

**Report to General Manager**

Attachments:

1. Submissions Summary
 2. Final Community Engagement Protocol
 3. Final Community Engagement Policy
 4. Final Amendment to NSDCP 2013
-

SUBJECT: Community Engagement Protocol - Post Exhibition**AUTHOR:** Jenny Gleeson, Manager Integrated Planning and Special Projects
Gemma North, Community Engagement Coordinator**ENDORSED BY:** Joseph Hill, Director City Strategy**EXECUTIVE SUMMARY:**

As previously reported, since 2013, Council's *Community Engagement Protocol* (the Protocol) has been in place. Council staff use this document to guide the preparation of project-specific 'community engagement strategies' for each of key project/decision, including the periodic review of the *North Sydney Community Strategic Plan*, as required under s402 of the *Local Government Act, 1993 (LG Act)*.

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

Council at its meeting of 26 August 2019 resolved (Min. No. 236) to endorse the concurrent public exhibition of the proposed amendments to the Protocol, *Community Engagement Policy* and *North Sydney Development Control Plan (NSDCP) 2013*. A total of four submissions were received during the exhibition period, which ran from 5 September to 3 October 2019.

All submissions were collated and analysed as presented in Attachment 1. The submissions referred to the Protocol only (not the Amended Policy nor the NSDCP 2013 section to be repealed). Overall, they support the Protocol and did not raise any concerns that warrant the further amendment of the Protocol, Policy or NSDCP 2013. Some submissions suggested increased length of engagements to align with Precinct Committee meeting cycles. Whilst no amendments are proposed in response to this feedback, such feedback has been considered as part of Council's continuous improvement. The planning of engagements (including timing i.e. when public exhibitions commence) is acknowledged as an area for improvement and will be addressed through staff training and education/awareness.

Some minor errors (typographical/grammatical) have been identified by Council staff and corrected; these do not alter the intent of the exhibited documents. Additionally, a reference to

minimum timeframes for “Integrated Development” applications has been included, in accordance with Schedule 1 of the *EP&A Act* requirements.

To meet the 1 December 2019 deadline regarding the CPP requirements of the *EP&A Act*, it is recommended that the submissions be noted and that the Protocol (post exhibition) and Policy (post exhibition) be re-adopted; and that Section 4 to Part A of NSDCP 2013 be repealed in its entirety.

FINANCIAL IMPLICATIONS:

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

RECOMMENDATION:

- 1. THAT** the submissions received be noted.
 - 2. THAT** the Community Engagement Protocol (Attachment 2, incorporating the Community Participation Protocol) be adopted.
 - 3. THAT** Council forward the Community Engagement Protocol to the Department of Planning, Infrastructure and Environment for publication on the NSW Planning Portal in accordance with s.2.24(1) of the *Environmental Planning and Assessment Act 1979*.
 - 4. THAT** the Community Engagement Policy (Attachment 3) be readopted.
 - 5. THAT** Council adopt the draft amendment to NSDCP 2013 (Attachment 4) to this report, that effectively repeals Section 4 to Part A of NSDCP 2013 in its entirety.
 - 6. THAT** Council notify its endorsement of the DCP amendment in accordance with the Environmental Planning and Assessment Act and Regulations.
-

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 5. Our Civic Leadership

Outcome: 5.3 Community is informed and consulted

BACKGROUND

Council's *Community Engagement Protocol* (the Protocol) has been in place since 2013 and conforms to industry best practice, including the internationally recognised *Public Participation Spectrum* by the International Association for Public Participation (IAP2).

Council staff use this document to guide the preparation of project-specific 'community engagement strategies' for each of key project/decision. Each individual engagement strategy acts as a 'statement of intent' to stakeholders, outlining how Council will conduct community engagement relative to the project/decision type.

There is legislative requirement at present in the *LG Act* for councils to have in place a guiding strategy/protocol, that details its methodology for engaging the community in all of its decision making processes related functions; aside from s402 (4) of the *LG Act* which requires an engagement strategy be prepared to guide the periodic review of the Community Strategic Plan.

In 2016, the *Local Government Amendment (Governance and Planning) Act 2016 No. 38* was gazetted outlining amendments to the *LG Act*. Many of its provisions have yet to be "proclaimed" (i.e. have not yet come into force). The key un-commenced amendments relating to community engagement include:

- Section 402 (3) to (7) is to be omitted and replaced by: *(3) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.*
- Sections 403 to 406 are to be omitted and replaced by: *A council must establish and implement a strategy (called its community engagement strategy) for engagement with the local community when developing its plans, policies and programs and for the purposes of determining its activities (other than routine administrative matters).*

CONSULTATION REQUIREMENTS

Community engagement was undertaken in accordance with Council's Community Engagement Protocol.

SUSTAINABILITY STATEMENT

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

DETAIL

Council at its meeting of 26 August 2019 resolved (Min. No. 236) to endorse the public exhibition of the following documents:

- Amended Community Engagement Protocol
- Amended Community Engagement Policy
- Proposed Repeal - Section 4 to Part A - North Sydney Development Control Plan 2013

1. Amended Protocol Purpose

The Protocol has been revised to:

- ensure Council's engagement framework remains consistent with industry best practice;
- integrate the legislative requirement under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for Council to have in place a CPP by 1 December 2019; and
- to meet pending changes to the *LG Act* with respect to community engagement (refer to 'Background' section), thus minimising the future changes that will be required to this document once the Act amendments come into force.

Overall the amendments were minor, aside from the addition of the CPP requirements contained within Sections 3 and 4 of the Protocol.

1.1 Community Participation Plan Requirements

Division 2.6 of the *EP&A Act* requires all councils to prepare a CCP, by 1 December 2019, addressing the community engagement requirements for planning matters, such as development applications, Local Environmental Plans and Development Control Plans. The intent of the CPP is to make it easier for the community to understand how to participate in planning matters in NSW.

In preparing a CPP, planning authorities including councils should:

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

The CPP may either form a stand-alone document or may be incorporated into an engagement strategy prepared under the *LG Act*. Council has incorporated the CPP requirements into the existing Protocol. CPPs are also required to be published on the NSW Planning Portal once adopted by Council.

1.2 Community Engagement Policy

In response to the amendments to the Protocol, minor amendments to Council's Policy were also required for consistency and concurrently exhibited.

1.3 North Sydney Development Control Plan (NSDCP) 2013

Public exhibition of the amended Protocol and Policy was accompanied by the proposed section of the NSDCP 2013 to be repealed, in accordance with clause 18 of the *EP&A Regulations*.

Whilst most requirements to notify planning and development application matters are to be incorporated within a CPP, there are still a number of duplicate requirements under the *EP&A Act* (i.e. s3.43(1)(c)) which state that a DCP may identify notification and advertisement requirements for certain development application matters. Section 4 to Part A of *NSDCP 2013* (Attachment 4) currently satisfies these legislative requirements. However, it is understood that these sections of the *EP&A Act* are soon to be amended to remove duplicate requirements, due to the introduction of the CPP requirements.

The adoption of a CPP effectively supersedes the requirement for including engagement practices in a council's DCP, despite the *EP&A Act* still requiring community engagement practices to be undertaken in accordance with a DCP. To avoid any confusion, it was proposed to amend NSDCP 2013, by repealing Section 4 to Part A.

