



STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

A meeting of the STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE
will be held by video conference at:

7.30 PM, TUESDAY 7 JULY 2020

A handwritten signature in black ink, appearing to read 'John Clark'.

John Clark
Acting General Manager

Waverley Council
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Delegations of the Waverley Strategic Planning and Development Committee

On 10 October 2017, Waverley Council delegated to the Waverley Strategic Planning and Development Committee the authority to determine any matter **other than**:

1. Those activities designated under s 377(1) of the *Local Government Act* which are as follows:
 - (a) The appointment of a general manager.
 - (b) The making of a rate.
 - (c) A determination under section 549 as to the levying of a rate.
 - (d) The making of a charge.
 - (e) The fixing of a fee
 - (f) The borrowing of money.
 - (g) The voting of money for expenditure on its works, services or operations.
 - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
 - (i) The acceptance of tenders to provide services currently provided by members of staff of the council.
 - (j) The adoption of an operational plan under section 405.
 - (k) The adoption of a financial statement included in an annual financial report.
 - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
 - (m) The fixing of an amount or rate for the carrying out by the council of work on private land.
 - (n) The decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work.
 - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*.
 - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
 - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) A decision under section 234 to grant leave of absence to the holder of a civic office.
 - (s) The making of an application, or the giving of a notice, to the Governor or Minister.
 - (t) This power of delegation.
 - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
2. Despite clause 1(i) above, the Waverley Strategic Planning and Development Committee does not have delegated authority to accept any tenders.
3. The adoption of a Community Strategic Plan, Resourcing Strategy and Delivery Program as defined under sections 402, 403, and 404 of the *Local Government Act*.

Live Streaming of Meetings

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The Chair will read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation of Minutes

PD/4.1/20.07 Confirmation of Minutes - Strategic Planning and Development Committee
Meeting - 3 March 20204

5. Reports

PD/5.1/20.07 Waverley Development Control Plan 2012 (Amendment No. 8) and
Community Participation Plan 2019 (Amendment No. 1)12

6. Urgent Business

7. Meeting Closure

CONFIRMATION OF MINUTES PD/4.1/20.07



Subject: Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 3 March 2020

TRIM No: SF20/44

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the minutes of the Strategic Planning and Development Committee Meeting held on 3 March 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of the Strategic Planning and Development Committee meeting must be submitted to Strategic Planning and Development Committee for confirmation, in accordance with clause 20.23 of the Waverley Code of Meeting Practice.

The Strategic Planning and Development Committee has not met since March 2020. Accordingly, the minutes of the March meeting are submitted to this meeting for confirmation.

Attachments

1. Strategic Planning and Development Committee Meeting Minutes - 3 March 2020 .



**MINUTES OF THE STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 3 MARCH 2020**

Present:

Councillor Steven Lewis (Chair)	Hunter Ward
Councillor Paula Masselos (Mayor)	Lawson Ward
Councillor Elaine Keenan (Deputy Mayor)	Lawson Ward
Councillor Sally Betts	Hunter Ward
Councillor Angela Burrill	Lawson Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Will Nemesh	Hunter Ward
Councillor John Wakefield	Bondi Ward
Councillor Dominic Wy Kanak	Bondi Ward

Staff in attendance:

Ross McLeod	General Manager
John Clark	Director, Customer Service and Organisation Improvement
Tony Pavlovic	Acting Director, Planning, Environment and Regulatory
Emily Scott	Director, Community, Assets and Operations
Darren Smith	Chief Financial Officer
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.30 pm, those present were as listed above.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer and Acknowledgement of Indigenous Heritage:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr O'Neill.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and the following was received:

- 2.1 Cr Wy Kanak declared a less than significant non-pecuniary interest in item PD/5.3/20.03 – 40 km/h Speed Limit Changes – Consultation Outcomes, and informed the meeting that he lives in Park Parade.

3. Addresses by Members of the Public

- 3.1 B Scaffidi (President, Bronte Surf Life Saving Club) – PD/5.5/20.03 – Bronte Surf Club and Community Facilities Building Upgrade – Project Update.

4. Confirmation of Minutes

PD/4.1/20.03 Confirmation of Minutes - Strategic Planning and Development Committee Meeting - 4 February 2020 (SF20/44)

MOTION / DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That the minutes of the Strategic Planning and Development Committee Meeting held on 4 February 2020 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

5. Reports

PD/5.1/20.03 Draft Local Housing Strategy and Draft Village Centres Strategy - Exhibition (SF20/1150)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Copeland

That Council publicly exhibits the draft Local Housing Strategy and draft Village Centres Strategy attached to this report for 28 days.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak.

Against the Motion: Nil.

PD/5.2/20.03 Draft Open Space and Recreation Strategy - Exhibition (A18/0401)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Keenan

That Council:

1. Publicly exhibits the draft Open Space and Recreation Strategy attached to this report from March to April 2020.
2. Notes that amendments have been made to the draft Open Space and Recreation Strategy that was presented to Council in December 2019, taking into consideration Councillor comments made during, and subsequent to, the Council meeting.
3. Notes that, following the public exhibition period, officers will prepare a further report to Council detailing recommendations for changes based on community feedback and requesting Council to adopt the strategy.

PD/5.3/20.03 40 km/h Speed Limit Changes - Consultation Outcomes (A18/0579)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he lives in Park Parade.

MOTION / DECISION

Mover: Cr Masselos
Seconder: Cr Copeland

That Council, in relation to the 40 km/h speed limit change project:

1. Receives and notes the summary of community feedback attached to this report (Attachment 1).
2. Endorses the recommended traffic calming measures identified in Attachment 2 to this report.
3. Proceeds to detailed design of the recommended traffic calming measures, with a report to be considered by the Traffic Committee before proceeding to procurement for the construction phase.

Division**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts, Burrill, Goltsman, Kay and Nemesh.

Subsequent to the meeting, before 10 am the next day, a notice of motion to rescind this decision was lodged with the General Manager. The rescission motion will be considered at the March Council meeting.

PD/5.4/20.03 Car Next Door - Car Share Trial (SF17/2847)**MOTION / DECISION****Mover:** Cr Masselos**Seconder:** Cr Copeland

That Council:

1. Approves Car Next Door as a car share provider in the Waverley local government area.
2. Approves the Car Next Door dedicated car share spaces, as shown in the maps attached to this report.
3. Processes future applications for car share spaces from Car Next Door in a manner consistent with the Waverley Car Share Policy.

PD/5.5/20.03 Bronte Surf Club and Community Facilities Building Upgrade - Project Update (A19/0081)**MOTION****Mover:** Cr Masselos**Seconder:** Cr Keenan

That Council:

1. Receives and notes this project update on the Bronte Surf Club and Community Facilities Building Upgrade.
2. Notes the outcome of stage 1 community consultation completed in September 2019.
3. Endorses Option 4 as the preferred option for the Bronte Surf Club and Community Facilities Building, as detailed in Attachment 1 to this report.
4. Develops Option 4 to a concept design suitable for stage 2 community consultation.
5. Notes that the developed Option 4 will be reported back to Council prior to stage 2 community consultation.
6. Undertakes stage 2 community consultation in April 2020 on the concept design developed from option 4, including a landscape treatment for the relocation of Dave Brown Place that is in the near vicinity of the previous location.

AMENDMENT (WITHDRAWN)

Mover: Cr Kay
Seconder: Cr Burrill

That the Motion be adopted subject to:

1. Clause 5 being amended to read as follows:

‘Notes that the developed Option 4 will be reported back to Council prior to stage 2 community consultation, including a landscape treatment for the relocation of Dave Brown Place that is in the near vicinity of the previous location.’

2. Clause 6 being deleted.

THE MOVER OF THE MOTION THEN ACCEPTED AN AMENDMENT TO CLAUSE 6 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That Council:

1. Receives and notes this project update on the Bronte Surf Club and Community Facilities Building Upgrade.
2. Notes the outcome of stage 1 community consultation completed in September 2019.
3. Endorses Option 4 as the preferred option for the Bronte Surf Club and Community Facilities Building, as detailed in Attachment 1 to this report.
4. Develops Option 4 to a concept design suitable for stage 2 community consultation.
5. Notes that the developed Option 4 will be reported back to Council prior to stage 2 community consultation.
6. Aims to undertake stage 2 community consultation in April 2020 on the concept design developed from option 4, including a landscape treatment for the relocation of Dave Brown Place that is in the near vicinity of the previous location.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

B Scaffidi (President, Bronte Surf Life Saving Club) addressed the meeting.

PD/5.6/20.03 Planning Proposal - 84 Curlewis Street, Bondi Beach - Post-exhibition (PP-2/2019)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis
Seconder: Cr Wakefield

That Council:

1. Notes the matters raised in the submissions made on the planning proposal at 84 Curlewis Street, Bondi Beach.
2. Supports the planning proposal lodged by LK Planning to amend the *Waverley Local Environment*

Plan 2012 (WLEP) in respect of 84 Curlewis Street, Bondi Beach.

3. Amends the WLEP 2012 in accordance with the planning proposal in conjunction with Parliamentary Counsel under the delegation received from the Department of Planning, Industry and Environment.
4. Notifies property owners of Council's decision.

Division

For the Motion: Crs Betts, Burrill, Copeland, Goltsman, Kay, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak.

Against the Motion: Nil.

6 Urgent Business

There were no items of urgent business.

7. Closed Session

PD/7/20.03 Closed Session

Before the motion to close the meeting was put, the Chair provided an opportunity for members of the public to make representations as to whether this part of the meeting should be closed. None were received.

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Masselos

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

PD/7.1/20.03 CONFIDENTIAL REPORT - Bondi Pavilion - Process for Procuring Retail Commercial Tenancies

This matter is considered to be confidential in accordance with section 10A(2)(c) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

At 8.56 pm, Council moved into closed session

PD/7.1/20.03 CONFIDENTIAL REPORT - Bondi Pavilion - Process for Procuring Retail Commercial Tenancies (A15/0272)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Keenan

That Council:

1. Treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(c) of the *Local Government Act 1993*. The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Endorses the following two-step process to appoint new retail commercial tenancies at the Bondi Pavilion, including associated outdoor dining areas:
 - (a) An open tender for the large southern tenancy.
 - (b) An expression of interest for the smaller northern tenancies, followed by a select tender process.

8. Resuming in Open Session**PD/8/20.03 Resuming in Open Session****MOTION / DECISION**

Mover: Cr Goltsman
Seconder: Cr Masselos

That Council resumes in open session.

At 8.59 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 14.21 of the Waverley Code of Meeting Practice, when the meeting resumed in open session the chair announced the resolutions made by Council while the meeting was closed to members of the public and the media.

9. Meeting Closure

THE MEETING CLOSED AT 9.00 PM.

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SIGNED AND CONFIRMED
CHAIR
7 APRIL 2020

REPORT
PD/5.1/20.07

Subject: Waverley Development Control Plan 2012 (Amendment No. 8) and Community Participation Plan 2019 (Amendment No. 1)

TRIM No: A20/0155

Author: Jaime Hogan, Senior Strategic Planner

Director: Peter Monks, Director, Planning, Environment and Regulatory

RECOMMENDATION:

That Council:

1. Adopts the Waverley Development Control Plan (Amendment No. 8) attached to this report, in accordance with section 21 of the *Environmental Planning and Assessment Regulation 2000*, to take effect on 1 August 2020.
2. Adopts the Draft Community Participation Plan (Amendment No.1) attached to this report in accordance with division 2.6 of the *Environmental Planning and Assessment Act 1979*.

1. Executive Summary

The purpose of this report is to:

1. Outline feedback received during the exhibition of the Draft Waverley DCP Amendment No. 8.
2. Obtain Council resolution to adopt the Waverley Development Control Plan 2012 (Amendment No. 8), and Community Participation Plan (Amendment No. 1) as attached to this report.

A number of minor changes have been made following exhibition. These are outlined in the Consultation section of this report and are shown highlighted in Attachment 1.

2. Introduction/Background

A Development Control Plan (DCP) contains detailed planning and design guidelines, for specific uses or areas, which complement the development standards contained in Local Environmental Plans (LEPs). DCPs cannot contradict objectives or the development standards set out in LEPs.

This report outlines the annual housekeeping changes proposed to the Waverley Development Control Plan 2012. These amendments address matters that have been raised by Council and Council staff. In addition, this report outlines the feedback received during consultation of the draft DCP Amendment No. 8.

It is noted that a comprehensive review of the entire Waverley DCP is anticipated to commence in the latter half of 2020 with an adoption date likely in mid-2021 (pending guidance from the Department of Planning, Industry and Environment on a new Standardised DCP). The new DCP will align with the preparation of the comprehensive Waverley LEP as well as the Standardised DCP Template anticipated to be released from the Department of Planning, Infrastructure and Environment in 2020. Accordingly, the

changes presented in the draft Waverley DCP provided here are of a minor and administrative nature. More significant changes raised by Councillors and the community have been referred to the comprehensive review.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 April 2020	CM/7.6/20.04	That Council: 1. Exhibits the Draft Waverley Development Control Plan 2012 (Amendment No. 8) attached to this report for a minimum period of 28 days, in accordance with section 3.43 and clause 5 of schedule 1 of the Environmental Planning and Assessment Act 1979. 2. Exhibits the Draft Community Participation Plan (Amendment No. 1) attached to this report for a minimum period of 28 days, in accordance with clause 1 of schedule 1 of the Environmental Planning and Assessment Act. 3. Arranges a seminar for precinct committees to outline and explain the proposed amendments to the Development Control Plan. 4. Adopts the amended Development Application Guide as attached to this report.
Council 12 December 2017	CM/8.14/17.12	EXTRACT ... 5. Prepares a report outlining how the WLEP and WDCP need to be and can be amended to improve security in the public domain and where large groups of people can congregate for all new large developments. This could include increased CCTV coverage.

