	14 Days
Charter and Tourism Boating Facilities	✓	✓	14 Days
Commercial Premises	✓	✓	14 Days
Community Facilities	✓	✓	14 Days
Crematoria	✓	✓	14 Days
Drainage Works / Flood Mitigation Works	✓	●	14 Days
Dual Occupancies	✓	●	14 Days
Dwelling-houses (where not specified in Schedule 3) <ul style="list-style-type: none"> <li>New dwelling-houses regardless of side setback</li> <li>Alterations &amp; Additions to existing dwelling-houses</li> </ul>	✓	●	14 Days
Earthworks (Excavation or Land Filling Works)	✓	●	14 Days
Educational Establishments	✓	✓	14 Days
Emergency Service Facilities	✓	●	14 Days
Entertainment Facilities	✓	✓	14 Days
Environmental Protection Works	✓	●	14 Days
Exhibition Homes & Exhibition Villages	✓	●	14 Days
Extractive Industries	✓	✓	14 Days
Farm Buildings	✓	x	14 Days
Forestry	✓	●	14 Days
Function Centres	✓	✓	14 Days
Group Homes	✓	✓	14 Days
Health Services Facility or Consulting Rooms	✓	✓	14 Days
Heavy Industrial Storage Establishments	✓	●	14 Days
Helipad	✓	✓	14 Days
Heliport (or Air Transport Facilities)	✓	✓	14 Days
Home-based Child Care	✓	●	14 Days
Home Business	✓	●	14 Days
Hospitals (where Council is the consent authority)	✓	✓	14 Days
Hostels	✓	✓	14 Days

Development Description	Written Notice to Adjoining Land	Written Notice to Neighbouring Properties	Notification Period
Industrial Retail Outlet	✓	●	14 Days
Industrial Training Facility	✓	●	14 Days
Industries	✓	✓	14 Days
Information and Education Facilities	✓	✓	14 Days
Intensive Livestock Agriculture	✓	✓	14 Days
Intensive Plant Agriculture	✓	✓	14 Days
Light Industries	✓	✓	14 Days
Markets	✓	✓	14 Days
Medical Centres	✓	✓	14 Days
Mixed Use Development	✓	✓	14 Days
Multi-Dwelling Housing	✓	✓	14 Days
Neighbourhood Shops	✓	✓	14 Days
Office Premises	✓	●	14 Days
Open Cut Mining	✓	✓	14 Days
Passenger Transport Facilities	✓	✓	14 Days
Places of Public Worship	✓	✓	14 Days
Port Facilities	✓	✓	14 Days
Public Administration Buildings	✓	●	14 Days
Public Utility Undertakings	✓	●	14 Days
Pubs and Registered Clubs	✓	✓	14 Days
Recreation Areas	✓	●	14 Days
Recreation Facilities (Indoor)	✓	✓	14 Days
Recreation Facilities (Major)	✓	✓	14 Days
Recreation Facilities (Outdoor)	✓	✓	14 Days
Residential Flat Buildings	✓	✓	14 Days
Respite Day Care Centres	✓	●	14 Days
Restricted Premises	✓	✓	14 Days
Retail Premises	✓	✓	14 Days
Rural Industries	✓	●	14 Days
Rural Supplies	✓	●	14 Days
Secondary Dwellings	✓	●	14 Days
Semi-detached Dwellings	✓	●	14 Days
Seniors Housing / Residential Care Facilities	✓	●	14 Days
Service Station	✓	✓	14 Days
Shop Top Housing	✓	●	14 Days
Storage Premises	✓	●	14 Days
Subdivision <u>of Land*</u> <u>*NB Subdivision of land does not include a boundary adjustment, a strata subdivision, or a community title subdivision associated with another development that has been approved.</u>	✓	✓	14 Days

Development Description	Written Notice to Adjoining Land	Written Notice to Neighbouring Properties	Notification Period
Swimming Pools with a setback from any side or rear property boundary less than 0.9m	✓	●	14 Days
Swimming Pools located less than 3m from any side or rear property boundary with coping greater than 0.3m wide and higher than 0.6m above natural ground level.	✓	●	14 Days
Telecommunications & Radio-communications Facilities	✓	✓	14 Days
Temporary Uses of Land	✓	●	14 Days
Tourist and Visitor Accommodation	✓	✓	14 Days
Transport Depot	✓	✓	14 Days
Vehicle Body Repair Shop	✓	✓	14 Days
Vehicle Repair Station	✓	✓	14 Days
Veterinary Hospitals	✓	✓	14 Days
Warehouse or Distribution Centre	✓	●	14 Days
Waste or Resource Management Facility	✓	✓	14 Days
Waste or Resource Transfer Station	✓	✓	14 Days
Water Recreation Structures	✓	✓	14 Days
Water Supply System	✓	✓	14 Days
Wholesale Supplies	✓	●	14 Days