The proposed DCP amendment was publicly exhibited for 28 days. None of the submissions received specifically referred to this proposed amendment i.e. no objections to the amendment were received.

2. Public Exhibition

The public exhibition period of the above-mentioned documents ran for 28 days from 5 September to 3 October 2019. Efforts were made to generate wide-spread awareness of the opportunity to have a say during the engagement period including the following means:

- Council's E-newsletters - Council E-news, Precincts E-news and Business E-news;
- Corporate advert in the Mosman Daily on 5 and 12 September 2019 (public notice);
- Precinct Committees;
- Signage in Customer Service, Civic Park, Coal Loader Centre for Sustainability and Stanton Library; and
- Council website (homepage) and Your Say North Sydney

The project specific webpage (on Your Say North Sydney) allowed the community to provide feedback online at any time, via the feedback form (treated as a submission). There were 106 page views in the exhibition period. The following table summarises the level of engagement via the webpage:

Level of Engagement	No. Views
Aware - visited project or tool page	77
Informed - performed an action e.g. downloaded a document	38
Engaged - contributed	3

The following table shows the number of document downloads:

Document Name	No. Downloads
Amended Community Engagement Protocol	34
Amended Community Engagement Policy	7
Proposed section of NSDCP to be repealed	5

2.1 Submissions Summary

Four total submissions were received during the exhibition period, including two written submissions and two online submission feedback forms. All submissions were collated and analysed as presented in Attachment 1.

In summary:

- the submissions referred to the Protocol only. No comments related to the Amended Policy nor the NSDCP 2013 section to be repealed; and
- overall, the submissions support the Protocol’s intent and did not raise any concerns that warrant the further amendment of the Protocol, Policy or NSDCP 2013. This does not dismiss the submissions seeking increased time within which Precinct Committees can comment on certain development and planning matters.

Three submissions commented on timing (both commencement and length), citing that public exhibition/notification periods should align with when Precinct Committees meet) or to increase an exhibition’s duration (e.g. up to 60 days). In acknowledgement of this concern, and pursuit of continuous improvement, improved engagement planning is a priority (including timing i.e. when public exhibitions commence and methods of engagement) and will be addressed through staff training and education/awareness. The exhibition/notification period for Development Applications and proponent led Planning Proposals are statutory. However, within the constraints of these timeframes, the way (including inform methods) Council engages can be reviewed (as applicable per project) to ensure an on-going high level of engagement; where as there is some flexibility/discretion for Council led projects. This is reflected in the Protocol as exhibited; which also includes comments regarding that increased timeframes may not always be possible. On this basis, it is not recommended that the minimum timeframes within the Protocol be further amended.

2.2 Minor Amendments Post Exhibition

Some minor typographical/grammatical errors have been identified by Council staff and corrected in Attachment 2; these do not alter the intent of the exhibited documents. Additionally, a reference to minimum timeframes for “Integrated Development” applications has also been included (page 28) in accordance with Schedule 1 of the *EP&A Act* requirements, consistent with the minimum timeframes for other identified types of development applications detailed in the Protocol.

3. Recommendation

Having satisfied the public exhibition requirements and taking into consideration the submissions received, it is recommended that in order to meet the 1 December 2019 deadline regarding the CPP requirements of the *EP&A Act*, the:

- the submissions be noted;
- the *Community Engagement Protocol* (incorporating the Community Participation Plan requirements) be readopted, and that a copy be sent to the Department of Planning, Infrastructure and Environment for publication on the NSW Planning Portal, in accordance with s.2.24(1) of the *EP&A Act*;
- the *Community Engagement Policy* be re-adopted; and
- amendment to Section 4 to Part A of the *North Sydney Development Control Plan 2013* be adopted (i.e. section repealed from NSDCP 2013) and notified in accordance with the *EP&A Act* and Regulations.

Additionally, following Council's adoption, an awareness campaign will be implemented to increase community awareness of the Protocol (including CPP requirements), including via the 'DA Process' and 'Planning Proposals' sections of Council's website. Simultaneously, refresher training will be provided for Council staff responsible for project management and a campaign implemented to ensure organisation-wide awareness of the Protocol's methodology and to reinforce Council's core values of 'open government' and 'community participation'.

Note: The Protocol will be graphically designed once adopted.

**Amended Community Engagement Protocol
Summary of submissions received during public exhibition period**

Prepared November 2019

The following criteria are used to analyse all submissions received, and to determine whether the document would be amended:

1. The document **would be** amended if the point:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the document or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The document **would not be** amended if the point:
 - a addressed issues beyond the scope of the document.
 - b was already in the document or will be considered during the development of a subordinate document (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft document.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft document was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
1	<p>1. Community Participation with government is recognised as valuable (PWC Cities report). Better decisions come from people on the ground, locals being engaged with decision making.</p> <p>2. Public and private participation needs to be transparent for best results. Suggest 'Have Your Say' [Your Say North Sydney site] comments be visible for all to see and a name provided. With this transparency different views can be seen and more importantly developed.</p> <p>3. The community is time poor generally and run on snippets of information. Word limit suggested. An example is the Hayes Street Foreshore Development. People do not have the time and/or skills to read a plan well. The removal of mature Kentia Palms, table and bench and tap could have been avoided if there was more transparency. The outcome is sub-ordinary.</p>	<p>1. Comment regarding value and benefits of engagement by government is consistent with stated intent of document.</p> <p>2. Privacy legislation governs the publication/release of submitter details. Council complies with legislative requirements and our Privacy Statement is overtly promoted in each engagement e.g. at the start of the online submission form. Existing practice is to prepare a post exhibition summary for the Council of all feedback received, including a summary of all written feedback (using this corporate template) collating the online and hard copy/email submissions. Each engagement uses 'tools' appropriate to the decision type. Online methods are used in conjunction with other methods e.g. face-to-face to provide choice. Recent examples of projects which used an 'open online environment' include the Community Strategic Plan Review (discussion forums, storytelling and online mapping); Military Road Corridor Planning Study (online mapping); and Northern CBD Planning Study (online mapping) in which each submitters name/user ID and response was visible. Note: Disclosure of personal identifiers and comments can be a barrier to participation for some stakeholders. Council encourages feedback from all stakeholders and therefore avoids use of methods which can prohibit participation/provide vehicles for negative comments against an individual's feedback (point of view).</p> <p>3. Comment regarding the community being time poor</p>	N	2b/e/g	N/A

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
		<p>is acknowledged. The purpose of the Protocol is to enable a consistent approach to the design of each engagement that responds to the engagement needs of the target audience/ key stakeholders. Character limits can be applied to restrict answer lengths on online forms (this function is utilised when appropriate) but such is harder to enforce for hard copy/email submissions.</p> <p>The comments regarding Hayes Street Foreshore (Wharf) Upgrade do not directly relate to the Protocol and are factually incorrect. Considered effort goes into preparing design concepts for exhibition, that in the interest of transparency/open government provide sufficient level of detail. The responsible officer per project is listed on promotional materials, for the purpose of being available to provide more information if requested. Council also endeavours to proactively respond to requests for clarification or more information once an engagement has commenced (acknowledging that sometimes such is overlooked in the planning stage) e.g. by way of Fact Sheets, FAQs, site meetings etc.</p>			
2	<p>1. Documents are being posted by Council after Precinct meetings and with only a 4 week submission period. This means that there is no time for the documents to be discussed at Precinct meetings. If you really want community engagement this period need to be extended to 6 weeks.</p> <p>2. Things should be more transparent i.e. a</p>	<p>1. The minimum public exhibition duration is dictated by legislation for most decision types (refer to pages 8 to 10 of Protocol). Comment regarding timing of public exhibitions and lack of consideration of the timing of Precinct Committee meetings is noted. There is opportunity to improve the planning of individual engagements - location specific projects/decisions should take into consideration the</p>	N	2a/g	N/A