4. Discussion

The preparation of the draft Waverley Development Control Plan 2012 (Amendment No. 8) (draft DCP), draft Waverley Community Participation Plan (draft CPP) involved Council staff across different directorates to identify issues for review and followed a number of staff workshops to discuss a range of matters. The key matters are addressed below, and a full list of proposed changes is provided in Attachment 1. The proposed documents are provided in Attachment 2 – Draft Waverley Development Control Plan 2012 (Amendment No.8) and Attachment 3 – Draft Waverley Community Participation Plan.

Key proposed amendments to the Waverley Development Control Plan

1. Deletion of Part A2 Advertising and Notification

As part of the changes to the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulations 2000* that were made in March 2018, Councils are required to prepare a Community Participation Plan which addresses advertising and notification requirements as set out in the Regulations. Waverley Council adopted its first

Community Participation Plan in November 2019. Accordingly, this section is now redundant in the DCP, and is to be removed.

2. Changes to the structure of Part C Residential Development

Amendment No. 6 of the DCP separated the previous Part C2 High Density Residential Development into two sections – Part C3 Medium Density Development and Part C4 High Density Development. This was done to more appropriately align with State policies governing medium density development (*Low Rise Medium Density Housing Code*) and residential flat building development (*State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development* (SEPP 65)).

Feedback from applicants, Waverley's advisory and determination panels and Development Assessment staff is that this has made assessing buildings subject to SEPP 65 more difficult as there were less site-specific provisions to assess a development against. Whilst the original intention of this separation of the two chapters into Medium and High Density Residential Development was to create clarity around the planning controls and to better align with the State policies, this merger is proposed to be undone to provide advisory and determining roles with additional provisions that can guide the assessment of SEPP 65 development such as setbacks, sunlight access, etc.

3. Inter-War Buildings provisions to apply to all building types

The Inter-War Buildings provisions were introduced to Part C Residential Development of the DCP in Amendment No.6 to provide additional protections to Inter-War flat buildings. Since Amendment No. 6, there have been a number of development applications for alterations and additions to Inter-War shop-top housing buildings, or shop fronts with no residential component. To increase the application of these controls, it is proposed that they are moved to Part B General Provisions, to apply to all Inter-War buildings across the LGA, and not just residential flat buildings.

4. Changes to strengthen controls to protect character of semi-detached dwellings

Recent development applications have raised concerns that the controls in the Waverley DCP are not strong enough to retain the character of existing semi-detached dwellings, and the lack of clarity around these controls is resulting in poor urban outcomes, where one half of a semi-detached dwelling pair is demolished, and proposed to be replaced by either a new modern-style building that does not relate to its pair, or to be replaced by a detached dwelling that has no relationship to its pair. The proposed controls aim to retain the front portion of all semi-detached dwellings so as to ensure that the two dwellings always present as a pair. Accordingly, demolition is not supported, and alterations and additions are proposed to occur only from behind the main ridgeline of the roof form. In the case where both semi-detached dwellings are proposed to be demolished and replaced, there are controls to ensure that the replacement dwellings are designed as a pair.

5. Improve security in the public domain and large developments

This proposed change responds to a Council Minute (CM/8.14/17.12) as stated in Part 3 of this report that Council:

Prepares a report outlining how the WLEP and WDCP need to be and can be amended to improve security in the public domain and where large groups of people can congregate for all new large developments. This could include increased CCTV coverage.

Public spaces in private developments where large gatherings may take place are often provided with security measures such as providing safety through the design of the building, where the

design of the public space has adequate 'eyes on the street' from surrounding residences, or from the public domain. In developments where this is not the case, the Development Assessment team currently require the provision of CCTV cameras in these locations as considered necessary.

In terms of providing greater security for the public domain, Council's DCP currently provides for public safety through the controls and objectives of Part B10 Safety. These provisions are to be read in conjunction with the NSW Government's Crime Prevention and Assessment of Development Applications Guidelines under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. In addition, all developments are to provide a Crime Prevention Through Environmental Design (CPTED) assessment, which addresses how the design of the development will contribute to increased safety both within the development and in the public domain.

Council officers note that these provisions are in line with best practice for designing for safety. However, it is recommended that the current discretionary approach for developments proposing public spaces that may permit gatherings be clarified in the DCP. Accordingly, this is proposed as a new control in Part B10 Safety as:

Where public spaces of larger developments could result in the gathering of groups of people, the development may be required to provide CCTV facilities to monitor those areas.

Proposed Amendments to the Waverley Community Participation Plan

1. Administrative changes regarding notification

The proposed changes to the CPP are considered minor and are corrective or seek to reduce administrative burden on Council. They include the clarification of notification for Integrated Development, increased officer discretion to reduce the notification of a strata subdivision of an approved or completed residential flat building, and the clarification that notification periods are extended over the Christmas period in line with the EP&A Act.

Consultation

The draft DCP and draft CPP were publicly exhibited between 15 May–15 June 2020 via Council's Have Your Say Page. In addition to this, a presentation and feedback session was held with the combined Precinct Committees on 27 May 2020. 17 precinct coordinators were in attendance representing the South Bondi Tamarama, Queens Park, Charing Cross, North Bondi, Bronte Beach, Bronte, Rose Bay, Bondi Beach and Bondi Heights precinct groups. During this feedback session, the main discussion relating to the DCP was the merger of the C3 and C4 Residential Development chapters. No formal submissions were received regarding this issue.

During this time, 1 external submission was received from the Queens Park Precinct, and 1 submission from a Councillor. A number of the concerns raised in the Councillor's submission require more detailed consideration as they are design related. These will be reviewed as part of the Comprehensive DCP Review being undertaken later in 2020.

Council's Development Assessment Team has also reviewed the proposed changes and provided a submission that identified a number of improvements, outlined in the table below. The proposed additional draft changes as a result of these three submissions is identified in highlighted text in Attachment 1.

Table 1. Submissions.

Submission	Submission themes	Discussion
Internal	Error to be corrected regarding inclusion of \$1mill threshold for public art requirements to be reflected	Updated p. 95

	in the controls in Part B11 Public Art.	
	Clarify when a 'Context Analysis' is required.	Criteria added to Part B12, C, E and F.
	Consistency of 'minimise' vs 'minimize' throughout	Updated throughout to 'minimise'.
	Side setbacks in C3 – clarify whether this applies to the whole building or only the part of the building that meets the height criteria.	Clarified 3.4.2, p187
	Increase 'trials of extended trading hours' to include early morning for certain uses such as bakeries and gyms in centres from 6am, rather than 7am.	Updated D1.3, p231
	Clarify operational hours of outdoor courtyards/beer gardens in pubs by adding 'outdoor courtyard' to the D2 Outdoor Dining section.	Include outdoor courtyards in the D2 Outdoor Dining section.
External – Queens Park Precinct	DCP - Clarification of side setbacks applying to secondary dwellings and ancillary buildings.	Clarification to note that secondary dwelling side setbacks are to be determined on a site by site basis, with consideration given to the context and amenity of neighbouring properties. Updated C2.13, p169
	DCP - Support for specification of use of laneway development, however further criteria for secondary dwellings desired.	This will be investigated for the Comprehensive LEP/DCP, as this will require more detailed investigation.
	CPP – Radial property notification preferred due to narrow lot sizes in the Queens Park area.	Council is undergoing a change of software used for notification purposes. Council will seek to implement this process with the new integrated software.
	CPP – clarification of renotification procedures to include all who previously made submissions and all who were notified in the first instance.	This has been updated in the CPP. p35.
	CPP – the full report from the DBU should be posted on Council's website under Track a DA, not an abridged version that excludes reasons for decisions.	The full report is currently posted on the DA Tracker, however is accessible under the 'Documents' tab, rather than the 'Decisions' tab.
Councillor	6.1 Stormwater Management and WSUD Objectives: Needs to have a new objective – To prevent stormwater from overflowing into basement garages of residences.	Additional objective added – 'To prevent stormwater from overflowing into basement garages of residences.'
	2.16.2 Ancillary Development. Concern that walls on boundaries say can be 2.1m - good if we had "depending on the impact on neighbours"	Additional text added – maximum wall height must not adversely impact on the amenity of a neighbouring property.

5. Financial impact statement/Time frame/Consultation

Following the adoption of the DCP (Amendment No. 8) and CPP (Amendment No. 1), a notification stating 1 August 2020 as the effective date of the DCP and CPP will be placed in the Wentworth Courier and on Council's website.

6. Conclusion

The final draft DCP and final draft CPP have been consulted on internally and through a public exhibition process. The proposed Waverley Development Control Plan 2012 (Amendment No. 8) is consistent with legislation, Council's policies, plans and strategies. As the comprehensive review of the entire Waverley DCP is anticipated to commence in the latter half of 2020, the changes presented in the final draft DCP provided here are of a minor and housekeeping nature. More significant changes have been referred to the comprehensive review.

7. Attachments

1. List of Proposed Changes to DCP and CPP [↓](#)
2. Waverley Development Control Plan Amendment No. 8 (under separate cover)
3. Waverley Community Participation Plan Amendment No 1 [↓](#) .

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

The table below outlines the proposed changes with references to the document parts and page numbers.

#	Issue	Proposed Outcome	Reference
General Changes to DCP			
1.	General Spelling Errors, Formatting Issues and Grammatical Errors	<ul style="list-style-type: none"> Minor Updates 	Throughout
2.	Figure numbers and references	<ul style="list-style-type: none"> correct figure numbers throughout 	Throughout
3.	NCC	<ul style="list-style-type: none"> Add reference to the National Construction Code 	A1, D2
Waverley Development Application Guide			
4.	Public Art Requirements	<ul style="list-style-type: none"> Add to the DA Guide Public Art requirements that have a clear trigger and state what the value of the public art will be, that is: Any development in a B1, B3 or B4 zone and with a construction cost of over \$10 million, is required to integrate a public artwork into the development. The value of the public artwork is to be a minimum of 1% of the construction costs. This does not include administration or associated costs. 	DA Guide, p26
5.	Clarify requirements for context plan	<ul style="list-style-type: none"> Clarify requirements for when a context plan is needed. 	DA Guide, p15
Waverley Community Participation Plan			
6.	Integrated development	<ul style="list-style-type: none"> Add 'Integrated Development' and Type C 	CPP, p37
7.	Notification of subdivisions	<ul style="list-style-type: none"> Reconsider notifications of subdivisions where minor, text added to note that at Council's discretion notification of a subdivision may be reduced. 	CPP, p34 and p37
8.	Notification over Christmas period	<ul style="list-style-type: none"> Update p37 to comply with the requirements of the EP&A Act 	CPP, p37
PART A – PRELIMINARY INFORMATION			
A1 Statutory Information			
9.	Amendment changes	<ul style="list-style-type: none"> Updated to reflect this amendment. 	
10.	Roads Act	<ul style="list-style-type: none"> Add reference to 'Roads Act 1993' 	1.4, p1
11.	Other plans and policies	<ul style="list-style-type: none"> Add a more specific list of other plans, standards and codes to part 1.4 to ensure applicants are aware of requirements in other documents. 	1.4, p1
A2 Advertising and Notification			
12.	Section removed as this is now replaced by the Community Participation Plan	<ul style="list-style-type: none"> This section is to be removed as it has been replaced with the Community Participation Plan as required by the EP&A Act and Regulations. 	A2, p5
PART B – GENERAL PROVISIONS			
B1 Waste			

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

#	Issue	Proposed Outcome	Reference
13.	Remove control duplication	<ul style="list-style-type: none"> Remove controls: <ul style="list-style-type: none"> (a) Waste storage space is to be designed with flexibility to accommodate a future change in use to a use with a higher waste generation rate. (g) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps. Replace with "All new developments are to provide adequate storage for waste to accommodate future change of use, including increased waste generation rates and grease traps." 	1.4.1.3, p16
14.	Clarify land uses and waste services	<ul style="list-style-type: none"> Provide clarification around less frequent landuses and the appropriate waste services. 	1.4, p14
B2 Ecologically Sustainable Development			
15.	Correct Header	<ul style="list-style-type: none"> Correct header from "Environmentally" to "Ecologically" 	Whole section
B3 Landscaping and Biodiversity			
16.	Increase Indigenous plant variety	<ul style="list-style-type: none"> Require a greater range and diversity of local native plants. Previously this control allowed plants native to Australia but not to the local area. 	P32
B6 Stormwater			
17.	Clarify flooding controls	<ul style="list-style-type: none"> Clarify existing flooding controls, as there was some confusion around control (c). Section has been split into two separate sections, flood areas, and non-flood areas. A flood study has been completed, which recommends additional controls be included in the LEP/DCP. These controls will be included in the comprehensive review of the LEP and DCP. 	6.2, p43
18.	New objective	<ul style="list-style-type: none"> New objective added: To prevent stormwater from overflowing into basement garages of residences. 	6.1, p41
B8 Transport			
19.	Medium density residential	<ul style="list-style-type: none"> Change medium density residential from '2-19' dwellings to '3-19' dwellings, to align dual occupancy with low density car parking rates. 	8.2.2, p54
20.	Reference to Australian Standard	<ul style="list-style-type: none"> Change reference to updated Australian Standard. 	8.2.6, p57
21.	Clarify bicycle parking	<ul style="list-style-type: none"> Update Table 4 to clarify medium and high-density residential dwellings. 	8.2.6, p58
22.	Correct Car Share rates	<ul style="list-style-type: none"> Correct car share provision rates in Table 3. 	8.2.2, p54
B9 Heritage			
23.	Remove duplication	<ul style="list-style-type: none"> Duplication of controls removed. 	9.19.3, p92