### SCHEDULE 3 - APPLICATIONS WHERE EXHIBITION IS NOT REQUIRED

The following application types will **not** be notified:

1. Activity Applications under section 68 of the Local Government Act 1993
2. Minor alterations or additions to a building that are:
  - (a) to commercial or industrial buildings within a business or industrial zone (respectively), except if the site is in proximity to a dwelling, residential zone or other land use likely to be affected by the proposal; or
  - (b) internal only and are not visible from any adjoining property
3. Minor amendments to undetermined Development Applications which are, in the opinion of Council, unlikely to impact any adjoining property.
4. Ancillary structures with:
  - (a) a maximum height of 3.5m above natural ground level;
  - (b) a maximum wall/eave height of 2.7m above natural ground level and a minimum 0.9m setback from any side or rear property boundary.
5. Applications where insufficient information has been provided.
6. Balconies, decks, patios, terraces or veradahs which are greater than 3m from side and rear property boundaries and less than 1m in height from natural ground level.
7. Building Certificate applications.
8. Bushfire hazard reduction work.
9. Business identification signage applications.
10. Change of Use of premises within a Business or Industrial zone, that is not in close proximity\* to a dwelling, Residential zone or other land use likely to be adversely impacted, and is not:
  - (a) a Non-Commercial land use in a Business zone;
  - (b) a Non-Industrial land use in an Industrial zone;
  - (c) a Restricted Premises;
  - (d) operating before 7am or later than 10pm;
  - (e) a development involving Sex Services;

\* close proximity = adjoining / adjacent or sharing an interface.
11. Community events carried out by or on behalf of Council on Council owned or controlled land for a maximum 5 days and anticipated attendance of less than 100 people.
12. Complying Development as referred to in either: Schedule 3 of Wollongong LEP 2009 or a State Policy.
13. Demolition works for any building or structure (except where the site contains an item of environmental heritage or is within a Heritage Conservation Area).
14. Exempt development as referred to in either: Schedule 2 of Wollongong LEP 2009, or a State Policy.
15. First use of an approved light industry or warehouse distribution building.
16. Innovation Campus development proposals which are consistent with the Wollongong Innovation Campus Master Plan as approved by Council.
17. Kiosk identified within any Plan of Management for a specific public reserve.
18. Manufactured home placement within an approved manufactured home estate.
19. Modification of development consent under Section 4.55 of the EP&A Act that:
  - (a) involves the proposed correction of a minor error, misdescription or miscalculation only.
  - (b) are of minimal environmental impact and involve:
    - i. Internal alterations / additions to a dwelling-house or semi-detached dwelling, and/or
    - ii. Minor external changes which, in the opinion of Council, will not cause any adverse impact on any adjoining properties
  - (c) was previously notified and the amendment is minor and in the opinion of Council is unlikely to cause any adverse impact on any adjoining property.
20. Moveable dwelling installation or placement on a site within an approved caravan park (excluding any camping ground site).

21. Rainwater tanks which have a maximum storage capacity of 20,000 litres, are a maximum 3.5m height above natural ground level and are located at least 3m from any side or rear property boundary.
22. Single storey dwelling-houses, including applications for alterations and additions, with a setback of at least 0.9m from any side or rear property boundary.
23. Two Storey Dwelling-houses, with a setback greater than 1.5m from any side or rear property boundary.
24. Solar heating or photovoltaic cells on the roof of any residential dwelling, commercial office building or industrial building.
25. Strata subdivision of ~~an existing or approved~~ building(s) development, except where State Environmental Planning Policy (Affordable Rental Housing) 2021 applies.
26. ~~Torrens title subdivision or m~~Minor boundary adjustments.