	<p>proposal to fund a study for the SHHL and review the Waverton Peninsula Masterplan, should not be in a document titled the "Visitor Economy Strategy and Action Plan". Nor should the Council be funding study for any organisation on land it does not own.</p> <p>3. All Precincts would appreciate a notification on all policy documents that relate to their area so we know what to look for.</p>	<p>ability of individual Precinct Committees (key stakeholder) to provide comment within a mandatory minimum timeframe; this should be take into consideration when setting the consultation start/end dates. A minimum 60 day feedback period is encouraged for LGA-wide project/decisions. Following final adoption of the Protocol, refresher training for staff will be provided. Note: current practice is that (time permitting) submission periods are extended (on request) for Precinct Committees to enable them to discuss the proposal at a meeting prior to making a submission (as required).</p> <p>2. This comment does not directly relate to the Protocol. The actions/projects included within the Visitor Economy Strategy (VES) (known as a “supporting plan or strategy”) include projects that are either already committed to in other Council strategies (or a component of such), funding is available via the adopted Delivery Program & Budget, or are subject to funding availability via the next Budget. Each supporting plan or strategy is overt as to whether it is a plan that Council is solely responsible for implementing, or Council is the custodian i.e. implementation requires participation from other partners. Note: in response to stakeholder feedback identifying ambiguity, the SHHL related actions in the VES were amended post exhibition to clarify Council’s role.</p> <p>3. Current practice is to inform all active Precinct Committees of current engagement opportunities, this is done via the weekly Precinct eNews sent to all office bearers, as well as by direct correspondence e.g. memorandum to the responsible officer. Where possible Council staff attend Precinct Committee meetings to talk to proposals. Engagement opportunities are also promoted to the general public via Council’s website (Your Say North Sydney is</p>			
--	--	--	--	--	--

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
		<p>accessible via the Council website home page) as well as the monthly Council eNews and the periodic North Sydney News (community newsletter). Direct notifications are also used (as appropriate) to inform geographical areas. Council's online engagement Voicebox (due to be reinstated in 2020) will provide another means by which individuals can subscribe to received direct communications from Council about current opportunities to provide feedback.</p>			
3	<p>Any project reviewing community engagement is going to require balancing the operation procedures (and perhaps limitations) of one of its primary forums - the Precinct System. Precinct Committees are a volunteer system. This requires scanning the Council e-news, regular administration and engaging with a variety of weighty documents and complex legislation. Precinct Committees vary in regularity of meeting (most are monthly or bi-monthly), with mix of meeting days/times. Comment about the time it takes to raise and walk a topic through, for example, a Combined Precinct Committee stage. That is not to negate these processes as I have found them to be effective - however it does take time.</p> <p>As each Precinct Committee "works" part time we attempt to arrange speakers while also competing with other Committees during the notification period. If it is a complex or long term issue e.g. Military Road Corridor</p>	<p>Refer to response to submission no. 2, part 1 regarding response to recommendation that feedback periods should be extended.</p> <p>It is acknowledged that in addition to providing submissions/feedback (where warranted), Precinct Committees greatly assist Council in promoting engagement opportunities. Precinct Committees, be it via their electronic mailing lists or face-to-face meetings increase community awareness.</p> <p>Council staff where invited/available attend individual Precinct Committee meetings to talk to proposals (non DAs), this method works well for location specific projects. Council staff also hold briefings for Precinct Committee office bearers (or representatives) to explain proposals - to aid office bearers promoting/discussing such at their individual Precinct Committees; recent examples include the Local Strategic Planning Statement. Similarly, Council staff also hold focus groups (specifically with Precinct representatives); recent examples include the North</p>	N	2g	N/A

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
	<p>Planning (177 page Discussion Paper) it might take, reading the document, arranging a presentation with Q&A - followed by a [staff] separate meeting for discussion and comment. As a result, it can take a Precinct Committee between 2-3 months to make an effective, balanced and informed response. I believe this is the type of qualitative and considered feedback which is being sought - but sadly it is not always fast.</p> <p>An additional factor is the dependence on when, in the various Precinct meeting cycle, the paper or topic is "launched". Adding in either multiple issues or simultaneous delivery of feedback (e.g. prior to a Christmas break) this can be somewhat of an overload. I believe it's appreciated that a Council must "do" as well as "say" but Council's own time frames post consultation/engagement are often (and quite necessarily) more reflective.</p> <p>The perception can often be of a "rush" for feedback (28 or 60 days) - followed by a subsequent steady pace of progress for a year or 2. Having some flexibility to amend or even add contributions from Precinct Committees after cut-off dates would be extremely useful under genuine circumstances (not prevarication). Precinct Committees do hold some extremely useful and peculiar local</p>	Sydney CBD Public Domain Strategy.			

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
	knowledge. Attendees also generally have the best interests of their own area at heart.				
4	<p>1. Residents expressed concern that the review period was too short and did not enable adequate and timely discussion at Precinct meetings. Comments included the suggestion that the review period for such policy documents should be at least 6 weeks to allow adequate opportunity for consultation.</p> <p>2. Development Proposal notices should be sent to wider area than at present and the period for comment should reflect the timing of Precinct Committee meetings.</p> <p>3. It was also noted that the use of social media is making conclusions that are misleading in that it over represented numbers.</p>	<p>1. Refer to response to submission no. 2, part 1 regarding response to recommendation that feedback periods should be extended.</p> <p>2. Development Application notices are distribution coverage is dictated by the <i>EP&A Act 1979</i>. Distribution to above the minimum coverage area is consummate to the proposal e.g. major proposals are sent to all Precinct Committees e.g. NSOP complex redevelopment DA. While respective Precinct Committees are informed of each DA notice (within their Precinct area or neighbouring Precinct area if such Committee is inactive) in hard copy, all Precinct Committees are informed of the weekly DA notices via the weekly Precinct eNews (same content as advert in local paper). The general public can keep informed of DAs via Council's website, which includes the DA Tracking facility and Search DAs by Suburb function.</p> <p>3. Concern regarding the perceived "over representation" of feedback received via social media comments is noted. Comments received via Council's social media accounts are treated as individual submissions (where valid). To date there is no evidence/examples to suggest that the quantity of feedback from this source is skewing feedback. Council's social media accounts are primarily used to 'inform' stakeholders of engagement opportunity, as they are a desired form of communication for some demographics/target audiences. Social media statistics</p>	N	2e	N/A

No.	Submission	Response	Recommend Document be Amended Y or N	Criteria Code	Page Reference (as applicable)
		(e.g. number of people reached) form part of the post exhibition/engagement outcomes report, providing context to the number of submissions received. The level of awareness of a proposal can be measured by social media statistics as well as web page views etc. Like the 'consult' level of engagement, Council employs a multitude of 'inform' methods including a mix of online as well as static and printed material to promote engagements, determined per project/decision.			