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

#	Issue	Proposed Outcome	Reference
24.	Clarification of Annexure	<ul style="list-style-type: none"> New text in preamble - For development within the Charing Cross and Queens Park Heritage Conservation Areas, also refer to Annexures B9-1 and B9-2. 	Preamble, p64
25.	New control to protect streetscape	<ul style="list-style-type: none"> New control - Building services including air conditioning units, satellite dishes and aerials are not to be visible from the streetscape. Suggestion from a previous Queen's Park Precinct submission 	9.4, 72
26.	Clarify requirement to provide Context Analysis	<ul style="list-style-type: none"> Clarify requirement to provide a Context and Streetscape Analysis for heritage items in addition to development carried out in heritage conservation areas. 	9.6.1, p74
B10 Safety			
27.	Add provision about CCTV cameras	<ul style="list-style-type: none"> Add control to say that where a development proposes a public space that may result in the gathering of groups, this space may require the provision of CCTV cameras. This is in response to a Council Motion as outlined in the Council report for this DCP Amendment. 	10.1, p94
B11 Public Art			
28.	Add requirement for public art in addition to DA Guide	<ul style="list-style-type: none"> Clarify requirement for public art provision and the preparation of a Public Art Plan. 	11.1, p95
Annexures			
29.	Queens Park clarification	<ul style="list-style-type: none"> Correct reference to specific objectives as these have all been incorporated into the main heritage chapter. Add map of area Add to preamble - Any property within the QPCA must have regard for the Desired Future Character as outlined in Annexure B9-2 and adhere to the Objectives and Controls within Part B9. Suggested in a previous submission from the Queens Park Precinct. 	Annexure B9-2, p139
PART C – RESIDENTIAL DEVELOPMENT			
General Notes			
30.	Inter-War Buildings	<ul style="list-style-type: none"> A note about Inter-War buildings has been added here to ensure applicants refer to Part B17 which now has the Inter-War provisions. 	General Notes, p140
C2 Low Density Residential Development			
31.	Ancillary buildings	<ul style="list-style-type: none"> Remove reference in preamble to 'side setbacks'. In many cases an ancillary building may be able to be built to the side setback with no unreasonable impact on the neighbouring property. Control 2.16.2b also permits wall heights on property boundaries. 	2.16, p178
32.	Correct part reference	<ul style="list-style-type: none"> Correct reference to C2.14 Dual Frontage Development 	2.16.1, p178

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

#	Issue	Proposed Outcome	Reference
33.	Driveway crossovers	<ul style="list-style-type: none"> Add to 2.8.6b that Properties with more than 1 dwelling must share a vehicle crossing to reduce the impact to street parking and allow more space for street trees. 	2.8.6, p164
34.	Clarify setbacks	<ul style="list-style-type: none"> To address confusion where a building height is between 8.5m and 12.5m (requiring a 1.5m setback), but is also a 2 storey building that exceeds the maximum height building standard of the LEP (requiring a 1.2m setback). 	2.2.2, p152
35.	Dual frontage development	<ul style="list-style-type: none"> Suggestion from a previous Queens Park Precinct submission to require the use of a laneway development to be specified, and that if it is proposed to be used as a dwelling, that it comply with the relevant provisions. 	2.14.1, p173
36.	Strengthen semi-detached dwelling controls	<ul style="list-style-type: none"> To provide greater clarity around the demolition of semi-detached dwellings and to maintain the character of semi-detached dwellings, additional controls are proposed. 	2.13, p169
37.	Clarification of side setbacks applying to secondary dwellings and ancillary buildings.	<ul style="list-style-type: none"> Clarification to note that secondary dwelling side setbacks are to be determined on a site by site basis, with consideration given to the context and amenity of neighbouring properties. 	2.16, p178
38.	Boundary wall heights for ancillary development	<ul style="list-style-type: none"> Concern that walls on boundaries say can be 2.1m - good if we had "depending on the impact on neighbours" 	2.16.2, p178
C3 Other Residential Development			
39.	Combine C4 with C3 as per Amd 5	<ul style="list-style-type: none"> Amd 6 of the DCP separated these two sections to more appropriately align with SEPP 65 and the ADG, however feedback from planners, applicants, Waverley's advisory and determination panels is that this has made assessing SEPP 65 buildings more difficult as there were less site specific provisions to assess a development against. Whilst the original intention of this separation of the two chapters into Medium and High Density Residential Development was to create clarity around the planning controls, this merger is proposed to be undone to provide advisory and determining roles with additional provisions to guide SEPP 65 development such as setbacks, sunlight access, etc. To clarify where an ADG provision overrules the DCP, as per Cl 6A of SEPP 65, this has been identified in the relevant DCP sections. Some controls appear as though they have been newly added, but this is the result of the re-merger of Parts C3 and C4. 	C3/C4
40.	Specify the types of residential development that C3 applies to	<ul style="list-style-type: none"> For clarity that C3 applies to the remaining typologies of residential development. This means that excluding low density, every other residential land use has been included in this section. 	C3 preamble, p179
41.	Clarify land use definitions	<ul style="list-style-type: none"> New text added: Refer to the Code SEPP for the land use definitions of manor houses and multi dwelling housing (terraces). 	C3 preamble, p179
42.	Explanation of relationship between DCP and SEPPs	<ul style="list-style-type: none"> As this section applies to development that SEPP 65 and the Code SEPP (Low Rise Medium Density Housing Code), extra explanations have been added to clarify the relationship between the DCP and each SEPP. 	C3 preamble, p179
43.	Excavation	<ul style="list-style-type: none"> Excavation has not been reintroduced here as it is covered in Part B14. 	3.3, p186
44.	Setbacks	<ul style="list-style-type: none"> ADG Note added to Part 3F 	3.4, p187
45.	Side setback clarification	<ul style="list-style-type: none"> Clarify how side setback control is to be applied 	3.4.2, p187
46.	Length and depth of buildings	<ul style="list-style-type: none"> ADG Note added to Part 3F 	3.5, p189
47.	Landscaping	<ul style="list-style-type: none"> Re-merger of previous controls. 	3.10, p195

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

#	Issue	Proposed Outcome	Reference
48.	Private Open Space	<ul style="list-style-type: none"> ADG Note added to Part 4E 	3.12, p197
49.	Vehicular access and parking	<ul style="list-style-type: none"> Re-merger of previous controls. 	3.13, p199
50.	Solar Access and Overshadowing	<ul style="list-style-type: none"> ADG Note added to Part 4A 	3.14, p200
51.	Visual Privacy and Security	<ul style="list-style-type: none"> Re-merger of previous controls. 	3.15, p203
52.	Dwelling Size and Layout	<ul style="list-style-type: none"> ADG Note added to Part 4D 	3.17, p205
53.	Ceiling Heights	<ul style="list-style-type: none"> ADG Note added to Part 4C 	3.18, p206
54.	Storage	<ul style="list-style-type: none"> ADG Note added to Part 4G 	3.19, p207
55.	Natural Ventilation	<ul style="list-style-type: none"> ADG Note added to Part 4B 	3.20, p209
C4 High Density Residential Development			
56.	Section deleted	<ul style="list-style-type: none"> See note above in C3. 	p213
PART D – COMMERCIAL DEVELOPMENT			
D1 Commercial and Retail Development			
57.	Correct numbering	<ul style="list-style-type: none"> Correct subheading numbering in 1.2 Design. 	1.2, p229
58.	Clarify trials of morning hours to be from 6.00am	<ul style="list-style-type: none"> Increase 'trials of extended trading hours' to include early morning for certain uses such as bakeries and gyms in centres from 6am, rather than 7am. 	1.3, p231
D2 Outdoor Dining			
59.	Preamble	<ul style="list-style-type: none"> Clarify that display of goods/signs requires an Activity Application with Council. 	D2, p235
60.	Clarify operational hours of outdoor courtyards	<ul style="list-style-type: none"> Clarify operational hours of outdoor courtyards/beer gardens in pubs by adding 'outdoor courtyard' to the D2 Outdoor Dining section. 	D2 preamble
61.	Footpath seating approvals	<ul style="list-style-type: none"> Increase approvals from 3 years to 5 years. 	2.3.2, p241
62.	Eligibility	<ul style="list-style-type: none"> Clarify that other food and beverage providers may be eligible for footpath seating. 	2.1, p235
63.	Bronte Beach footpath	<ul style="list-style-type: none"> Update the image and control relating to Bronte Beach footpath seating requirements following the public works footpath upgrade. 	2.4.5, p250
PART E – SITE SPECIFIC DEVELOPMENT			
E1 Bondi Junction Area			
64.	Correct number of storeys figure	<ul style="list-style-type: none"> Correct figure 25 key to read 9 storeys on hatching symbol. Update text to clarify that buildings must not exceed this. 	1.13, p283

ATTACHMENT 1 - Summary of amendments in Draft WDCP 2012 (Amendment No. 8)

#	Issue	Proposed Outcome	Reference
E2 Bondi Beachfront Area			
65.	Remove incorrect figure reference	<ul style="list-style-type: none"> Remove incorrect figure reference, which should have been removed in the previous amendment. 	2.2.4, p321
PART F – DEVELOPMENT SPECIFIC			
F1 Shared Residential Accommodation			
66.	Student housing	<ul style="list-style-type: none"> Add student housing to this section. 	F1, p379
Definitions			
67.	Solid Fuel Heating	<ul style="list-style-type: none"> A number of questions have been asked about this as 'solid fuel heater' is not defined in any documents. 	



COMMUNITY PARTICIPATION PLAN 2019

The Waverley Community Development Participation and Consultation Plan

ACKNOWLEDGEMENT

We acknowledge the Bidjigal and Gadigal people who
traditionally occupied the Sydney coast.

We also acknowledge Aboriginal Elders both past, present
and emerging.

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1 ABOUT THE PLAN

This Community Participation Plan (CPP) seeks to make community participation in local planning matters clearer for the Waverley community. It does this by outlining in one place how and when Council will involve the community and receive input across various planning processes and decisions.

Community participation refers to how Council engages with the community to shape the decisions and actions of Council, Council Officers and the Waverley Local Planning Panel (WLPP) in accordance with the legislative requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The level of community participation will vary depending on the community and the nature, scale and likely impact of the proposal being considered.

‘The community’ is any individual, group or organisation that is impacted by, or has an interest in, the decisions or initiatives of Council. It includes, but is not limited to, residents, landowners, business owners, community organisations, visitors and people working in the area, associations and peak bodies representing a range of issues and other levels of government, government agencies and statutory bodies.

Recent reforms to the EP&A Act require all Councils to prepare a Community Participation Plan (CPP).

This CPP, known as the Waverley Community Development Participation and Consultation Plan, has been prepared to meet Council’s legislative requirements under Division 2.6 and Schedule 1 of the EP&A Act.

This CPP identifies when and how the community can participate in various Council-led statutory planning processes and decisions, including planning related strategy or policy development, plan making and development assessment. As well as outlining opportunities for participation in matters and processes external to Council.

It establishes Council’s community participation principles which we use to guide our approach to community engagement. It does not outline how Council will engage on specific projects.

This CPP applies to the Waverley local government area (LGA) and the carrying out of planning processes and decisions by Council, Council staff and the WLPP only.





2 OUR APPROACH TO COMMUNITY PARTICIPATION

The Waverley community is diverse, with people from various cultural and linguistic backgrounds, people with disability, younger people and older people, and Aboriginal and Torres Strait Islander people.

Council is committed to engaging with the community in an inclusive, transparent and accountable way, ensuring all groups within the community have an opportunity to participate and have a say.

Our community participation approach is underpinned by community participation principles that focus on meaningful engagement, involvement, accessibility and inclusion, to ensure transparent decision making across all planning matters.

These principles have been developed having regard to the community participation principles set out in Section 2.23(2) of the EP&A Act.

Table 1 - Our community participation principles

Principle	Our commitment
Community participation will <i>build relationships</i>	We will engage in an honest, open and respectful way to build strong relationships and trust within our community.
The community has the <i>right to be involved</i>	We believe that our community members have a right to be involved in decisions that affect them.
Community participation will <i>build capacity</i>	We will work with our community to build capacity to genuinely participate in decisions which affect their lives.
Community participation will have <i>clarity of purpose</i>	We will engage with our community with clarity around why we are engaging and what we need to know.
Community participation will be <i>accessible and inclusive</i>	Information and engagement activities will be offered in a range of accessible formats to enable fair and equal access to participation.
Community participation will be <i>timely</i>	We will engage early enough for participation to be meaningful and provide enough time for the community to provide input.
Community participation will be <i>tailored</i>	We will use a range of engagement and communication methods that suit the purpose of the project and reach the key stakeholders.
Community participation will be <i>strategic</i>	We will collaborate across Council to ensure our engagement activities are approached in a strategic way to avoid duplication and inefficiencies.
Community participation will be <i>transparent and accountable</i>	We will be open with information the community needs to be able to participate meaningfully and communicate how community input influenced the decision.
Community participation will be <i>representative</i>	We will aim to hear from all stakeholder groups, including those who face barriers to participation, to ensure we hear from a representative sample of the community being impacted by a decision or initiative.

Why is community participation important?

- it builds community confidence in the planning system and ensures the community can have a say in decisions that affect them
- it creates a shared sense of purpose, direction and understanding of the need to deliver infrastructure and services to meet the community needs, while managing change
- it develops strong relationships and partnerships between Council and the community, leading to shared understanding of our community needs, aspirations and priorities.

How we undertake community participation

Community participation (or engagement) is the act of informing, consulting, involving, collaborating and empowering individuals on relevant matters or decisions that affect their everyday lives.

There is no one-size fits all approach to community participation. The level of involvement and influence the community will have and the range of engagement methods we use will depend on the nature of the proposal being considered. This document does not outline how Council will engage on specific projects, but more broadly how Council will foster community participation in planning processes and decision making.

Council planning processes and decisions

Council has adopted the International Association of Public Participation (IAP2) 'Public Participation Spectrum' model to inform the appropriate level of community participation for various planning processes and decisions. The IAP2 model comprises five levels of engagement. Refer to Figure 1.

Council typically utilises the first three levels of the IAP2 model to guide the preparation of tailored

engagement strategies, which identify the methods and level of engagement used to engage with the community on specific planning-related projects.