## APPENDIX 1 – WEBSITES LINKED WITHIN THIS DOCUMENT.

<a href="http://www.wollongong.nsw.gov.au/your-council/fees-and-charges/fees-and-charges?fee=Development%20Assessment">Adopted Fees and Charges</a>	<a href="http://www.wollongong.nsw.gov.au/your-council/fees-and-charges/fees-and-charges?fee=Development%20Assessment">www.wollongong.nsw.gov.au/your-council/fees-and-charges/fees-and-charges?fee=Development%20Assessment</a>
<a href="http://www.wollongong.nsw.gov.au/development/view-an-application">Application Tracking</a>	<a href="http://www.wollongong.nsw.gov.au/development/view-an-application">www.wollongong.nsw.gov.au/development/view-an-application</a>
<a href="http://www.haveyoursaywollongong.com.au/214/documents/95">Community Engagement Policy</a>	<a href="http://www.haveyoursaywollongong.com.au/214/documents/95">www.haveyoursaywollongong.com.au/214/documents/95</a>
<a href="http://www.haveyoursaywollongong.com.au">Community Engagement Site</a>	<a href="http://www.haveyoursaywollongong.com.au">www.haveyoursaywollongong.com.au</a>
<a href="http://www.dpie.nsw.gov.au">Department of Planning, Industry and Environment</a>	<a href="http://www.dpie.nsw.gov.au">www.dpie.nsw.gov.au</a> <a href="http://www.leptracking.planning.nsw.gov.au">www.leptracking.planning.nsw.gov.au</a>
<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-contributions">Development Contributions Plans</a>	<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-contributions">www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-contributions</a>
<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-control-plans">Development Control Plans</a>	<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-control-plans">www.wollongong.nsw.gov.au/development/planning-and-development-policies/development-control-plans</a>
<a href="http://www.wollongong.nsw.gov.au/development/determinations">Development Determinations and Assessment Reports</a>	<a href="http://www.wollongong.nsw.gov.au/development/determinations">www.wollongong.nsw.gov.au/development/determinations</a>
<a href="http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process">The Gateway Process</a>	<a href="http://www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process">www.planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process</a>
<a href="http://council.wollongong.nsw.gov.au/Library/Pages/default.aspx">Library</a>	<a href="http://council.wollongong.nsw.gov.au/Library/Pages/default.aspx">http://council.wollongong.nsw.gov.au/Library/Pages/default.aspx</a>
<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/local-environmental-plans">Local Environmental Plans</a>	<a href="http://www.wollongong.nsw.gov.au/development/planning-and-development-policies/local-environmental-plans">www.wollongong.nsw.gov.au/development/planning-and-development-policies/local-environmental-plans</a>
<a href="http://www.wollongong.nsw.gov.au/_data/assets/pdf_file/0025/8890/Planning-Proposal.pdf">Planning Proposal Policy</a>	<a href="http://www.wollongong.nsw.gov.au/_data/assets/pdf_file/0025/8890/Planning-Proposal.pdf">www.wollongong.nsw.gov.au/_data/assets/pdf_file/0025/8890/Planning-Proposal.pdf</a>
<a href="http://www.wollongong.nsw.gov.au/_data/assets/pdf_file/0020/9074/Political-Donations-and-Gifts-Disclosure-Statement-to-Council.pdf">Political Donation or Gift</a>	<a href="http://www.wollongong.nsw.gov.au/_data/assets/pdf_file/0020/9074/Political-Donations-and-Gifts-Disclosure-Statement-to-Council.pdf">www.wollongong.nsw.gov.au/_data/assets/pdf_file/0020/9074/Political-Donations-and-Gifts-Disclosure-Statement-to-Council.pdf</a>
<a href="http://www.wollongong.nsw.gov.au/links/privacy">Privacy Statement</a>	<a href="http://www.wollongong.nsw.gov.au/links/privacy">www.wollongong.nsw.gov.au/links/privacy</a>
<a href="http://www.wollongong.nsw.gov.au/development/development-assessments/southern-regional-planning-panel">Southern Regional Planning Panel</a>	<a href="http://www.wollongong.nsw.gov.au/development/development-assessments/southern-regional-planning-panel">www.wollongong.nsw.gov.au/development/development-assessments/southern-regional-planning-panel</a>
<a href="http://www.wollongong.nsw.gov.au/development/types-of-development">Types of Development</a>	<a href="http://www.wollongong.nsw.gov.au/development/types-of-development">www.wollongong.nsw.gov.au/development/types-of-development</a>
<a href="http://www.wollongong.nsw.gov.au/development/view-an-application">View an Application</a>	<a href="http://www.wollongong.nsw.gov.au/development/view-an-application">www.wollongong.nsw.gov.au/development/view-an-application</a>
<a href="http://www.wollongong.nsw.gov.au">Wollongong City Council</a>	<a href="http://www.wollongong.nsw.gov.au">www.wollongong.nsw.gov.au</a>
<a href="http://www.wollongong.nsw.gov.au/development/development-assessments/wollongong-local-planning-panel">Wollongong Local Planning Panel</a>	<a href="http://www.wollongong.nsw.gov.au/development/development-assessments/wollongong-local-planning-panel">www.wollongong.nsw.gov.au/development/development-assessments/wollongong-local-planning-panel</a>