North Sydney Community Engagement Protocol

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



November
2019

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

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

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

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

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

For further information, contact Council's Community Engagement Coordinator, email yoursay@northsydney.nsw.gov.au

North Sydney Council
200 Miller Street
North Sydney NSW 2060
Phone (02) 9936 8100
Facsimile (02) 9936 8177
Website www.northsydney.nsw.gov.au or
<https://yoursay.northsydney.nsw.gov.au/Community-Engagement-Framework>

Prepared August 2013
Updated November 2019

Table of Contents

Foreword	4
1. Introduction	5
2. Steps to Effective Community Engagement	14
3. Statutory Planning Engagement Requirements	25
4. Statutory Planning Policy Engagement Requirements	32
5. Feedback to Council outside of a formal exhibition period	36
Appendices	
Appendix 1: Target Group Requirements Checklist (Step 1)	37
Appendix 2: Level of Impact (Step 2)	41
Appendix 3: Level of Engagement (Step 2)	42



Foreword

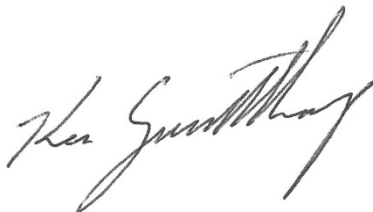
North Sydney Council has a long and proud commitment of engaging with the community through consultative decision making. Community engagement is an essential part of local government planning, policy development and service delivery. It demonstrates Council's long-standing commitment to open government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

Council's *Community Engagement Framework* of the following components:

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

Whilst community engagement practices in relation to land use planning matters, such as development applications, Local Environmental Plans and Development Control Plans, were initially exempt from the first edition of this Protocol, it has been updated to satisfy the recent legislative requirement for all NSW councils to prepare a Community Participation Plan under Part 2, Division 2.6 of the *Environmental Planning and Assessment Act 1979*.

Implementation of the Protocol will improve information sharing, ensure our engagement methods are inclusive and articulate how community participation will inform or influence decision making by the Council. Ultimately community engagement assists to ensure that Council is fully informed on community impact and expectations prior to determining Council plans, policies and service programs.



Ken Gouldthorp
General Manager

1. Introduction

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

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

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

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

1.1 What is Community Engagement?

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

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

Table 1: Community Engagement Definition

1.2 Purpose

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

These themes will be reinforced, once the uncommenced provisions of the *Local Government Amendment (Governance and Planning) Act 2016 No 38* have been proclaimed to have commenced. Of note, uncommenced section 402A of the *Local Government Act 1993* will require all councils to prepare a "community engagement strategy" to outline how it engages

with its community for all its functions. Council's Community Engagement Protocol will satisfy this future legislative requirement, whilst underpinning its [Open Government Policy](#) and [Community Engagement Policy](#).

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

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

Using the Protocol, Council will:

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

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

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

1.3 Scope

Council will facilitate community engagement:

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

Council will make decisions on (but not limited to):

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

- areas of Council activity and community interest e.g. services and programs.

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

Strategic planning	<ul style="list-style-type: none"> • Includes strategy development/review for issues affecting particular groups, areas and/or specific impacts during implementation that require ongoing communication.
Policy development	<ul style="list-style-type: none"> • Includes policy development/review i.e. policies within Council's Policy Manual.
Site specific	<ul style="list-style-type: none"> • Involves change of use or intensity of particular sites within the North Sydney local government area.
Service planning	<ul style="list-style-type: none"> • Includes the development/improvement of a service which may concern the entire local government area.
Area improvement	<ul style="list-style-type: none"> • Includes issues that may affect individuals in a neighbourhood or shopping area.
Legislative requirements	<ul style="list-style-type: none"> • Refers to all prescribed activities under any relevant Act.

Table 2: Community Engagement Triggers

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

1.3.1 Statutory Requirements

The *Local Government Act 1993* sets out rules which councils must follow in adopting various projects/decision. The following table summarises the key projects/decisions¹ under the Act to which this Protocol applies:

1.3.1.1 Local Government Act 1993

<i>Local Government Act 1993</i>		
Project/Decision	Relevant Section	Requirements
Classify or reclassify public land	Section 34	Council must advertise by public notice a proposal to classify or reclassify public land. The exhibition period must be for a minimum of 28 days during which submissions may be made to Council. The notice must include the terms of the proposal and a description of the public land concerned. The notice must specify a period of not less than 28 days.
Plans of management	Section 38 and 40	Council must advertise by public notice a draft/amended plan of management. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must exhibit the plan together with any other

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

Local Government Act 1993		
Project/Decision	Relevant Section	Requirements
		matter which it considers appropriate or necessary to better enable the plan and its implications to be understood.
Local policy	Section 160	Council must advertise by public notice (as well as Government Gazette where applicable) the purpose of the proposed/amended policy, make copies available to the public; and allow written submissions.
Ward boundaries	Section 210A	Before altering ward boundaries, Council must consult with the Electoral Commissioner and the Australian Statistician, and publicly exhibit a plan detailing the proposed alteration plan together with any other matter which it considers appropriate or necessary to better enable the plan and its implications to be understood. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must consider all submissions received prior to adopting the alteration post exhibition.
Codes	Section 361	Council must advertise by public notice a draft/amended code, based on the Model Codes. The exhibition period must be for a minimum of 28 days and submissions be allowed for an additional (minimum) 14 days after the exhibition closing date. Council must consider all submissions received prior to adopting the code post exhibition.
Community Strategic Plan ²	Section 402	Council must prepare and implement a “community engagement strategy” based on social justice principles (equity, access, participation and rights for engagement), when developing its Community Strategic Plan.
Community Engagement Strategy ³	Section 402A	Council must prepare and implement a “community engagement strategy” (i.e. this Protocol), when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).
Presentation of financial reports	Section 418	Council must, as soon as practicable after receiving the auditor’s reports, fix a date for the meeting at which it proposes to present its audited financial reports, together with the auditor’s reports, and it give public notice of this date. The date must be at least 7 days after the date on which the notice is given, but not more than 5 weeks after the auditor’s reports are received by Council. Note: unless an extension is granted under Section 416, the meeting must be held on or before 5 December after the end of the year to which the reports relate. Public notice must include a summary, in the approved form, of the financial reports, and a statement to the effect that any person may, in accordance with Section 420, make submissions (within the time provided by that section and specified in the statement) to Council. Copies of the audited financial reports, together with the auditor’s reports, must be made available for public inspection.

² Subject to future amendment

³ Currently uncommenced amendment

Local Government Act 1993		
Project/Decision	Relevant Section	Requirements
Draft Operational Plan	Section 532	Council must not make a rate or charge until it has given public notice (in accordance with Section 405) of its draft operational plan (and budget) for the year in which the rate or charge is to be made and has considered any matters the draft operational plan (in accordance with that section).
Fees	Section 610F	Council must not determine the amount of a fee until public notice has occurred and any submissions received during the exhibition period have been considered. Notice must include the proposed fee amount (per Section 405) in the draft Operational Plan for the year in which the fee is to be made. However, if, after the date on which the operational plan commences a new service is provided, or the nature or extent of an existing service is changed, or the regulations in accordance with which the fee is determined are amended, Council must give public notice (per Section 705) for at least 28 days. ⁴

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

1.3.1.2 Roads Act 1993

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

Roads Act 1993		
Project/Decision	Relevant Section	Requirements
Closing a public road	Section 33B	Council must advertise by public notice a proposal to close a public road. The exhibition period must be for a minimum of 28 days during which submissions may be made to Council. The notice must include the terms of the proposal and a description of the public road concerned.
Renaming a public Road	Section 168	Council may not name a public road, or alter the name of a public road, unless it has given the Geographical Names Board at least one month's notice of the proposed name.