It is noted that the fifth level of the IAP2 model 'Empower' is difficult to achieve within a planning system that has a multi-layered policy framework and multiple stakeholders.

Methods of community participation Council may utilise include (but are not limited to):

- Print - newspaper advertisements, flyers, notices,
- Online - Have Your Say webpage, social media, emails,
- Interactive - surveys, information sessions,
- Face-to-face - Council and Precinct meetings, workshops.

A common way for the communities to participate in planning is during 'public exhibition' or 'public notification' of planning related documents and development applications. The minimum mandatory statutory exhibition timeframes and the associated notification processes are outlined in Part 5 and Part 6 of this CPP. During the exhibition or notification period Council may utilise one or more of the above community participation methods.



Figure 1 - The IAP2 'Public Participation Spectrum' model

There will be circumstances where Council may not consult with the community, including when:

- the proposal does not require public exhibition / notification in accordance with the legislation,
- the community has already had input through prior engagement,
- Council is responding to an emergency and immediate action is required to rectify an issue,
- technical or other expertise is the primary input to guide the decision.

External planning processes and decisions

The State Government (e.g. the Department of Planning, Industry and Environment (DPIE)) and other government agencies also develop planning related policies and assess development applications that may affect the Waverley community. These may include:

- new or amendments to existing State Environmental Planning Policies (SEPPs),
- assessment of State Significant Development (SSD), including new or alterations to existing educational institutions.

For these external planning processes and decisions there is no requirement that Council undertake community participation. However, Council may choose to keep the community informed. This can take the form of directing the community to relevant agencies webpage on Council's webpage, newsletter or social media accounts. The external agency is responsible for undertaking sufficient community engagement in accordance with their CPP.

Further, Council may choose to advocate on certain external matters to represent community interests and provide feedback to the relevant agency.

How we report on community participation

An important component of community participation is responding to and demonstrating how feedback has informed decision making.

Consideration is given to all community participation, and Council reports on how feedback has been used to inform the project. This reporting may be undertaken in multiple ways, for example:

- Council may notify those people who have been actively involved and are directly affected by the proposal of the outcomes and decisions,
- Council may publicise a submissions report which outlines the scope, community input and how this input has been considered,
- Council will publicise Council and WLPP meeting minutes.





Depending on the nature and timing of a decision, these reports may be published prior, at the time or following the making of a decision or finalisation of a project.

Further, the community can stay up to date on Council processes and decisions by:

- registering on the Waverley Council Have Your Say webpage - haveyoursay.waverley.nsw.gov.au,
- tracking the progress of Development Applications through Councils Development Application tracking tool - waverley.nsw.gov.au/building/development_applications/track_a_da,
- subscribing to planning and Development Application alerts which provides a list of planning applications in the Waverley LGA - planningalerts.org.au/alerts/signup.

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Table 2 - Our approach to community participation for planning processes and decisions

Level of engagement / community involvement	Process for engagement	Example methods of engagement	
INFORM 	<p>We will notify the community (one-way communication) of proposals and provide accurate and relevant information, to assist in understanding a particular matter.</p> <p>We will clearly outline how the community can get in touch and provide feedback.</p> <p>We will update the community of the proposals progress and outcome.</p>	<p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Media releases</p> <p>Social media announcements</p> <p>Council page in the Wentworth Courier</p> <p>Letterbox drops</p>	
CONSULT 	<p>We will consult with the community (two-way communication) and invite feedback on proposals to inform decision making.</p> <p>We will listen and consider all feedback received, and provide feedback on how input shaped the final decision or outcome through the relevant Council or Committee Meeting Reports or Assessment Reports.</p>	<p>Public exhibition</p> <p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Surveys</p> <p>Information sessions</p> <p>One-on-one engagement with Council planners via email or letter</p>	
INVOLVE 	<p>We engage directly with the community (participatory process) and seek specific feedback and input on proposals to inform decision making.</p> <p>We will demonstrate how the community's involvement was used.</p> <p>We will update the community of the proposals progress and outcome.</p>	<p>Precinct Committee Meetings</p> <p>Public workshops and feedback sessions</p> <p>Site visits</p> <p>Pop-ups</p> <p>Intercept surveys</p> <p>Citizen juries</p>	
RESPONSE AND DETERMINATION	<p>We notify the community of the outcomes of community participation and detail how their views were considered in the relevant Council or Committee meeting, submissions or assessment reports.</p> <p>We notify the community of the reasons for a decision.</p> <p>The ability to review or appeal a decision depends on the type of planning process and project.</p>	<p>'Have your say' Waverley website updates</p> <p>Waverley Development Tracker website updates</p> <p>Publication of community engagement reports</p> <p>Exhibition reports</p> <p>Notice of determination reports</p> <p>Council and Committee Meeting reports</p>	



3 COMMUNITY PARTICIPATION IN THE PLANNING SYSTEM

Waverley Council recognises the importance of community participation throughout the planning process. Council is committed to engaging with the community in an open, transparent and accountable way, to make fair and equitable decisions that reflect the needs of the Waverley community. No matter how big or small, it's important the community know when and how they can have their say on what is happening in Waverley.

The economic, social and environmental needs of the community are constantly changing. These needs include access to employment, housing, transport, education and health services and open space.

'Planning' is the act of researching, analysing, anticipating and influencing change in an area in response to these needs. Planning is important because it affects everyone in the community and the built and natural environments in which we live.

The 'planning system' is a framework of legislation, policy and practice, which enables and guides development to ensure we deliver these economic, social and environmental needs.

The NSW planning system

The Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal legislation governing land use planning and development in NSW – from the overarching objectives through to how controls affecting development are made and how a development is assessed against those controls.

The Act is administered by the NSW DPIE.

The EP&A Act is supported by the Environmental Planning and Assessment Regulation 2000 (EP&A Regulations), which sets out how certain functions under the EP&A Act should be carried out, fees, procedures etc.

State, regional and local plans

The planning system has a hierarchical structure with the EP&A Act providing for three levels of planning – State, regional and local. Council's role and influence across these three levels of planning varies.

Councils in NSW exercise their local planning functions within the broader legislative and policy context set by the State government. Specifically, councils have the primary responsibility for preparing and implementing local plans, however they are required to reflect State and regional planning priorities and actions.

The hierarchy of key State and local plans applying to the Waverley LGA is shown at Figure 2 and described in Table 3. These plans are prepared in accordance with Part 3 of the EP&A Act.

Table 3 - Key State and local plans applying to the Waverley LGA

Plan	Description
Strategic plans	
Greater Sydney Region Plan	A 40-year vision and 20-year strategic plan for the Sydney metropolitan area, prepared by the NSW Government (Greater Sydney Commission (GSC)). The plan outlines objectives to provide for the community's economic, social and environmental needs. Visit greater.sydney/metropolis-of-three-cities/about-plan for more information.
Eastern City District Plan	A 20-year vision plan for the Eastern City District of metropolitan Sydney, prepared by the NSW Government (DPIE). The plan guides the implementation of the Greater Sydney Region Plan at a district level. Visit greater.sydney/district-plans for more information.
The Waverley Local Strategic Planning Statement (LSPS)	A 20-year strategic plan, prepared by Council and endorsed by the NSW Government (GSC and DPIE). The plan guides the implementation of State planning priorities at a local level to deliver place-based outcomes.
Environmental planning instruments	
State Environmental Planning Policies (SEPPs)*	SEPPs are state-wide legislated plans prepared by the NSW Government (DPIE). They specify planning controls for certain areas and / or types of development. For example the provision of affordable housing or educational establishments. SEPPs have greater weight than Council's plans and policies.
Waverley Local Environmental Plan 2012	<p>A legislated plan prepared by Council and approved by the NSW Government (DPIE). An LEP:</p> <ul style="list-style-type: none"> • zones land to specify what development is permitted in a certain area • identifies special matters for consideration eg, whether an item has heritage significance or land is prone to flooding or bushfire • identifies the principal development standards eg, maximum building height and floor space ratio (FSR). <p>A Planning Proposal is required to make or amend an LEP.</p>
Local guides	
Waverley Development Control Plan	Guiding documents, prepared by Council. DCPs provide more detailed design and planning requirements for certain areas and / or types of development.

* *Regional Environmental Plans (REPs) are deemed SEPPs in accordance with the EP&A Act.*

Development approval

The type of approval a development requires, if any, depends upon the scale and potential impacts of the proposal. There are nine approval pathways in NSW:

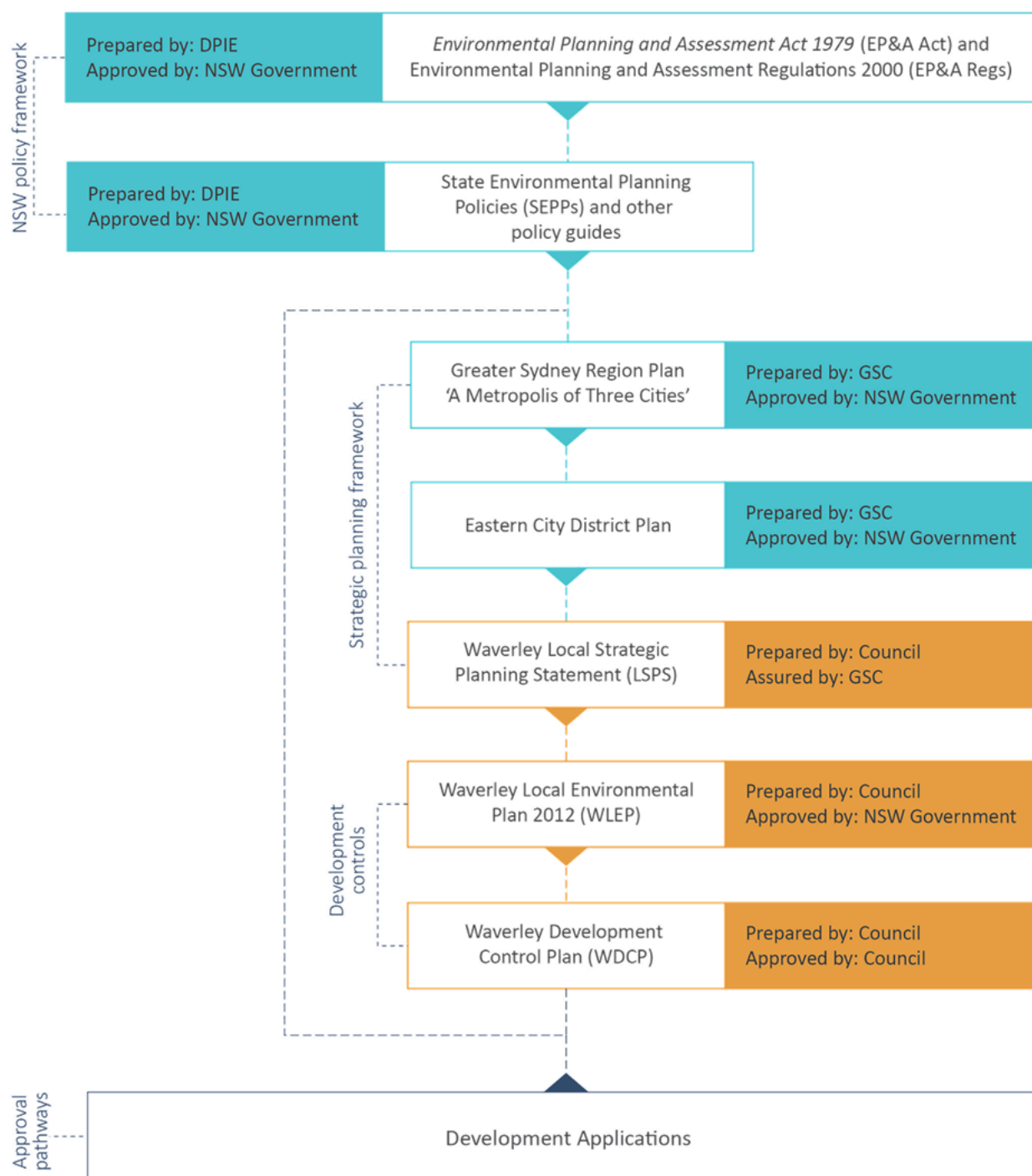
- Exempt development,
- Complying development,
- Local development,
- Regional development,
- State significant development,
- State significant infrastructure,

- Development without consent,
- Part 3A development,
- Designated fishing activities.

When preparing and assessing a development application, consideration is required to be given to the EP&A Act and the relevant strategic and statutory plans. These applications are prepared in accordance with Part 4 and 5 of the EP&A Act.

Visit planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways for more information.

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'NSW Government' refers to the Premier of New South Wales and / or the Minister for Planning and Public Spaces. 'GSC' refers to the Greater Sydney Commission. 'DPIE' refers to the Department of Planning, Industry and Environment. 'Council' refers to Waverley Council Officers, Councillors and / or the Waverley Local Planning Panel.

Figure 2 - The planning framework applying to planning processes and decisions in the Waverley LGA

What is a Community Participation Plan?

In March 2018, amendments to the EP&A Act introduced new requirements to make it easier for the community to participate in planning decisions.

Specifically, Council has a responsibility to deliver the objects of the EP&A Act including to “provide increased opportunity for community participation in environmental planning and assessment” (see section 1.3(j) of the EP&A Act). A tool to deliver this object is a CPP.

This CPP, known as the Waverley Community Development Participation and Consultation Plan, has been prepared to meet Council’s legislative requirements under Division 2.6 and Schedule 1 of the EP&A Act.

It seeks to make community participation in various Council-led strategic and statutory planning processes and decisions clearer for the Waverley community by outlining when and how the community can be involved.

It also outlines opportunities for participation in matters and processes external to Council, led by other government agencies e.g. the DPIE.

Further, this CPP establishes Council’s community participation principles which we use to guide our approach to community engagement.

This CPP applies to planning processes and decisions (refer to Table 4) by Council, Council staff and the WLPP only. It does not apply to other NSW planning authorities including the GSC, DPIE, Independent Planning Commission (IPC) or other councils.

It also forms Council’s approved ‘Submissions Policy’ as referenced under Council’s Local Planning Panel delegations.

This CPP has been informed by the Waverley Community Engagement Strategy (CES) and Waverley Community Engagement Policy (CEP) which are being prepared concurrently. These documents are a requirement of the *Local Government Act 1993* (LG Act) and provides the framework for Council-wide community participation.

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Who is involved in the planning system?



Figure 3 - Who is involved in the planning system?

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Table 4 - What planning matters does the Waverley Community Participation Plan apply to?

Matter	Description
Planning related strategy or policy development	<p>We develop strategies and policy documents for particular matters or areas of the LGA which reflect the future needs of the community. These documents, underpinned by detailed research and analysis, establish the vision, context and strategic direction to guide planning and development decisions.</p> <p>We consult and involve the community to ensure these strategies and policies reflect their future economic, social and environmental needs.</p> <p>Example documents include: the Bondi Junction Evening, Culture and Entertainment Strategy and Waverley's People, Movement and Places.</p>
Plan making	<p>We prepare local plans for the LGA per requirements of the EP&A Act. These plans are informed by our local strategies and policies as well as State and regional strategic and statutory plans, and provide the legislative framework for planning and development decisions.</p> <p>We inform and consult with the community during the preparation of these plans to ensure they will deliver the future needs of the community.</p> <p>Plans include: Local Strategic Planning Statement (LSPS), Waverley Local Environmental Plan 2012 (WLEP 2012), Waverley Development Control Plan (WDCP) and Contributions Plans.</p>
Planning proposals	<p>A Planning Proposal is a proposed amendment to the WLEP 2012. Planning Proposals can be prepared by Council, or they can be proponent-led, usually for a specific site (also known as spot-rezonings).</p> <p>We inform and consult with the community during the preparation and assessment of these proposals.</p> <p>Council Officers, the Waverley Local Planning Panel (WLPP), Council and the DPIE are all involved in the decision making process for Planning Proposals. Sometimes the Sydney Eastern City Planning Panel and the Independent Planning Commission (IPC) can also be involved in the process, if there is a dispute about a decision that has been made.</p> <p>When making decisions on these matters consideration is given to the proposals consistency with the requirements and objects of the EP&A Act, relevant State and local strategic priorities, plans and guidelines, community input and other technical advice.</p>
Development approvals	<p>Council Officers, the WLPP, the Sydney Eastern City Planning Panel, and the Land and Environment Court make decisions on a range of proposals, including local and regional development applications (DA), development without consent and some complying development certificates (CDC).</p> <p>We inform and consult the community during the assessment of development proposals.</p> <p>When making decisions on these matters consideration is given to the proposals consistency with the requirements and objects of the EP&A Act, relevant State and local strategic priorities, plans and guidelines, community input and other technical advice.</p>

Public exhibition and public notification of planning matters

Opportunities for community participation and the level of influence the community has in decision making will depend on the nature, scale and likely impact of the proposal being considered. A regular and valuable way for the communities to participate in the planning system is by making a submission on a proposal during the 'public exhibition' or 'public notification' period.

Public exhibition / notification can be described as:

- giving notice to individual land owners / occupiers in the vicinity of a proposal,
- giving notice to the local Precinct Committees of all proposals within their area,
- determining an appropriate exhibition timeframe,
- advertising the exhibition notice, including how submissions can be made,
- making documents, including a draft strategy, draft plan or proposed development, publicly available.

In conducting an exhibition, we receive public comments in accordance with our **Terms of Use**, **Privacy Policy** and **Moderation Policy**.

There are mandatory statutory timeframes for the public exhibition and notification of planning related documents and proposals. These are set out in the EP&A Act. These timeframes are outlined in Part 5.

An exhibition timeframe may be discretionally extended based on the scale and nature of the proposal. Re-exhibition of any amended application or matter may occur.

The period of re-exhibition, if required, will be determined by Council and based on the nature, scale and likely impact of the amended proposal.

There will be circumstances where Council may not exhibit or consult with the community, including when:

- the proposal does not require public exhibition / notification in accordance with the legislation,
- the community has already had input through prior engagement,
- technical or other expertise is the primary input to guide the decision,
- Council is responding to an emergency and immediate action is required to rectify or remediate an issue,
- decisions relate to Council's day-to-day business operations,
- legal, commercial or confidential restrictions are involved.

It is noted that the following applications will not be exhibited:

- Exempt development,
- Complying development,
- Section 4.55(1) application for modification of a consent to correct a minor error, misdescription or miscalculation,
- DAs to strata title new buildings, which have not been occupied.

Exhibition of the above applications is not a requirement of the EP&A Act or other legislation.

Your privacy is important

We take your privacy very seriously. When participating in community participation you may be asked to provide personal information. The supply of your personal information is voluntary. However, if you do not provide your contact details, Council may be unable to give proper consideration to your comments, or to contact you to respond or update you on a proposal. You are entitled to access and correct the information you provide.

Personal information, including formal submissions will not be published on Council's website. However, please note that your submission, including your personal information, may be viewed and copied by, or provided electronically to, members of the public under the Government Information (Public Access) Act 2009. Questions concerning privacy or the use of your personal information should be referred to governance@waverley.nsw.gov.au.

Have your say!



How the community can participate in planning processes and decisions.

- **Make a formal submission** on Council-led proposals or local development applications by:
 - 🖱️ going online to the Waverley Have Your Say webpage or Development Application Tracker, or
 - ✉️ by writing to The General Manager of Waverley Council, or
 - ✉️ by emailing info@waverley.com.au or dasubmissions@waverley.nsw.gov.au.
- **Visit the Customer Service Centre** located at 55 Spring Street Bondi Junction, between 8.30am – 4.30pm, Monday to Friday, to access public exhibition documents.
- **Connect directly with Council staff** working on a proposal, policy, plan or project. Contact details are typically available on the Waverley Have Your Say and Development Application Tracker webpages.
- **Advocate for local issues** on State-led proposals or development applications by:
 - 🖱️ going online to the DPIE Have Your Say webpage or Major Projects webpage; or
 - ✉️ by writing to the Minister for Planning, the Planning Secretary or DPIE staff.

What to include in a formal submission

Should you wish to make a formal submission please consider the following requirements:

- it must be in writing,
- it should indicate who is making the submission, or on whose behalf it is being made, the relevant address, contact phone number and email address,
- it should be succinct – there is no need for a submission to repeat or undertake a detailed assessment of the proposal against the development standards and controls,
- it should identify the reasons for support or objection and any impacts, positive or negative, that may arise from the proposal. If there is a satisfactory solution the submission should outline this,
- it should only relate to ‘planning issues’ that are capable of being considered under the EP&A Act.

What is a relevant ‘planning issue’?

Some examples of what is and what isn’t considered a relevant planning issue that is capable of being considered under the EP&A Act are provided below:

- ✓ Relevant plans and policies, Overshadowing / loss of light, Overlooking / loss of privacy, Scale / size / local character, Safety issues, hours of operation and outdoor dining, Traffic generation, Removal of and works to vegetation and trees.
- ✗ Impact on private property values, Personal values or religion, Matters covered by other legislation such as the provision of a liquor licence under the *Liquor Act 2007*, The perceived morals / future intentions of developers.

Decision-making and determination

Community participation does not replace decision making functions of Council or other planning authorities, rather it informs and guides it.

In reaching a decision on proposals, a range of factors must be balanced to ensure that decisions are in the public interest. In addition to community input, decisions are also informed by factors such as:

- consistency of the proposal with the requirements and objects of the EP&A Act,
- consistency of the proposal with the relevant State and local planning controls,
- technical elements of the proposal and expert advice,
- other authorities and Government departments advice and approval,
- regional and peak bodies with which Council is affiliated.

In most cases, the determining authority (decision-maker) will be Council Officers (under delegation), the WLPP or Council. However, the EP&A Act, the EP&A Regulations or an EPI (LEP or SEPP) can specify a different consent authority for some planning matters, such as:

- the Greater Sydney Commission (GSC),
- the Minister for Planning and Public Spaces (the Minister can delegate this function to DPIE),
- the Independent Planning Commission (IPC),
- the Sydney Eastern City Planning Panel,
- a public authority (other than Council).

The determining authority for the planning matters covered by this CPP are outlined in Table 5.

Council reports on the outcomes of planning matters, including the outcomes of community participation. This may occur by:

- Council notifying people who have been involved and are directly affected by the proposal,
- reporting via Council and Strategic Planning and Development Committee Meetings. Reports are made available online through the Agenda and Minutes of these meetings,

- reporting via Development Assessment Reports which can be viewed on Council's Development Application Tracker webpage,
- online via Have Your Say and social media.

Planning panels and other consent authorities will publish public decisions and associated assessment reports on their webpages.

Schedule 1 of the EP&A Act requires that Council provides reasons for the determination of a development application (DA). These typically form part of the Notice of Determination and development assessment report which are made available online through the Waverley DA Tracking Tool.

Part 3 Division 3 of the EP&A Regulations requires Council to give public notice of its decision on a DCP including Council's reasons for the decision.

Depending on the nature and timing of a decision, these reports may be published prior, at the time or following the making of a decision.

Role of Councillors in decision making

Per Division 4.2, Clause 4.8 of the EP&A Act, the functions of a Council as a consent authority for development applications are not exercisable by the Councillors. They are exercisable on behalf of the Council by the local planning panel or delegation. This allows Councillors more time to focus on strategic planning issues.

In 2013, Waverley Council implemented the Waverley Development Assessment Panel (now referred to as the WLPP) to determine certain types of development applications. Per Division 2.5, Clause 2.18 of the EP&A Act Councillors are ineligible to be panel members. Further requirements for the WLPP panel members are outlined within the 'Code of Conduct for Local Planning Members' and the 'Local Planning Panels Direction Operational Procedures'.

Table 5 - Who makes decisions on planning matters?

Matter	Determining authority	
Planning related strategy or policy development	Planning related strategy and policies are prepared by Council Officers and adopted by Council.	
Plan making	Council Officers, the WLPP, Council and the DPIE can be involved in local plan making.	
Planning proposals	Council Officers, the WLPP, Council and the DPIE are all involved in the decision making process for Planning Proposals. Sometimes the Sydney Eastern City Planning Panel and the IPC can also be involved in the process, if there is a dispute about a decision that has been made. This is known as a Rezoning Review process.	
Development approvals	Exempt development	No development approval is required.
	Complying development	Complying development can be determined through a fast-track assessment by Council or an accredited Certifier. A Complying Development Certificate (CDC) is issued.
	Local development	<p>Local development applications are submitted to Council for assessment can be determined in the following ways:</p> <ul style="list-style-type: none"> determined by Delegated authority ie, the Assessment Officer allocated the application, or Manager. Delegation is restricted to applications where no objections have been received and / or where applications do not depart (other than a minor degree) from the statutory controls and Council policies, or determined by the WLPP* where there is a conflict of interest, contentious development, departure from development standards or sensitive development as defined by the Local Planning Panels Direction - planning.nsw.gov.au/-/media/Files/DPE/Other/local-planning-panels-direction-development. The WLPP is provided an assessment report and recommendation (instrument of approval / refusal) about the application to assist in making a determination. <p>If a local DA is refused it may be appealed in the Land and Environment Court.</p>
	Regional development	Regional DAs are submitted to Council for assessment and are determined by the Sydney Eastern City Planning Panel. Continued on next page.

** This CPP also forms Council's approved 'Submissions Policy' as referenced under Council's Local Planning Panel delegations. This allows Council (as the delegated authority) to direct certain DAs to the Local Planning Panel based on the number of submissions. Referrals to the Local Planning Panel remain as per Council's delegations unless otherwise specified in this document.*

Matter	Determining authority
	<p>The panel is provided an assessment report and recommendation (instrument of approval / refusal) from the Assessment Officer to assist in making a determination. These applications are of a greater scale or value than local development (generally over \$30 million).</p> <p>If a regional DA is refused it may be appealed in the Land and Environment Court.</p>
State significant development (SDD)	<p>SSDAs are submitted to DPIE for assessment and are can be determined in the following ways:</p> <ul style="list-style-type: none"> determined by the Minister (or DPIE as delegate), or determined by the IPC if the application has received more than 25 submissions, the local council has objected or a political donation has been disclosed. The IPC may meet with the proponent, DPIE, Council or hold a public meeting. <p>These applications relate to high cost and high impact developments that are not public infrastructure projects. An assessment report and recommendation (instrument of approval / refusal) is prepared by the Assessment Officer to assist in making a determination.</p>
State significant infrastructure (SSI)	<p>SSI applications are submitted to the DPIE for assessment and can be determined in the following ways:</p> <ul style="list-style-type: none"> determined by the DPIE under delegation, or determined by the Minister, where 25 or more submissions have been received. <p>These applications relate to large, mainly infrastructure projects (eg, rail, roads). An assessment report and recommendation (instrument of approval / refusal) is prepared by the Secretary to assist in making a determination.</p>
Development without consent	<p>Applications for 'development without consent' are prepared on behalf of a public authority (ie, Council) for self-authorisation ('determination') by the authority. These applications relate to low impact works carried out by the authority eg, upgrades to public open space.</p>



4 KEY PLANNING AND APPROVAL PROCESSES

There are many pathways for planning approval. In an attempt to make it clearer for the Waverley community this Part details how and when the community can participate in the following key State and local planning and approval processes:

- A- Complying development (*no formal consultation requirements*)
- B- Local development
- C- Regional / designated development
- D- State significant development (*Consultation undertaken by the State government*)
- E- Planning proposal (*Consultation may also be undertaken by the State government*)
- F- Council strategy and policy development

Note: the following flowcharts provide a generic overview of key stages of the assessment and decision-making process for the various planning matters common to the Waverley LGA. They are intended as a guide only. Processes may vary for specific development proposals, including the level of community participation undertaken. In some instances an applicant may undertake additional non-mandatory community consultation prior to or during the assessment of a DA. Council's role and influence varies across these matters.