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

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

1.3.1.3 Environmental Planning and Assessments Act 1979

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

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

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

1.4 Guiding Principles

Council's *Community Engagement Policy* contains seven guiding principles:

Guiding Principle	Description
1. Focus and Commitment	<ul style="list-style-type: none"> • Council will ensure that rationale behind engagement is clearly stated. A 'Statement of Intent' will be developed for all open consultation processes, which scopes the planned consultation and outlines Council's commitment to the process. The 'Statement of Intent' includes information on the purpose, topic, timeframes and resource requirements of the consultation process. Planning the consultation in this way ensures that the proposed approach is relevant to the issue(s) it seeks to address. • Council will consult with affected parties before making decisions. Where decisions have already been made before consulting the community it is imperative that the community is informed of the reasons why the decision was made.
2. Resourcing	<ul style="list-style-type: none"> • Council will ensure that any proposed project has adequate resourcing, including sufficient staff and financial resources to enable the consultation process to satisfy the relevant pre-determined objectives. Resourcing will be factored into project planning and budget preparation. • The level of community consultation undertaken relates directly to the level of community involvement required, and should always be appropriate to the nature, complexity and impact of the issue or project (including plan or strategy).
3. Timing	<ul style="list-style-type: none"> • Council will undertake community engagement at the earliest appropriate stage(s) in the life of a project. The engagement process will be timed to ensure that the community is able to help identify issues and provide comment and opinion that contribute to the decision making process; by endeavouring at all times to allow a reasonable period of time for public response during a period of community consultation. • The <i>Local Government Act 1993</i> requires councils to publicly exhibit certain information for a set period of time; Council's minimum standard is for exhibition of 28 days. Under the Act some project/decisions require an additional 14 days during which submissions can be received from the end of the advertised exhibition period. • The <i>EP&A Act 1979</i> requires councils to publicly exhibit planning policies and development applications for a set minimum period of time (refer to Sections 3 and 4 of this Protocol).
4. Inclusiveness, Accessibility and Diversity	<ul style="list-style-type: none"> • All affected and interested parties will be encouraged to participate in engagement opportunities. Council will ensure that the groups or individuals invited to participate in the consultative process are representative of the overall target group, and that communication strategies are designed to reach the broadest appropriate sections of the community and attract the broadest range of community interests.

Guiding Principle	Description
	Council will take into account the diversity of the community by being sensitive to the needs of particular individuals or groups to maximise their ability to contribute.
5. Provision of Information	<ul style="list-style-type: none"> • Council will provide sufficient information to participants that is accurate and unbiased, and that will provide opportunities for them to form sound opinions and decisions. • Council undertakes to provide information in plain English, without the use of technical terms or jargon; where information is technical in nature, supporting explanatory information will be provided. And where appropriate information will be provided in languages other than English, alternative formats including audio and electronic formats, Braille, large print, pictorial form, Auslan interpretation etc. • Council will endeavour to make relevant information available to the community at least two (2) weeks prior to a consultation activity.
6. Responsiveness and Feedback	<ul style="list-style-type: none"> • Council will provide regular updates to participants during the consultation process and at the project's conclusion detailing the outcomes of the consultative process. Responsible staff will at the conclusion of the consultation prepare a report to Council providing rationale for any recommendations made as a result of the consultation.
7. Evaluation and Continuous Improvement	<ul style="list-style-type: none"> • All consultation conducted by and on behalf of Council will include an evaluation component. The outcomes of all consultations will be used to better inform future Council decisions. A summary of all evaluations will be available to the public on request.

Table 5: Guiding Principles of Engagement

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

EP&A Act Guiding Principles (Division 2.6)	Consistency with Council's Guiding Principles					
	1	2	3	4	5	6
The community has a right to be informed about planning matters that affect it.	X					
Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.	X					
Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.					X	
The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.			X			
Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.				X		
Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.				X		
Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).			X			X

EP&A Act Guiding Principles (Division 2.6)	Consistency with Council's Guiding Principles					
	1	2	3	4	5	6
Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.	X	X				X

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



1.5 Importance of Planning

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

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

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

1.6 Challenges

Some of the challenges of community engagement, include:

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

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

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



2. Steps to Effective Community Engagement

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

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

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

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

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

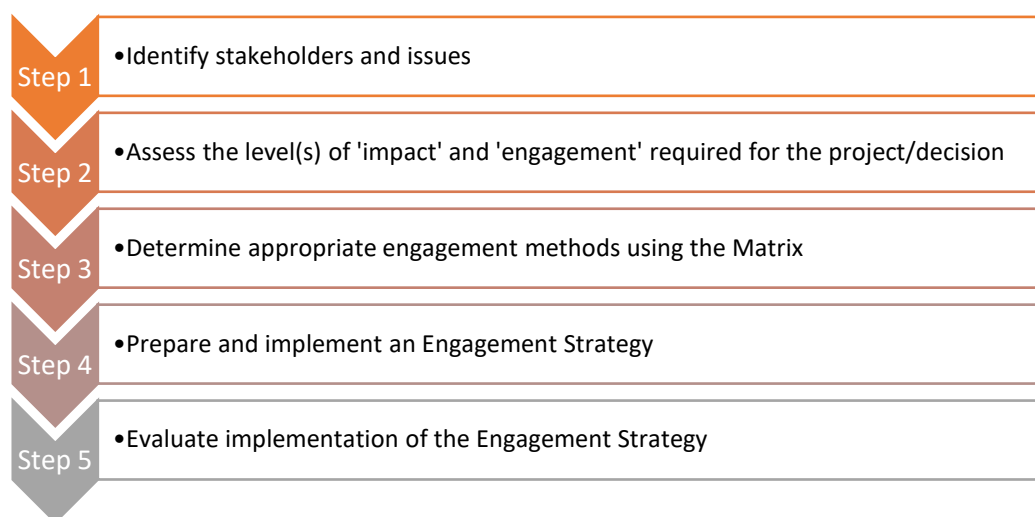


Table 7: 5 Steps of community engagement by Council

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

2.1 Step 1 - Identify Stakeholders and Issues

2.1.1 Identify Stakeholders

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

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

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

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

The following table⁶ expands on the above definition, by identifying some of the different sub-groups within a community. For information about North Sydney's demographics refer to the [Community Profiles](#) on Council's website.

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

Table 8: Examples of stakeholder groups

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

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

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

⁶ Adapted from Latrobe City Community Engagement Policy and Strategy, 2005, page 29.

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

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

2.2.1 Levels of Impact

The four 'levels' of impact are:

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

Table 9: Levels of impact

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

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

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

For example, Council may commit to building a new 'pocket park', which will impact immediate residences more than the whole LGA i.e. Level 3 or 4. However the project is also linked to the broader implications for Council's Open Space Provision Strategy that is a Level 1 project.

It is important to also consider the broader links a project/decision has with other projects throughout Council, including linkages to the North Sydney Community Strategic Plan and/or Delivery Program.