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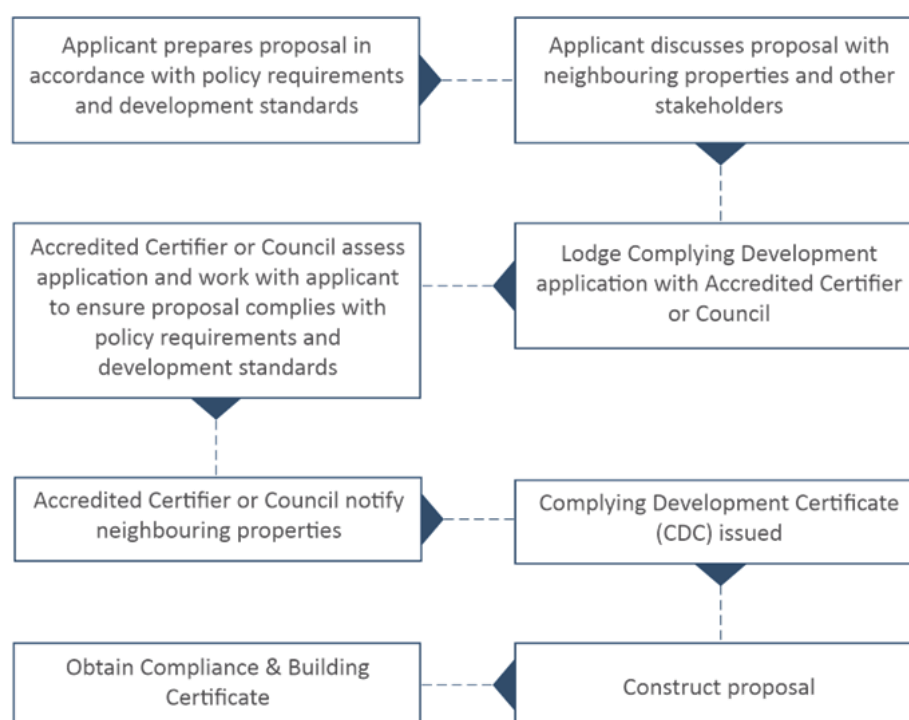
A - COMPLYING DEVELOPMENT APPLICATION

What is a complying development application?

Complying development is development that meets specific standards in the State government State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) or other SEPPs such as the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP). Complying development can be determined through a fast-track assessment by Council or an accredited Certifier.

Some categories of works that are complying development:

- construction of a new building (eg, secondary dwelling, school, hospital)
- alterations and additions to an existing building
- demolition of a building
- internal alterations (fit-outs) of commercial / retail premises.

Complying development approval process**Have your say!**

Council encourages communication between complying development applicants and their neighbours. Applicants should consult with their neighbours at the earliest opportunity to help them understand the proposal. All neighbouring properties within a 20m radius of the site must be notified by an accredited certifier (Council or private) when they are processing an application. A CDC cannot be approved for at least 14 days after neighbouring properties are notified.

Neighbours have no objection rights to a complying development proposal because it meets minimum impact criteria on surrounding properties. These requirements are set out by the State government.

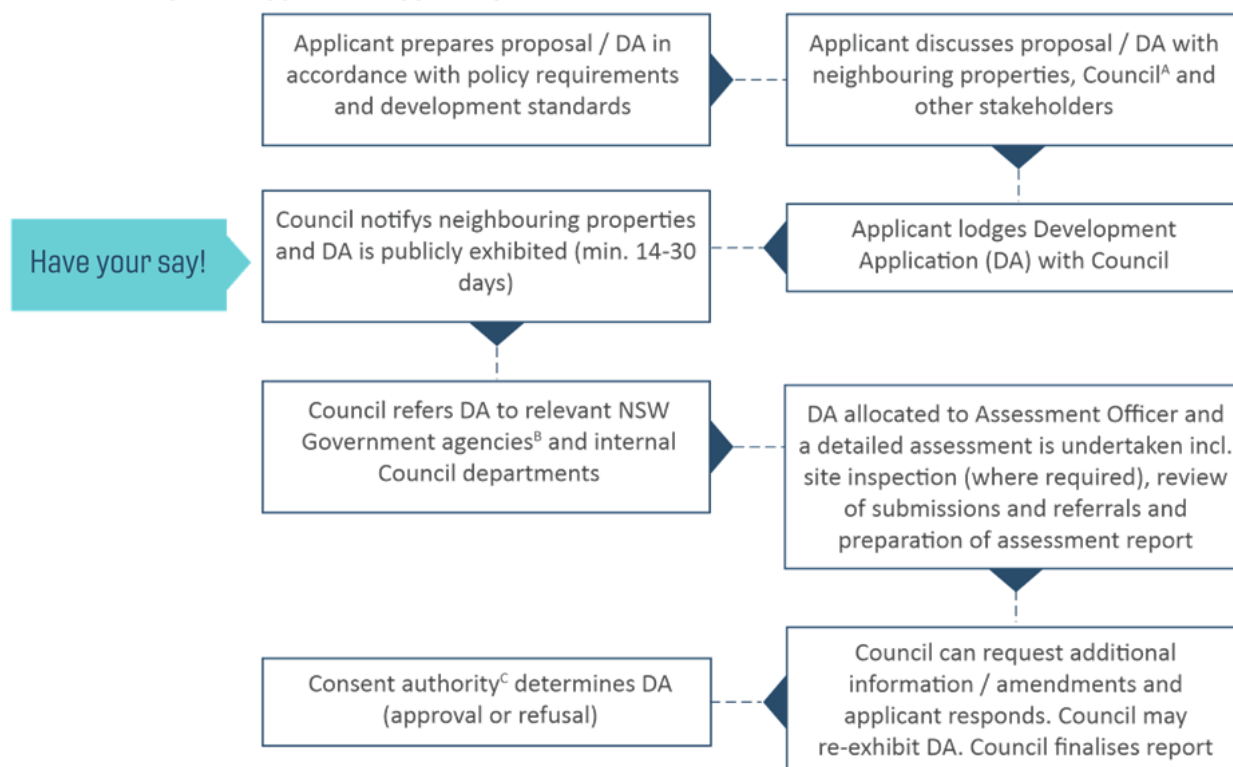
B – LOCAL DEVELOPMENT APPLICATION

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What is a local development application?

A Development Application (DA) is an application made to Council seeking consent to carry out a proposed development. This is the most common type of development in NSW and includes home renovations and extensions, new residential buildings and medium-sized commercial and retail developments. Applicants must consider the requirements and objects of the EP&A Act, relevant State and local strategic priorities, plans and guidelines. Refer to the Waverley Development Application Guide for more information.

Local Development Application approval process



Notes

^A Prior to the lodgement of a DA Council Officers may meet with an applicant to: discuss the application or proposal in terms of the type of information that will be required; to alert the applicant to relevant Council policies and strategies; or to raise potential impacts of the proposal. These meetings do not involve assessment advice or professional planning advice for the proposal.

^B Some developments require referral to a government agency for a separate approval (i.e. 'Integrated Development'), concurrence or comment.

^C The Consent Authority may be either a Council Officer (by delegation) or WLPP. Refer to Table 5 for more information.

Have your say!

- Make a formal submission on a DA whilst on exhibition / notification by visiting the Development Application Tracker, writing to The General Manager of Waverley Council, or emailing dasubmissions@waverley.nsw.gov.au.
- Visit the Waverley Customer Service Centre to access all plans and related documents for current applications.

Refer to Part 3 for more information.

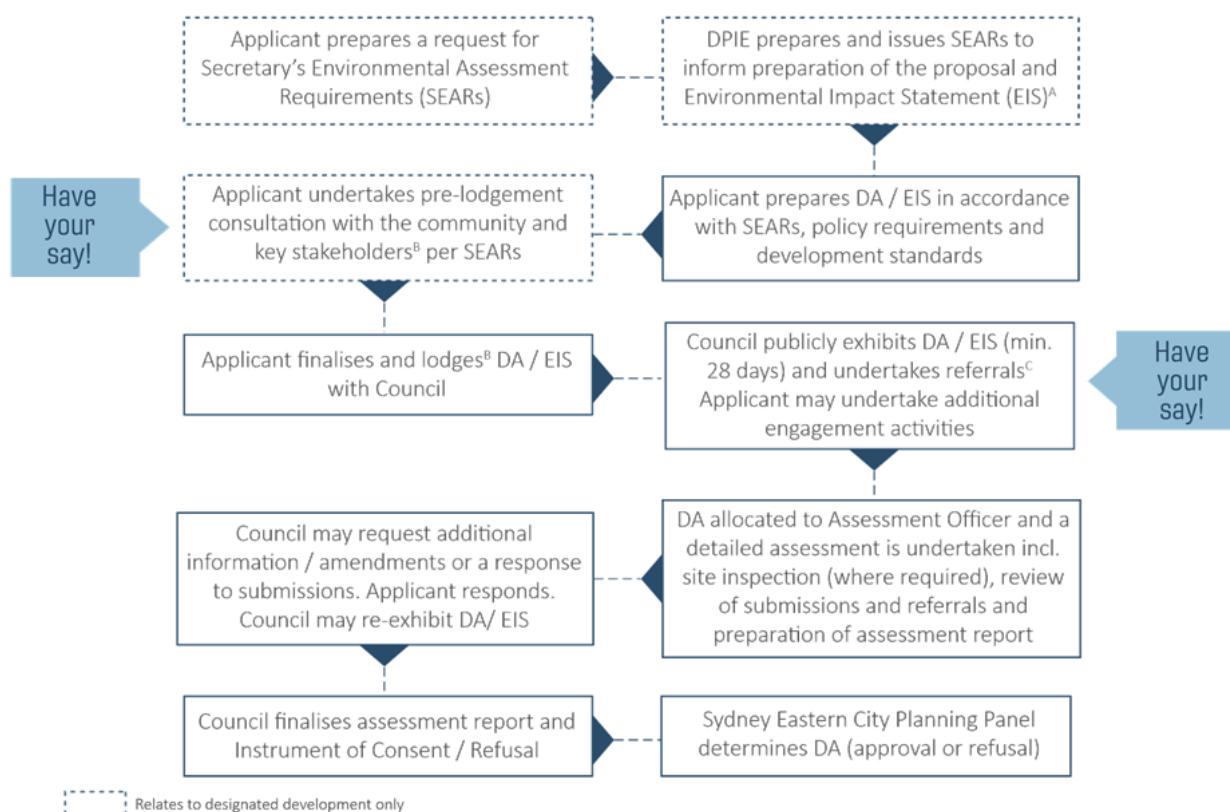


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C - REGIONAL DEVELOPMENT APPLICATION

What is a regional development application?

Regional development is of a greater scale and / or value than local development (generally greater than \$30m) or of a greater impact (eg, 'designated development'). Regional development is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. Schedule 3 of the EP&A Regulations defines types of designated development.

Regional and designated development application approval process**Notes**

^A The DPIE has 28 days to issue SEARs and must seek input from relevant agencies.

^B Prior to the lodgement of the DA an applicant will meet with DPIE and Council to discuss the proposal, relevant policies and strategies and potential impacts. These meetings do not involve assessment advice or professional planning advice for the proposal.

^C Some developments require referral to a government agency for a separate approval (ie, 'Integrated Development'), concurrence or comment.

Have your say!

- Make a formal submission on a DA whilst on exhibition / notification by visiting the Development Application Tracker, writing to The General Manager of Waverley Council, or emailing dasubmissions@waverley.nsw.gov.au. Refer to Part 3 for more information.
- Visit the Waverley Customer Service Centre to access all plans and related documents for current applications.
- Participate in Applicant initiated and led community and stakeholder engagement activities.

D - STATE SIGNIFICANT DEVELOPMENT APPLICATION

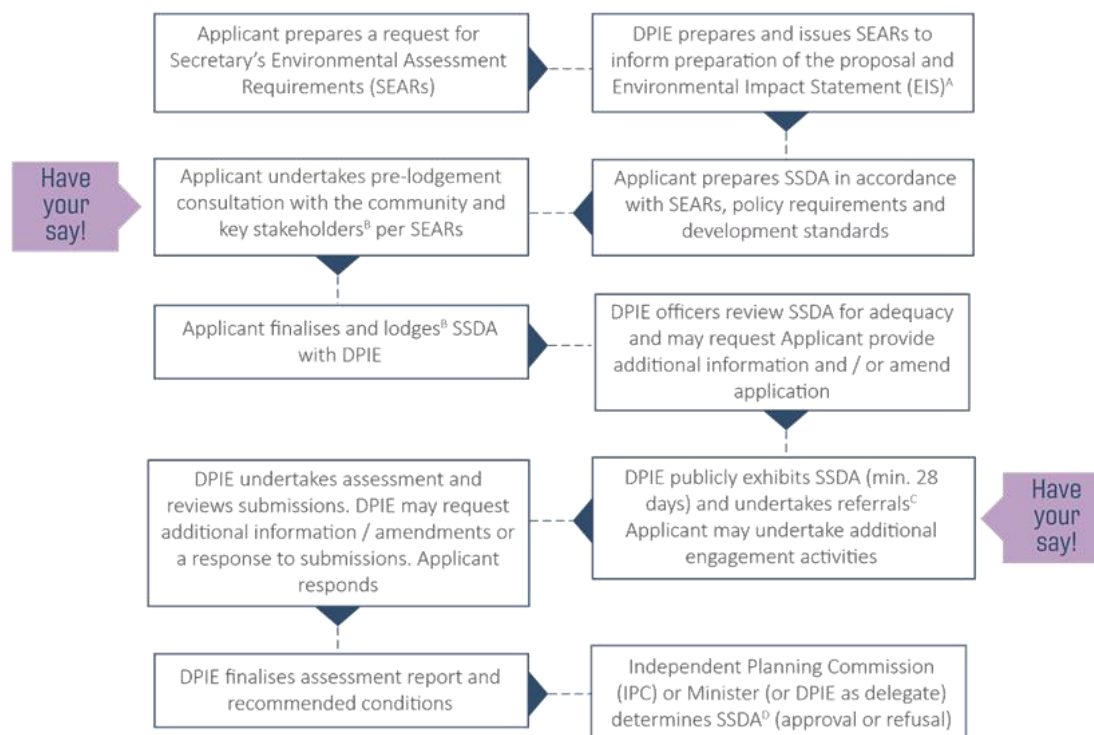
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What is a state significant development application?

Some types of development are deemed to have State significance due to the location, size, economic value or potential impacts that a development may have. State significant development (SSD) is defined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011. The Minister for Planning and Public Spaces may also 'call in' a development proposal if it is deemed to be of State significance. All SSD applications are listed on the DPIE's major projects website, planningportal.nsw.gov.au/major-projects.

Refer to planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Planning-Approval-Pathways/State-Significant-Development for more information.

State significant development application approval process



Notes

^A The DPIE has 28 days to issue SEARs and must seek input from relevant agencies.

^B Prior to the lodgement of the DA an applicant will meet with DPIE and Council to discuss the proposal, relevant policies and strategies and potential impacts. These meetings do not involve assessment advice or professional planning advice for the proposal.

^C Some developments require referral to a government agency for a separate approval (ie, 'Integrated Development'), concurrence or comment.

^D Refer to Table 5 for further information.

Have your say!

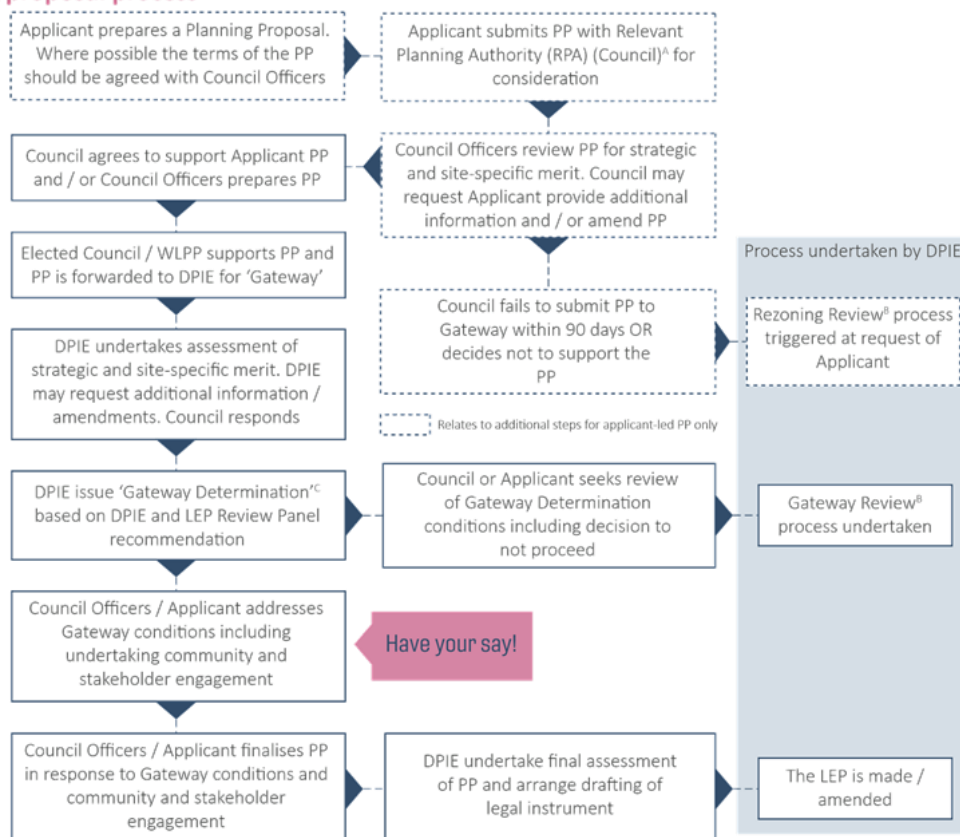
- **Consultation is undertaken by the State government.** Make a formal submission on an SSD during public exhibition by visiting the major projects website and making a submission to the relevant project or by writing to the DPIE. Refer to planning.nsw.gov.au/Contact-Us.
- Participate in Applicant initiated and led community and stakeholder engagement activities.

E - PLANNING PROPOSAL

What is a planning proposal?

A Planning Proposal is a proposed amendment to or creation of a Local Environmental Plan (LEP). An amendment may constitute a change to the land use zoning, maximum height of building or floor space ratio (FSR) or a site. Planning Proposals can be prepared by Council, or they can be proponent / applicant-led, usually for a specific site (also known as spot-rezonings). A Planning Proposal should demonstrate strategic and site-specific merit and consistency with State and local strategies and policies.

Planning proposal process



Notes

^A The planning proposal authority is usually the local council, however the Minister can appoint the Secretary of the DPIE, a regional planning panel or a Sydney planning panel to be the RPA.

^B Refer to planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/The-Gateway-Process for more information.

^C A 'Gateway Determination' will determine whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames.

Have your say!

- Make a formal submission by visiting the Waverley Have Your Say webpage, or by writing to The General Manager of Waverley Council, or by emailing info@waverley.com.au
- Participate in Applicant initiated and led community and stakeholder engagement activities.
- Follow an PP / LEPs progress on leptracking.planning.nsw.gov.au.

F – STRATEGY AND POLICY DEVELOPMENT

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What is a strategy? What is a policy?

Council develops strategies and policy documents for particular matters or areas of the LGA. These documents, underpinned by detailed research and analysis, establish the vision, context and strategic direction to guide planning and development decisions.

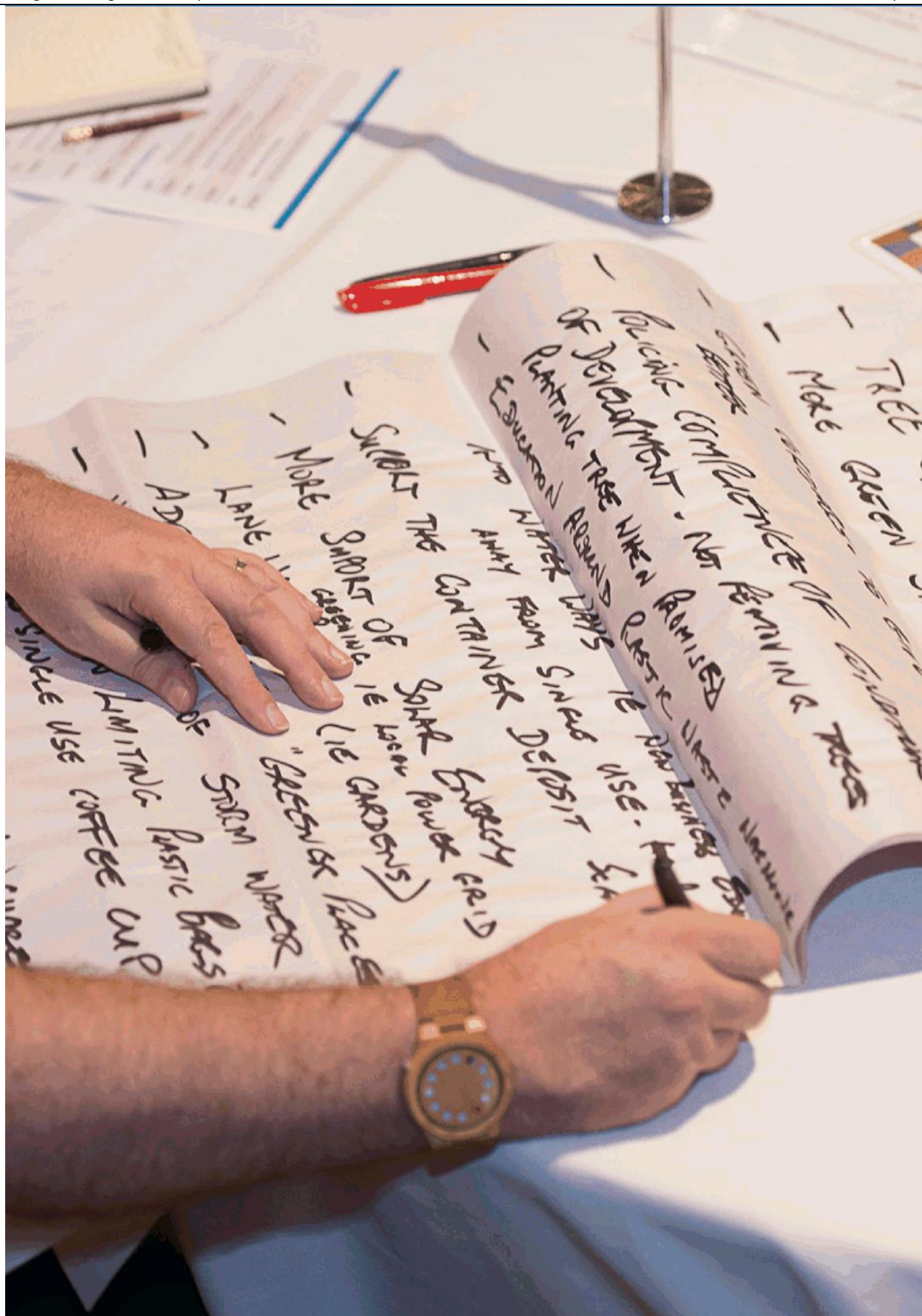
Strategy and policy development process



Have your say!

- Make a formal submission by visiting the Waverley Have Your Say webpage, or by writing to The General Manager of Waverley Council, or by emailing info@waverley.com.au. Refer to Part 3 for more information.
- Participate in Council engagement activities including workshops and surveys.





5 PUBLIC EXHIBITION REQUIREMENTS

As outlined in Part 3, public exhibition procedures vary for different planning processes and decisions. The LG Act, EP&A Act, and the EP&A Regulations detail the types of proposals and the associated mandatory minimum exhibition timeframes that must be considered in a CPP.

In line with our commitment to timely participation, we will ensure that our community has equal and adequate time to provide feedback by exhibiting proposals for the minimum statutory timeframes.

An exhibition timeframe may be discretionally extended based on the scale and nature of the proposal.

Re-exhibition of any amended application or matter may occur. The period of re-exhibition, if required, will be determined by Council and based on the nature, scale and likely impact of the amended proposal. It is noted that if an individual has provided a submission on an application which is re-exhibited, they will be notified of this.

The minimum mandatory timeframes for various planning functions are outlined in Table 6 and Table 7.

Table 6 - Plan making mandatory minimum exhibition timeframes

Type of plan	Minimum mandatory exhibition requirements
Draft Regional or District Strategic Plans	45 days <i>Note: exhibition undertaken by the NSW State Government not Council. Council will keep the community informed.</i>
Waverley Community Participation and Consultation Plan	28 days (see Schedule 1 of the EP&A Act)
Waverley Local Strategic Planning Statement	28 days (see Schedule 1 of the EP&A Act)
Planning Proposals to amend the Waverley Local Environmental Plan 2012 subject to a Gateway Determination	28 days unless (as specified in the EP&A Regulation): <ul style="list-style-type: none"> • (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or • (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition. (see Schedule 1 of the EP&A Act)
Reclassification of Land	A Public Hearing is required under the <i>Local Government Act 1993</i> and as well as public notice of a period of not less than 28 days during which submissions may be made to the Council.
Draft Development Control Plans	28 days (see Schedule 1 of the EP&A Act and Part 3 Division 2 of the EP&A Regulations)

32 Type of plan	Minimum mandatory exhibition requirements
Draft Contribution Plans	28 days (see Schedule 1 of the EP&A Act and Part 4 Division 2 of the EP&A Regulations)
Voluntary Planning Agreements	28 days (see Part 4 Division 1A of the EP&A Regulations)

Table 7 - Development assessment mandatory minimum exhibition timeframes

Type of plan	Minimum mandatory exhibition requirements
Application for development consent (other than for complying development certificate, for designated development or for State Significant Development)	14 days*
Application for modification to development consent (other than for Section 4.55(1) modification applications)	14 days*
Application for designated development (specified under Schedule 3 of the EP&A Regulation)	28 days (see Schedule 1 of the EP&A Act)
Application for integrated development (specified under Clause 4.6 of the EP&A Act)	28 days
Application for State Significant Development	28 days <i>Note: exhibition undertaken by the NSW State Government. Council will keep the community informed.</i>
Application for other advertised development	30 days
Environmental impact statement obtained under Division 5.1	30 days
Environmental impact statement for State significant infrastructure under Division 5.2	28 days
Re-exhibition, if required, of any amended application or matter referred to above	To be determined by Council at time of re-exhibition, subject to nature, scale and likely impact of the amended proposal.

** It is noted Council has three (3) types of public exhibition procedures for various applications for development consent depending on the proposed use / development. Refer to Part 6 for further discussion.*

Note

- Timeframes are in calendar days and include weekends
- If the exhibition period is due to close on a weekend or public holiday we may extend the exhibition to finish on the first available work day
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition
- If a particular matter has different exhibition or notification periods the longer period will apply
- Council is not required to make available any part of an environmental impact statement whose publication, would be contrary to the public interest because of its confidential nature or for any other reason
- Decisions on publicly exhibited plans and applications are not to be made until after an exhibition period.



6 ADVERTISING AND NOTIFICATION REQUIREMENTS

As outlined in Part 3 and 5, public exhibition procedures vary for different DAs depending on the proposed use / development.