2.2.2 Levels of Engagement

Council's community engagement framework involves four 'levels' of engagement⁷, which are outlined in the following table. Community engagement is a fluid process and depending on the project/decision, may need to move between the levels of engagement at various stages. To ensure the appropriate level of engagement specific legislative requirement and Council policies, as relevant, must be considered. Refer to Appendix 3 for more information.

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

Table 11: Levels of engagement

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

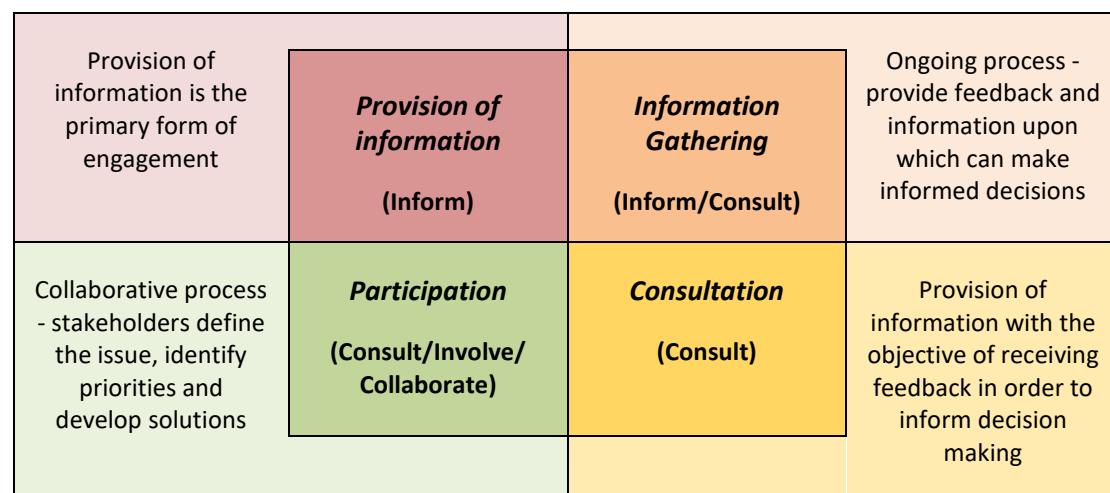


Diagram 1: Levels of Engagement

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

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

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

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



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

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

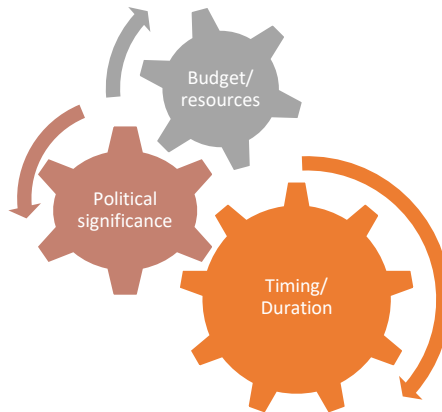


Diagram 2: Factors to consider when determining engagement methods

Judgement is to be used in deciding which methods should be undertaken because each project/decision is unique. What worked well for one project may not be appropriate for a similar project. Therefore, the methodology must be applied in the initial planning stages per project/decision and a project-specific engagement strategy prepared. Council’s Community Engagement Coordinator and/or Manager Integrated Planning and Special Projects provide assistance as required.

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

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

Level of Impact: High – LGA wide
 Level of Engagement: Inform

The Matrix identifies what is essential, what is desirable and what may be appropriate methodologies to the level of impact as outlined in the key below:

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

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

	Methods	LGA wide/ High Impact	Local/ High Impact	LGA wide/ Low Impact	Local/ Low Impact
1. Inform	Web Page (and YourSay North Sydney)	E	E	E	E
	Advertisement	E	E	E	AA
	Fact Sheet (including translated version where appropriate)	E	E	AA	AA
	Media Release	E	D	E	AA
	Information Display or Kiosk	E	D	E	AA
	North Sydney News (community newsletter)	E	D	E	AA
	e-Newsletter (various subscriptions)	E	D	E	AA
	Social Media (Facebook/Twitter/Instagram/LinkedIn)	E	D	E	AA
	Reference Groups	E	D	D	AA
	Precinct Committees	E	D	AA	AA
	Online Panels	E	D	E	AA
	Existing Groups and Networks (e.g. Chambers of Commerce etc.)	E	D	AA	AA
	Face-to-face contact (e.g. interviews, site meetings/visits)	E	AA	E	D
	Letterbox drop	D	E	AA	D
	Direct letter (personally addressed)	D	E	AA	D
	Signage	D	D	AA	AA
	Community Ward Forum	D	AA	D	AA
	'On Hold' message	D	AA	AA	AA
	via Rates Notices	D	AA	AA	AA
	Video	AA	AA	AA	AA
Local and/or metropolitan radio	AA	AA	AA	AA	
2. Consult	Public Exhibition i.e. inviting written submissions	E	D	E	AA
	Public Meeting or Information Session	E	D	E	AA
	Public Hearing	E	D	E	AA
	Existing Groups and Networks (e.g. Chambers of Commerce etc.)	E	AA	E	AA
	Focus Group or Workshop	E	AA	D	AA
	Community Ward Forum	D	D	D	D

	Methods	LGA wide/ High Impact	Local/ High Impact	LGA wide/ Low Impact	Local/ Low Impact
	Comment Form or Reply Paid Card	D	D	AA	AA
	Reference Groups	D	D	AA	AA
	Precinct Committees (including the Combined Precincts Committee)	D	D	AA	AA
	Online Panels	D	D	D	D
	Survey, Questionnaire or Poll	D	D	D	D
	Deliberative Polling	D	D	D	D
	Face-to-face contact (e.g. interviews, site meetings/visits)	D	AA	D	AA
	Working Party (establish project specific)	AA	AA	AA	AA
	Suggestion Box	AA	AA	AA	AA
	Use Creative/Arts Based strategies	AA	AA	AA	AA
3. Involve	Consult within Council	E	E	E	E
	Focus Group or Workshop	E	E	E	E
	Survey or Questionnaire or Poll	D	D	D	D
	Public Meeting or Information Session	D	AA	D	AA
	Working Party (establish project specific)	D	AA	D	AA
	Face -to-face contact (e.g. interviews, site meetings/visits)	AA	AA	AA	AA
	Petition (when led by Council)	AA	AA	AA	AA
4. Collaborate	Deliberative Forums	AA	AA	AA	AA
	Participatory budgeting	AA	AA	AA	AA

2.4 Step 4 - Prepare and implement an Engagement Strategy

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

Timeframes for engagement are very important. All communications wherever practicable will be in plain English. If technical terms are required to be used simple explanations will be provided⁸. It is essential that sufficient time is allowed to disseminate information and to allow

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

the community to make a considered response. Council will always endeavour to allow a reasonable period for public response during an engagement period.

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

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

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

2.4.1 Analyse the Feedback⁹

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

When analysing feedback:

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

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

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

2.4.2 Feedback to Stakeholders (closing the loop)¹⁰

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

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

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

during and after). Providing feedback is one way to build/maintain relationships with the community.

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

When providing feedback:

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

2.5 Step 5 - Evaluate

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

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

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

2.5.1 How we evaluate

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

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

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

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

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

2.5.2 What we evaluate

Evaluation should be undertaken in two parts:

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

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



3. Statutory Planning Engagement Requirements

3.1 Purpose of this Section

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

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

3.2 Objectives

The objectives of this section are to:

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

3.3 When does this section apply?

This section applies to the following types of applications:

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

This section does not apply to the following:

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

3.4 When will an application be notified?

Division 2 of Schedule 1 of the EP&A Act 1979 stipulates the instances when Council must notify certain applications and when Council may dispense with the need to notify. The following outlines the instances when notification will be given.

3.4.1 Development Applications

Clause 7(b) to Schedule 1 of the *EP&A Act 1979* enables councils to identify instances when a development application under Part 4 of the *EP&A Act 1979* does not require advertising/notification. Notification will not be undertaken where the proposed development application involves:

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

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

3.4.2 Modifications to Development Consents granted by Council

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

- a) the proposed modification does not change the height or external shape or facade of the proposal as shown on the original application; or
- b) Council is satisfied that the proposed modification or amendment has no or only minimal impact on the environment; or
- c) Council is satisfied that the proposed modification or amendment does not substantially change the originally approved development; or

- d) Council is satisfied that no disadvantage will be caused to any owners/occupiers of adjoining or neighbouring land or who has made a submission relating to the original application or previously approved modifications; or
- e) if Council is of the opinion that the proposed modification is of a minor nature or of minimal environmental impact, the requirement for notifying the application by means of a newspaper advertisement or site notice may be waived.

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

3.4.3 Modifications of Development Consents granted by the Court

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

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

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

3.4.4 Reviews of Determination

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

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

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

3.5 Advertisement and Notification Prior to Determination

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

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

In determining who is to be notified of the proposed modification of development consent or review of a determination, if Council is satisfied that the development the subject of the

modification or review, is of a minor nature, or of minimal environmental impact, the requirement for newspaper advertisement/site notice may be waived.

3.5.1 Who will be notified?

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

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

For the purposes of this section:

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

3.5.2 Content of notification letter, advertisement and site notices

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

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

- e) a statement that any person during the period specified may make a written submission in relation to the development application to the consent authority; and
- f) the specified period.

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

3.5.3 Minimum Exhibition Timeframes

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

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

Table 12: Minimum exhibition timeframes for developments

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

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

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

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

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

3.6 Advertisement and Notification requirements for Amended Plans

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

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

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

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

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

3.7 Inspection of Applications and Lodgement of Submissions

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

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

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

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

3.8 Consideration of Submissions during the Exhibition Period

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

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

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

3.9 Notification of Determinations

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

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

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

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

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

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



4. Strategic Planning Policy Engagement Requirements

4.1 Purpose of this Section

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

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

4.2 Objectives

The objectives of this section are to:

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

4.3 Statutory Strategic Planning Policies

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

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

4.3.1 Advertisement and Notification

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

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

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

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

For the purposes of this section:

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

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

4.3.3 Content of notification letter and advertisement

All advertisements and notification letters will include the following information:

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

4.3.4 Exhibition Timeframes

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

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

Table 13: Minimum exhibition timeframes for strategic planning policies

* replicates minimum timeframe under the EP&A Act

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

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

4.4 Non-Statutory Strategic Planning Policies

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

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

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

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



5. Feedback to Council outside of a formal exhibition period

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

Contact us:

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



APPENDIX 1: Target Group Requirements Checklist (Step 1)¹¹ Target group listed in alphabetical order.

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

¹¹ Adapted from Maribyrnong City Council's Community Engagement Framework, 2000

CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES (CALD)		
Group (and identified issue areas)	Information Requirement	Consultation Requirement
<ul style="list-style-type: none"> Language- interpreter/ translation needs. Consideration should be given to people not being literate in their own language Need to be sensitive to cultural and religious understandings, requirements/taboo's etc. 	<ul style="list-style-type: none"> Interpreters should always be provided Translations should be provided Videos are often a useful medium Utilise ethnic press, and ethnic radio. Ethnic radio is often a good way of communicating with ethnic people. Utilising key ethnic community people/leaders. Attending existing ethnic groups / networks, where appropriate 	<ul style="list-style-type: none"> Interpreters should always be provided. Consider using ethnic services/key community contact people to provide expert advice; access to the Community and to assist in running the consultation process. Utilising key community contact people may provide a greater insight into the community being consulted and may assist in gaining credibility. Consider holding separate information/consultation sessions with different ethnic groups or at venues where ethnic groups already attend.
FAMILIES (including single parent families and carers with children)		
Group (and identified issue areas)	Information Requirement	Consultation Requirement
<ul style="list-style-type: none"> Child care needs. Timing is important for working parent(s). 	<ul style="list-style-type: none"> Consider providing information through schools, maternal child health, child care services, libraries, shopping centres, community health centres, and other community spaces/venues. 	<ul style="list-style-type: none"> Provide child care to enable parent(s)/ carers to attend, where appropriate. Consultations should be child friendly i.e. provide toys/child activity space. Children can be incorporated into consultations through community art/library and development activities. Schools, kindergartens/child care centres may also be utilised; incorporated as part of their activity program. Meetings in general should be at night to enable attendance of working parent(s). Preferably after 7pm to enable parent(s) to have dinner and their children prior to attending.
OLDER PEOPLE		
Group (and identified issue areas)	Information Requirement	Consultation Requirement
<ul style="list-style-type: none"> Frailty Disabilities 	<ul style="list-style-type: none"> Written material needs to be in plain, large print (font 18) on sandy coloured paper. 	<ul style="list-style-type: none"> Consideration should be given to utilising support services and direct care workers to assist older

<ul style="list-style-type: none"> • Varying degrees have failing eyesight • Many are housebound • Often do not like to go out to meetings at night. • Often do not drive or else require assisted transport. • Cultural and Linguistically Diverse (CALD) - older people prefer verbal information as they are not always literate in their own language. 	<ul style="list-style-type: none"> • Information needs to be short and simple. • The use of translation and interpreters. 	<p>people to participate in surveys, interviews, group sessions etc.</p> <ul style="list-style-type: none"> • Older people often have language difficulties and disabilities it is better to hold group sessions or to use direct one-on-one assistance from support workers or people form their own ethnic/language group. • A more structured approach is better. When surveys or interview questions are used, they should be simple, short and clear. • Adequate time needs to be allowed as communication could take longer. • Hearing loops and portable microphones should be available. • Assisted transport should be provided where possible. • Availability of respite care for carers • Venue should be accessible to people with a disability and preferably be on the ground floor.
OTHER		
Group (and identified issue areas)	Information Requirement	Consultation Requirement
<ul style="list-style-type: none"> • Transport often an issue for a number of groups. • Consultations need to be free/low cost (including parking) to enable attendance. • The cost of transport to attend needs to be considered. • Providing refreshments is often good. • May required incentive to attend/participate. 		<ul style="list-style-type: none"> • Provide transport where possible for large scale consultations.¹² • Consultations should be held in locations with ready access to public transport. • Consider providing food and beverages.
PEOPLE WITH DISABILITY AND THEIR CARERS		
Group (and identified issue areas)	Information Requirement	Consultation Requirement