This part sets out the advertising and notification requirements, including the extent and type of notification required, for each type of DA and any subsequent requests for amendments, modification and review of development. It is noted that this part reflects Part A2 of the Waverley DCP.

The term 'notification' generally refers to the process of notifying affected property owners and/or occupants of an application by way of letter and, in some circumstances, a notice on the site.

'Advertising' refers to the process of notifying the wider community by placing a notice in the local or other newspaper (this form also includes the Notification process).

Objectives

- (a) To encourage community participation in the development application process.
- (b) To set out matters for consideration on whether or not the enjoyment of neighbouring land may be detrimentally affected by a proposal.
- (c) To outline procedures for notifying owners and/or occupiers of land affected by a Development Application.
- (d) To outline the length and type of advertising requirement for each type of proposal.

Development to which advertising and notification applies

Advertising and notification provisions apply to the following applications:

- development applications - refer to Table 8
- modifications of a development consent – Section 4.55(1A), Section 4.55 (2), Section 4.55 (AA), Section 4.55 (AB) of the EP&A Act
- requests to review a determination (eg, refusal) of a development application – Section 8.2-8.5 of the EP&A Act
- footpath seating for restaurants and cafes where, in the opinion of the Council officer, amenity impacts may arise. Examples include applications for greater than 30 seats, sites within or adjoining residential zones, and premises with a liquor license.

The following applications will not be notified by Council:

- Exempt development
- Complying development
- Section 4.55(1) application for modification of a consent to correct a minor error, misdescription or miscalculation
- applications to strata title new buildings, which have not been occupied.

Process to determine the extent of notification

Council will notify persons in accordance with Table 8 where in the authorised Council officer's opinion, the enjoyment of the adjoining or neighbouring land may be detrimentally affected. Types of issues that may be considered include the following.

- the likely impacts of the development including, but not limited to: loss of views; loss of privacy; overshadowing; noise generation; visual bulk; hours and type of use; traffic and parking impacts

- any instance that the council officer deems notification of a given DA is appropriate and required.
- the minimum extent of notification is outlined in Table 8 and may be varied where in the authorised council officer's opinion additional (or lesser) properties should be notified.

Persons to be notified

Notification will be provided to the following:

- all persons who, according to Council's property records, own or occupy land immediately adjoining the application site and any others that may (in the opinion of the Council officer) be affected by the proposal
- where the notified property comprises a strata titled building, the Owners Corporation will be notified and any units that are considered to be directly affected (in the opinion of the Council officer) by the proposal
- the owner/occupant of any other property that (in the opinion of the Council officer) may be affected by the proposal
- the elected Councillors and the relevant local precinct committee will be notified of all Advertised and Notified Development as per Table 8 in this Part.

If the land to be notified is in an adjoining LGA, names and addresses of owners shall be obtained by Council from that adjoining Council.

Method of notification

Development applications where required to be notified or advertised will be notified through all or part of the following ways:

- written notice
- email notification
- site notice
- advertisement in the local or other newspaper and/ or
- documents available on Council's website.

Designated and Advertised development will be notified in accordance with the EP&A Act.

Renotification procedures

1. Amendments prior to determination

Amendments to an application will be re-notified unless in the opinion of the Council officer the change(s) result in lesser impact.

The notification period may be reduced if in the opinion of the Council officer all persons affected by the change(s) have been given an opportunity to make a submission.

The extent of the notification may be limited to those persons who in the opinion of the Council officer may be affected.

2. Modifications and reviews

Modifications of a development consent (other than minor modifications) – Council will notify those persons who were notified of the original development application and any other person who, in the opinion of the Council Officer, may be affected by the modification.

Reviews of determinations (eg, refusal) – Council will notify any person who made a submission in respect to the original application.

3. Post-determination notification

All those that made a written submission in respect of a development application will be notified of Council's decision once that application has been determined. A list of development applications approved will be published in one of the local newspapers.

Advertising and notification requirements

Table 8 provides guidelines of the type and length of notification. The notification period may be altered at the discretion of the assessing officer following consideration of the nature and likely impact of the proposal or the circumstances of the case.

The Council, any committee of the Council, the General Manager or the responsible Council officer may direct that a development application or an application to modify a development consent be advertised and/or notified to any additional persons or the like.

Where an application does not fall into one of the categories, Council will determine the most appropriate notification period using Table 8 as a guide.

36 There are 3 types of public exhibition procedures with associated minimum mandatory notification and advertising requirements:

- **Type A** – 14 days notification
- **Type B** – 21 days notification and a site notice.
- **Type C** – 28 days notification and advertising in the local paper.

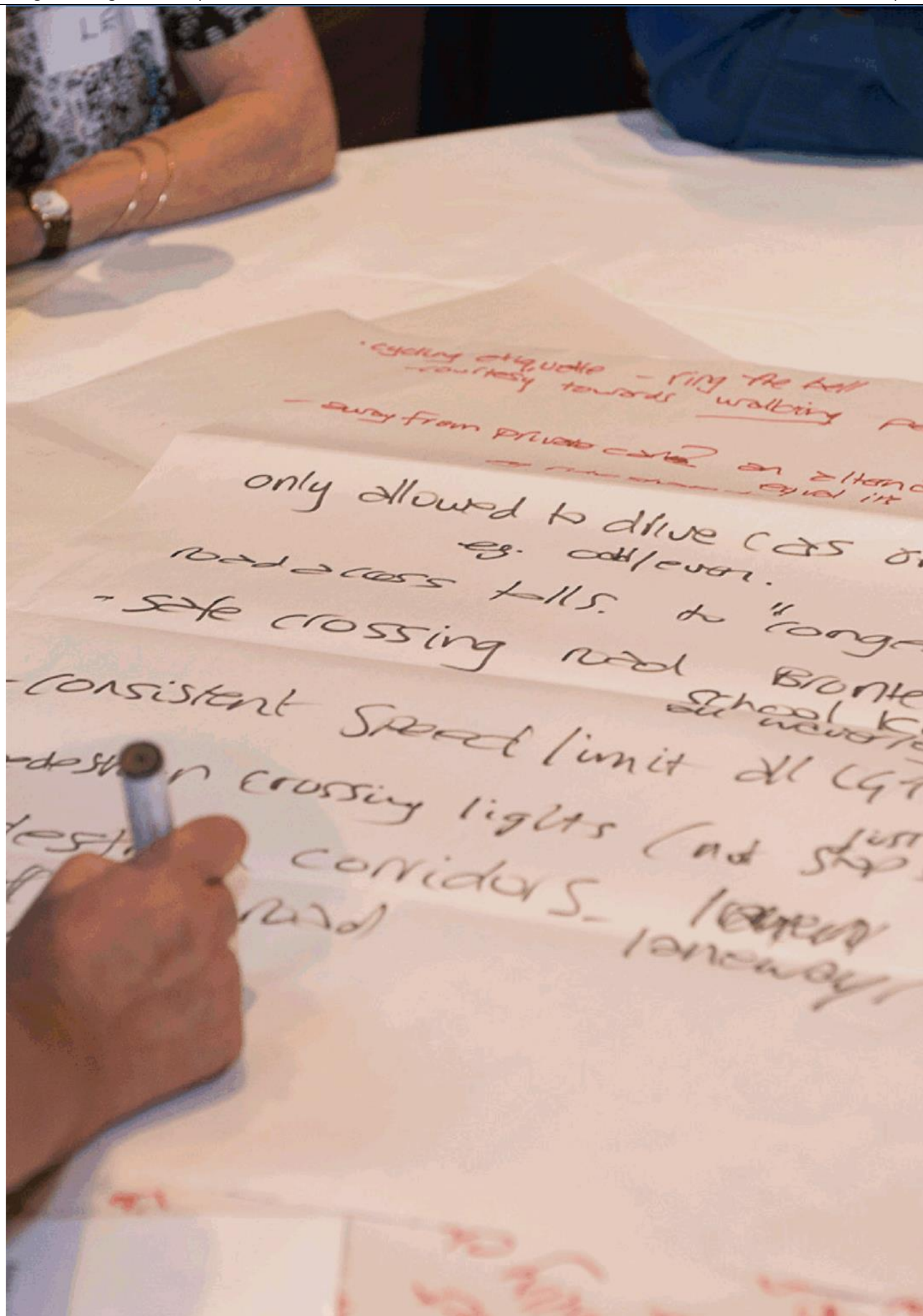
Table 8 - Advertising and notification requirements

Proposed use / development	Minimum notification / advertising requirement
Single / small-scale residential	
Dwelling Houses and Dual Occupancies – alterations, additions and new buildings, whether attached, semi-detached or detached	A
Multi-residential	
Alterations and additions to multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing or housing for people with a disability	A
New multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing or housing for people with a disability	B
Commercial - accommodation	
Bed & breakfast establishment	A
Alterations and additions to boarding house/group home	A
New Boarding house/group home	B
Alterations and additions to backpacker's accommodation/Hostel	A
New backpacker's accommodation/Hostel	B
Alterations and additions to hotel/motel/serviced apartment	A
New Hotel/motel/serviced apartment	B
Commercial - retail (selling products)	
Footpath seating for restaurants/cafes and/or occupation of footpaths	A
Change of use	A
Alterations and additions to bulky goods premises	A
New bulky goods premises	B
Commercial - business (selling services)	
Child care centre	A
Community facility	A
Educational establishment	A
Health consulting rooms	A

Proposed use / development	Minimum notification / advertising requirement
Home-based child care	A
Home business/industry	A
Medical centre	A
Alterations and additions to function centre	A
New function centre	B
Alterations and additions to restricted premises	A
New restricted premises	B
Alterations and additions to sex services premises	A
New sex services premises	B
Heritage	
Heritage conservation areas or minor work to heritage listed sites – all categories of development except change of use and footpath seating	A
Heritage listed sites (excluding minor works) – all categories of development except change of use and footpath seating	B
Other	
Amended plans	A
Any building/activity which in opinion of Council would detrimentally affect owners/occupiers nearby land	A
Signage	A
Subdivision (Torrens Title) and strata subdivision (except new buildings not yet occupied)	A
Alterations and additions to place of public worship	A
New place of public worship	B
Road reservation/widening	B
Designated development	C
Planning Agreement	C
Integrated development	C

Note

- Schedule 1, Clause 16 of the Environmental Planning and Assessment Act 1979 notes “The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.”
- “Minor works” are works that in the opinion of the consent authority are of a minor nature or consists of maintenance.
- “Immediately adjoining properties” are those which share a common boundary with the subject property.
- Notification periods for advertised development commences on the date of notice in the newspaper.
- Site notice and newspaper provisions may not apply to modifications or amendments.
- Notification of a development application or modification will be provided to only the relevant Precinct Committee.
- Notification for Councillors and Precincts will remain for all applications in a weekly listing.



GLOSSARY

Table 9 - Glossary of terms

Planning term	Definition
Complying development	<p>Complying development is a development that meets specific standards in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) or other SEPPs such as the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).</p> <p>Some categories of works that are complying development:</p> <ul style="list-style-type: none"> • construction of a new dwelling or secondary dwelling • alterations and additions to an existing dwelling • demolition of a building • internal alterations (fit-outs) of commercial / retail premises. <p>Applications can be determined by a council or private certifier without the need for a full development application. This provides a faster approval process, whilst ensuring stringent planning and environmental requirements are met through a set of prescribed approval conditions.</p>
Contribution plans	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high impact developments (eg, likely to generate pollution) or are located in or near an environmentally sensitive area (eg, a coastal wetland). Designated Developments are listed in Schedule 3 of the EP&A Reg.
Development and Building Unit (DBU)	A staff committee who has delegated authority to make a decision about development application where objections are received and/or applications depart from statutory provisions and Council codes and policies. The General Manager may request that an application be referred to the Waverley Local Planning Panel (WLPP).
Development control plans	Designated Development refers to developments that are high impact developments (eg, likely to generate pollution) or are located in or near an environmentally sensitive area (eg, a coastal wetland). Designated Developments are listed in Schedule 3 of the EP&A Reg.
District strategic plan	A staff committee who has delegated authority to make a decision about development application where objections are received and/or applications depart from statutory provisions and Council codes and policies. The General Manager may request that an application be referred to the Waverley Local Planning Panel (WLPP).

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Planning term	Definition
Delegated authority	The Assessment Officer who has been allocated a development application and has authority (delegation) to make a decision about the application. Delegation is restricted to applications where no objections have been received and/or where applications do not depart (other than in a minor degree) from statutory provisions and Council codes and policies.
Exempt development	Some development is prescribed as exempt development under the Codes SEPP and / or the WLEP. Provided the development is in accordance with any provisions set out in the Codes SEPP or WLEP, an applicant does not need approval to undertake works.
Gateway Determination	A Gateway Determination is issued by the DPIE following an assessment of the strategic and site-specific merit of a Planning Proposal to amend or create an LEP. A Gateway Determination may set out specific requirements including additional studies or assessment, public exhibition period.
Local environmental plan (LEP)	An environmental planning instrument (EPI) developed by a local planning authority, generally a council. An LEP sets the statutory planning framework for a Local Government Area.
Regional strategic plan	20-year plans prepared by the State Government (Greater Sydney Commission) that address the community's needs for housing, jobs, infrastructure and a healthy environment for metropolitan Sydney.
State Environmental Planning Policy (SEPP)	An environmental planning instrument (EPI) developed by the DPIE, that relates to planning matters that are state significant or are applicable across the state.
State significant development (SSD)	Some types of development are deemed to have State significance due to the location, size, economic value or potential impacts that a development may have. Examples of possible SSD include: new or development of existing educational establishments and hospitals.
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants.
Sydney City East Planning Panel	This is a panel of expert professionals and community representatives who have delegation to determine significant Das in the Waverley area.
Waverley Local Planning Panel (WLPP)	This is a panel of expert planning professionals, industry specialists and community representatives who have delegation to determine some DAs in the Waverley area.