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

<ul style="list-style-type: none"> • Range of disabilities which require different forms of assistance to enable participation. 	<ul style="list-style-type: none"> • Written material needs to be in plain large print (font 14) on sandy coloured paper to be short and simple • Take into account special assistance required for disability i.e. Braille, sign language, audio cassettes, an advocate etc. • Use appropriate symbols in all advertising/promotional material. 	<ul style="list-style-type: none"> • Provide aides to enable participation e.g. advocates, attendant care/home carer, person to provide sign language etc. • Communication may take longer. • Consider gaining assistance from specialist disability agencies and from workers who work with people with disabilities. • Assisted Transport needs to be provided. • Venues must have accessible access and toilets. • Respite Care should be provided to enable carers to attend. • Provide resources that enable people with disabilities the opportunity to participate e.g. phone ins, e-mail etc. • Consider venue set up suitable for guide dogs.
YOUNG PEOPLE (12 to 24 years)		
Group (and identified issue areas)	Information Requirement	Consultation Requirement
<ul style="list-style-type: none"> • Youth will often not attend usual consultation forums or partake in structured consultation approaches. • Need to go to where youth hang out. • May require transport to attend consultations. • May required incentive to attend/participate. Parent/carer consent required for young people under 18 years of age. 	<ul style="list-style-type: none"> • Information is best provided through venues/spaces where youth hang out or through youth workers or other people that youth trust • Where written material is used should be catchy, bright with popular features such as computer-generated animation. • Information needs to be short, simple, using language which is catchy. • Do not assume that young people will read information /public notices in newspapers. • Make up posters/flyers and distribute through schools, youth services and railway stations etc. 	<ul style="list-style-type: none"> • Use less structured approaches e.g. take consultation to them/conduct in venues/spaces they frequent. • Venues and consultations should be relaxed and informal. • Art and community development activities are often highly effective. • Consider utilising youth workers to assist with the process. Can often assist with accessing or gathering young people for consultation purposes. • Schools are often happy to participate and to include such activities within their curriculum. • Remember not all youth attend schools. • Transport will often need to be provided e.g. bus.

APPENDIX 2: Level of Impact (Step 2)

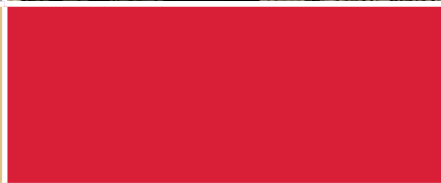
	LGA Wide Impact	Local Impact
High Level Impact	<p>Level 1: The proposal will have a real or perceived impact across the whole LGA or several different parts of the city; or on a number of different population groups across North Sydney. It has the potential for one or more of the following:</p> <ul style="list-style-type: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

APPENDIX 3: Level of Engagement (Step 3)

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



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



NORTH SYDNEY COUNCIL
200 MILLER STREET
NORTH SYDNEY NSW 2060
Ph: 9936 8100





COMMUNITY ENGAGEMENT POLICY

D5-15

Page 1 of 6

Policy Owner: Director City Strategy

Category: 5. Our Civic Leadership

1. STATEMENT OF INTENT

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

2. ELIGIBILITY

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

3. DEFINITIONS

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

COMMUNITY ENGAGEMENT POLICY

Page 2 of 6

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

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

4. PROVISIONS

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

4.1 Basis for Community Engagement

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

4.2 Guiding Principles

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

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

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

COMMUNITY ENGAGEMENT POLICY

Page 3 of 6

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

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

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

The *Environmental Planning and Protect Act 1979* (EP&A Act) requires councils to public exhibit planning policies and development applications for a set minimum period of time. Generally planning policies will be exhibited for a minimum of 28 days¹. Development application exhibition periods range from 14 to 28 days depending on the application type.

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

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

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

COMMUNITY ENGAGEMENT POLICY

Page 4 of 6

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

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

4.3 Community Engagement Protocol

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

The Community Engagement Protocol also meets the Community Participation Plan requirements under Division 2.6 of the EP&A Act.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 The Elected Council is responsible for:

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

5.2 Senior Management (MANEX) are responsible for:

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

COMMUNITY ENGAGEMENT POLICY

Page 5 of 6

-
- 5.3 Directors/Department Managers/Supervisors are responsible for:
- a) Overseeing all projects within their Divisions/Departments, and determining whether community engagement, in any form, may be necessary for or beneficial to, its completion or presentation to Council, based on the provisions of this Policy and *Community Engagement Protocol*;
 - b) Supporting staff/contractors to organise community engagement activities in accordance with the provisions of this Policy and *Community Engagement Protocol*;
 - c) Ensuring each engagement is included in the Councillors' Diary and/or promoted via the Councillor Bulletin; and that the timing does not conflict with other key Council activities; and
 - d) Maintaining an appropriate level of involvement in the engagement process.
- 5.4 Project Coordinators/Contractors are responsible for:
- a) Using the *Community Engagement Protocol* to prepare a project plan, including communication and evaluation method(s);
 - b) Liaising with the Community Engagement Coordinator to identify and plan appropriate methods/techniques, timing and target group(s) according to predetermined objectives and other relevant factors;
 - c) Referring to the consultation database to reduce duplication of resources or processes and avoid over consultation;
 - d) Maintaining an appropriate level of community involvement in the decision making process depending on the engagement needs and other constraints that may apply;
 - e) Ensuring adequate feedback is provided to all participants and where appropriate, to the wider North Sydney community; and
 - f) Evaluate project processes and outcomes-
- 5.5 The North Sydney community has a role in supporting the principles of community engagement and open government. The community is encouraged to actively participate in engagement activities and contribute to Council's decision-making processes.
- 5.6 Council's (Internal) Community Engagement Working Group, led by the Integrated Planning and Special Projects Department, made up of representatives from across all Council Divisions will assist in the implementing the guiding principles within the Policy. This Group is also responsible acting as 'Champions' supporting staff in using the *Community Engagement Protocol*.

COMMUNITY ENGAGEMENT POLICY

Page 6 of 6

5.7 Council's Community Engagement Coordinator is responsible for:

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

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

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

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

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

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

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

North Sydney Development Control Plan 2013**Notification of Applications****SECTION 4 NOTIFICATION OF APPLICATIONS****4.1 INTRODUCTION**

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

4.2 OBJECTIVES

The objectives of this section are to:

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

4.3 WHEN DOES THIS SECTION APPLY?

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

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

This Section does not apply to the following:

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

4.4 ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

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

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



North Sydney Development Control Plan 2013

Notification of Applications

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

4.4.1 Who will be notified?

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

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

For the purpose of this section:

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

4.4.2 Cost of advertising and submissions

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

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

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

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

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

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

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

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

4.4.5 Period for inspection of applications and lodgement of submissions

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

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

4.4.6 Advice to applicants regarding submissions

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

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

4.4.7 Consideration of submissions

Council will consider all submissions on their individual merits.

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

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



North Sydney Development Control Plan 2013

Notification of Applications

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

4.4.8 Other notifications

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

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

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

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

4.4.9 When notification is not necessary?

No notification will be given for applications which involve:

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

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

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

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

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

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

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

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

4.5.1 Modification of consents granted by Council

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

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

4.5.2 Modification of consents granted by the Court

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

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

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

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



North Sydney Development Control Plan 2013

Notification of Applications

4.5.3 Reviews of Determination

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

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

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

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

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

4.6 NOTIFICATION OF COUNCIL DETERMINATIONS

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

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

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